

LICENSING AND REGULATORY COMMITTEE

3 October 2022

Title: Gambling Act 2005: Draft Statement of Gambling Licensing Policy 2022 – 2025 for Public Consultation	
Report of the Operational Director of Enforcement and Community Safety	
Open Report	For Comment
Wards Affected: All	Key Decision: No
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Accountable Director: Andy Opie, Operational Director, Enforcement Services	
Accountable Strategic Leadership Director: Alison Stuart, Head of Law	
Summary The Council, as the local licensing authority for gaming and betting, is required under the Gambling Act 2005, to have in place a statement of the principles (a 'policy') by which it will abide in carrying out its licensing responsibilities. Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Gambling Licensing Policy in accordance with a statutory three-year cycle. All changes to policy must be the subject of public consultation. This report sets out a draft policy statement proposed for consultation at Appendix 1.	
Recommendation(s) The Licensing and Regulatory Committee is recommended to: (i) Consider and provide comment on the revised draft LBBB Statement of Gambling Licensing Policy 2022-2025; and (ii) Note the arrangements for public consultation and the timetable for determination of the policy.	
Reason(s) The Council is required by law to have a statement of gambling licensing policy. The policy is intended to promote the licensing objectives stated in the Gambling Act and is linked to each of the Council's corporate priorities.	

1. Introduction and Background

- 1.1 Under the Gambling Act 2005, the Council is the licensing authority and is responsible for licensing and overseeing local gambling establishments. Part of this responsibility is the duty to prepare and publish a statement of the principles (policy statement) that the Council proposes to apply in exercising its functions under the Act.
- 1.2 The Council's current Gambling Act policy statement came into effect on the 24 July 2019 and was effective for three years.
- 1.3 There are legally prescribed procedures that the Council must follow before the policy statement can take effect. This involves making the statement publicly available by a variety of means for a proportionate amount of time and by advertising that it has been published. The policy statement must be adopted by the Assembly.
- 1.4 Officers have taken the opportunity to revise the policy statement to reflect the latest guidance issued to licensing authorities by the Gambling Commission, which seeks to provide clarity to existing and potential licence holders and to assist council officers in correctly applying the legal provisions of the Gambling Act 2005.
- 1.5 The revision has led to minor amendments that update guidance references.
- 1.6 The local area profile has been refreshed and is incorporated as Appendix D in the draft policy document. The profile maps areas of concern. Operators are encouraged to use the profile to help inform them of specific risks prior to submitting licence applications.
- 1.7 Elsewhere, statistics quoted within the policy have been updated, as have contact details for responsible authorities and partner services.
- 1.8 Following the formal consultation process, an analysis of the responses received will be undertaken and the results collated for the Licensing and Regulatory Committee to consider.

2. Proposal and Issues

- 2.1 It is recognised nationally that there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focusing on problem gambling alone. In this respect the revised policy statement continues to emphasise the Council's focus on protecting children and young people, and also young people and adults with care and support needs.
- 2.2 The Gambling Commission has emphasised the need to incorporate the work of Public Health colleagues to further support the greater need to identify areas of concern and gambling related harm. Public health has a positive contribution to make as a non- statutory consultee to influence the content of draft gambling policies in the context of protecting the health of the most vulnerable people in our communities with reference to gambling-related harm. They will be directly invited to comment on the draft policy.

2.3 Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. It is now recommended that the Council creates a 'local area profile', this is included as part of the policy statement to inform its understanding of risk and to allow appropriate decisions to be made and steps taken to mitigate these risks. Gambling establishment operators are already required to undertake 'local area risk assessments' before submitting a premises licence application or variation and will be expected to give due consideration to the information available in the Council's 'local area profile'. The Council's 'local area profile' will naturally develop over time and will be influenced by information and intelligence from key partners and stakeholders.

3. Options Appraisal

3.1 This report seeks consideration and comment on the draft revised LBBB policy for public consultation. The final version of the policy will be the subject of a further report in due course. All options for consideration of consultation feedback will be detailed at that time.

4. Consultation

4.1 The draft revision of the Statement of Gambling Policy must be the subject of public consultation, to be carried out in accordance with the provisions of the Gambling Act 2005. It is proposed that a full period of public consultation of eight weeks should be allowed.

4.2 As detailed within this report, the changes to this new draft policy are minimal. In view of this, it is proposed to carry out consultation in line with the Gambling Commission guidance to Licensing Authorities. This requires the following to be consulted:

- The Chief Officer of Police for the area;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses area; and
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

4.3 Additionally, the following will also be consulted:

- All ward Councillors;
- All responsible authorities under the Act
- The Gambling Commission; and
- Public Health.

