



Licensing & General Purposes Committee

Title	Revised Gambling Statement of Principles
Date of meeting	8 th November 2023
Report of	Clair Green, Executive Director of Assurance
Wards	All
Status	Public
Urgent	No
Appendices	Appendix A – Revised Gambling Statement of Principles Appendix B – Summary of Changes Appendix C – Summary of Consultation responses Appendix D - Equalities Impact Assessment (EqIA)
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Summary

This report relates to the outcome of the recent consultation in relation to a revised Gambling Statement of Principles which, if approved by the committee, will be presented at the next Full Council Meeting on 30th January 2024.

Recommendations

That the Licensing and General Purposes Committee

- 1. Approves the proposed revised Gambling Statement of Principles**
- 2. Recommends that this Gambling Statement of Principles be adopted at the next full meeting of the Council.**

1. Reasons for the Recommendations

- 1.1 The Gambling Act 2005 (the “Act”) places a duty on the Council as the ‘Licensing Authority’ for gambling premises in the Borough. It requires that a licensing authority should aim to permit the use of premises for gambling in so far as it thinks it is:

a) in accordance with any relevant code of practice or any guidance from the Gambling Commission;

b) reasonably consistent with the licensing objectives; and

c) in accordance with its gambling licensing policy.

1.2 The Council has a number of important regulatory functions in relation to gambling. These include licensing premises, regulating gaming and gaming machines in clubs, granting permits to what the Guidance refers to as 'family entertainment centres' for the use of certain lower stake gaming machines, regulating gaming and gaming machines on alcohol licensed premises, granting permits for prize gaming, and registering small society lotteries.

1.3 In accordance with the Act, the Council must prepare, consult on and publish a Statement of Principles which it proposes to apply when exercising relevant functions. In exercising their functions, licensing authorities must have regard to the statutory guidance issued by the Gambling Commission.

1.4 The Act also requires that this statement of principles must be reviewed and published at least every 3 years. The Gambling Statement of Principles was last reviewed in January 2021.

1.5 Where there are any proposed changes to the statement of principles, the Council is required under the Act to consult on any revisions.

1.6 The proposed Gambling Statement of Principles (which can be found in Appendix A) is an update on the previous policy taking into account any changes in guidance, best practice or document formatting. A summary of the changes can be found in Appendix B attached to this report.

1.7 The draft document was put before the Overview and Scrutiny Committee on 4th September 2023.

1.8 The Overview and Scrutiny committee resolved that the draft Gambling Statement of Principles (The Statement of Gambling Licensing Policy), be recommended to Licensing & General Purposes Committee following the conclusion of the public consultation at the meeting on the 8th of November 2023 prior to a final approval at Council on 30th January 2024.

1.9 A consultation was undertaken between 3rd August 2023 and 26th October 2023. Further information regarding this consultation can be found in paragraph 7.

1.10 15 Responses to the consultation were received and can be seen in Appendix C.

1.11 Additional information was inserted into points 10.9 and 13.3 following the consultation responses received (Highlighted in Green).

2. Alternative Options Considered and Not Recommended

2.1 There are no alternative options. The London Borough of Barnet is required by the Act to prepare, consult and publish a Gambling Statement of Principles or any proposed changes to the same before each successive period of 3 years from the previous Statement of Principles.

3. Post Decision Implementation

3.1 The Committee are being asked to recommend that the Gambling Statement of Principles be adopted at the next meeting of the full Council and to come into effect in Wednesday 31st January 2024.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

- 4.1 The approach taken by the Licensing Authority in relation to applications fully supports objectives contained within Our Plan for Barnet (2023-2026). It promotes delivering “quality services and striving to continually improve the standard of Services”

Corporate Performance / Outcome Measures

- 4.2 No relevant to this report

Sustainability

- 4.3 No sustainability issues arising from the recommendations.

Corporate Parenting

- 4.4 There will be no impact on looked after children and care leavers.

