



Council
30 January 2024

Title	Revised Gambling Statement of Principles
Date of meeting	30 January 2024
Report of	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
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Summary

This report seeks the approval from Full Council to approve and publish the recently revised Gambling Statement of Principles following its approval from the 8th November 2023 Licensing & General Purposes Committee.

Recommendations

- 1. Council is requested to approve the revised Gambling Statement of Principles 2024.**

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 Gambling 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 November 2023 prior to a final recommendation to Council on 30th January 2024.
- 1.9 A consultation was undertaken between 3rd August 2023 and concluded 26th October 2023. Further information regarding this consultation can be found in paragraph 7.
- 1.10 15 responses to the consultation were received.
- 1.11 It was clear from the research undertaken in preparation for this revised Gambling Statement of Principles and the responses received during this process that the Licensing Authority should look at the way in which its Local Area Profile data was being gathered and utilised.
- 1.12 The Licensing team therefore entered into discussions with the Council's Insight and Intelligence Team who advised that to put in place the research and tools that the Licensing team would like to see in place with the required datasets for this task would take approximately 1 year. As a result, it is not possible to introduce this new intelligence tool for the current update of the Gambling Statement of Principles but it is the intention, however, to have this in place and fully functional before the next revision of the Gambling Statement of Principles which will be due no later than 2027.
- 1.13 The Licensing and General Purposes Committee approved the amendments made to the Gambling Statement of Principles following the consultation (on 8th November 2023) and requested that it now be passed to Full Council for adoption.

2. Alternative Options Considered and Not Recommended

2.1 There are no alternative options. The London Borough of Barnet has a duty to prepare, consult and publish a Gambling Statement of Principles or any proposed changes to the same.

3. Post Decision Implementation

3.1 Council is being asked to approve that the Gambling Statement of Principles be adopted from 31st January 2024.

3.2 Once adopted the Gambling Statement of Principles will be published on the Councils website.

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 Not relevant to this report

Sustainability

4.3 No sustainability issues arising from the recommendations.

Corporate Parenting

4.4 There will be no negative impact on looked after children and care leavers from the introduction of this Gambling Statement of Principles.

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

1.1. This Gambling Statement of Principles aims to help support meeting the licensing objectives including protecting children and the vulnerable.

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 its legal team (HB Public Law) and from Governance Services, when arranging and co-ordinating arrangements for hearings.

5.2 In relation to certain 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

1.1. 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.

1.2. 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.

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

1.1. In accordance with Article 3 of the Council's Constitution, Full Council is responsible for approving the policy framework which includes plans and strategies required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), and this includes:

- Statement of Gambling Licensing Policy

1.2. 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 In accordance with statutory requirements, the consultation document was sent to the Police, trade associations for gambling businesses, and residents groups. It was also 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 considered necessary, and was put before the Licensing & General Purposes Committee for final approval at its meeting on 8th November 2023.

7.4 A summary of the consultation responses can 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 discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between those with a protected characteristic and those without; promote good relations between those with a protected characteristic and those without.
- 8.2 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers marriage and civil partnership to a limited extent (discrimination).
- 8.3 The broad purpose of this duty is to integrate considerations of equality into day-to-day business and keep them under review in decision making, the design of policies and the delivery of services.
- 8.4 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.
- 8.5 In consideration of the section 149 duty, an equalities impact assessment has been completed and concluded that there are no adverse or negative impacts on any of the protected groups.

9. Background Papers

- 9.1 [4th September – Overview and Scrutiny Committee](#)
- 9.2 [8th November 2023 Licensing & General Purposes Committee Papers](#)
- 9.3 [Gambling Statement of Principles 2022 - 2024](#)