4.4 The proposals in this report were considered and endorsed by the Corporate Strategy Group at its meeting on 15 September 2022.

Proposed Timetable

4.5 An eight-week public consultation to be commenced in October 2022. Following the consultation all responses received will be considered and appropriate amendments to the policy drafted for consideration by Committee.

- 4.6 Licensing and Regulatory Committee consider the consultation feedback and provide comment on the final draft revised LBBB Statement of Gambling Policy 2022-2025 at the meeting on 31 January 2023.
- 4.7 Report to Cabinet for consideration and comment on the final draft revised LBBB Statement of Gambling Licensing Policy at the meeting on 20 February 2023.
- 4.8 Report to Assembly for approval of the final draft revised LBBB Statement of Gambling Licensing Policy for 2022-2025.

5. Financial Implications

Implications completed by Nurul Alom, Finance Manager

- 5.1 The resources devoted to the preparation of the policy are contained within the Regulatory Services budget.
- 5.2 Fees associated with this policy are reviewed and agreed by Cabinet as part of the Council's standard annual Fees and Charges review process.
- 5.3 There are no other financial implications for the revised LBBB Statement of Gambling Licensing Policy 2022-2025.

6. Legal Implications

Implications completed by Dr Paul Feild, Principal Governance and Standards Lawyer

- 6.1 Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Gambling Licensing Policy every 3 years. Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission's Guidance when preparing its Policy.
- 6.2 Any other legal implications relating to the Statement of Gambling Licensing Policy are detailed within the 2005 Act.

7. Other Implications

- 7.1 **Risk Management** – This review of the Council's gambling licensing policy fulfils the requirement under the Gambling Act 2005 for the Council to have and regularly review and update a statement of policy.
- 7.2 If the Council fails to prepare and publish the policy statement the Council may be challenged when exercising its functions under the Act through a number of routes, e.g. service complaints to the Local Government Ombudsman and judicial review. Conversely, by preparing and publishing the policy statement, the Council is complying with its legal obligation. In addition, the Council provides a defined framework within which to exercise its functions and makes it clear to all stakeholders the manner by which the Council intends to exercise its functions.

- 7.3 **Corporate Policy and Equality Impact** – The draft revised policy is intended to promote the statutory licensing objectives. It attempts to do so in a way that acknowledges and supports the broader Council vision and priorities.
- 7.4 This revision of LBBB’s Gambling Policy Statement and the subsequent public consultation will support the corporate strategic priorities of “Participation and Engagement” and “Well-run organization”. The Policy intends to support responsible operators and sets out to offer protections to our local community. This supports the corporate strategic priorities of “Inclusive Growth” and “Prevention, Independence and resilience”.
- 7.5 Equality impacts have been considered in the revision of this policy. An Equality Impact Assessment screening tool has been completed and submitted to the Strategy and Participation Team who have confirmed that the draft revised Statement of Gambling Licensing Policy does not require a full Equality Impact Assessment. The equalities impact will be further reviewed and considered following the consultation responses.
- 7.6 A copy of the Equality Impact Assessment screening tool can be found in Appendix 2.
- 7.7 **Safeguarding Adults and Children** – The third licensing objective specifically deals with the protection of children. As such, the policy includes detailed best practice management advice around child protection issues, compiled in conjunction with expert responsible authorities. This deals with issues such as age-verification and advertising. Child Protection are a statutory responsible authority under the Act and are consulted on all new and varied premises licence applications. The revised policy statement also continues to emphasise the Council’s focus on protecting adults with care and support needs.
- 7.8 **Health Issues** – Although public health is not a licensing objective, the draft policy recognises the potential impacts of gambling related harm and is intended to provide adequate protections to vulnerable persons. The draft policy promotes socially responsible premises management.
- 7.9 **Crime and Disorder Issues** – The first licensing objective specifically deals with the prevention of crime and disorder. As such, the draft policy considers issues such as location and local levels of crime. The development of the revised policy is being carried out in conjunction with expert responsible authorities.
- 7.10 **Property / Asset Issues** - None directly, any licensable gaming or betting activity provided on Council run venues would be subject to the same controls as other commercially run venues or facilities.

Public Background Papers Used in the Preparation of the Report:

[London Borough of Barking and Dagenham Statement of Gambling Policy](#) (effective 24 July 2019)

List of appendices:

- **Appendix 1:** Draft revised London Borough of Barking and Dagenham Statement of Gambling Licensing Policy for 2022- 2025
- **Appendix 2:** Equalities Impact Assessment Screening Tool