Risk Management

- 4.5 It is prudent to monitor performance to ensure that the Gambling Licensing function is delivered efficiently and effectively.
- 4.6 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to gambling. It needs to ensure that the risk of non-compliance and the regulatory burden to both the Local authority and to the trade is minimised. However, it must balance this with the need to uphold the licensing objectives.

Insight

- 4.7 No relevant to this report

Social Value

- 4.8 No relevant to this report

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

- 5.1 Administration and enforcement are carried out by the Councils Licensing Team, together with support from HB Public Law and from Governance Services, when arranging and co-ordinating arrangements for hearings.
- 5.2 In relation to the decisions made by the Licensing Authority there is always a risk of an appeal. However, making consistent decisions in line with agreed policies, guidance and procedures minimises this risk.
- 5.3 There are no financial implications of the proposed action.

6. Legal Implications and Constitution References

- 6.1 Under the Act there are three statutory licensing objectives to be met through licensing: (1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime; (2) Ensuring that gambling is conducted in a fair and open way; and (3) Protecting children and other vulnerable persons from being harmed or exploited by gambling. A good policy ensures that these licensing objectives are promoted by the Council.

- 6.2. The Act requires the Council to prepare a statement of principles that they propose to apply in exercising their functions under the Act before each successive period of 3 years and to publish the statement.
- 6.3. Where there are any proposed changes to the statement of principles, the Council is required under the Act to consult on any revisions.
- 6.4. In accordance with Part 2B paragraph 6.1.4 of the Council's Constitution, the powers and the duties of the Licensing and General Purposes Committee include:
- To determine all matters and duties on the authority imposed by legislation, regulations orders, codes, and similar provisions for:
- 6.1.4.1 All activities under the Licensing/Gambling Acts
 - 6.1.4.4 Gambling, betting, lotteries and related amusements
 - 6.1.4.5 Crime and disorder issues related to the above duties
- 6.5. In accordance with Article 3 of the Constitution, the Council and its Committees retain responsibility for approving the policy framework as well as for regulatory functions, which includes licensing. The policy framework includes plans and strategies required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), which includes:
- Statement of Gambling Licensing Policy
- 6.6. In accordance with Part 3D, paragraph 8.1 of the Constitution, Budget and Policy Procedure Rules, a copy of any proposed plan or strategy which is part of the policy framework shall also be referred to the Overview and Scrutiny Committee in sufficient time for the proposals to be included in the agenda for a scheduled meeting of the Committee, and for the Committee to make a report or recommendations to the meeting of the Council that is to consider the plan or strategy concerned. The Council shall not agree a plan or strategy until the Overview and Scrutiny Committee has had the opportunity to consider the proposals, subject to the need for statutory deadlines to be met.

7. Consultation

- 7.1 The consultation document was sent to the Police, trade associations for gambling businesses, and resident groups. It was also be sent to councillors, responsible authorities, gambling businesses in the borough, faith groups, voluntary organisations, community organisations working with children and young people and organisations working with problem gambling.
- 7.2 The consultation was published on the Council's consultation portal on Barnet's website.
- 7.3 The Gambling Statement of Principles was consulted upon with all relevant stakeholders for a period of 12 weeks. All replies have been taken into account and the Statement of Principles, revised as necessary, is put before the Committee for final approval at this meeting (8th November 2023). If approved, then the Statement of Principles will be put before the Full Council at the next scheduled meeting (30th January 2024).
- 7.4 A summary of the consultation responses and be seen in Appendix C.

8. Equalities and Diversity

- 8.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.
- 8.2 When considering applications, only issues provided for in the relevant legislation, in addition to the authority's policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.
- 8.3 In consideration of the section 149 duty, an equalities impact assessment has been completed and the conclusions are that there are no adverse or negative impacts on any of the protected groups.
- 8.4 This report is for information only and therefore unlikely to result in any equalities implications.

9. Background Papers

- 9.1 [4th September – Overview and Scrutiny Committee](#)
- 9.2 [Gambling Statement of Principles 2022 - 2024](#)