

BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: THE EXECUTIVE DIRECTOR CORE SERVICES

TITLE: Statement of Gambling Policy Review consultation 2022/23

REPORT TO:	CABINET
Date of Meeting	22nd March 2023
Cabinet Member Portfolio	Core Services
Key Decision	Yes
Public or Private	Public

Purpose of report

As a licensing authority we must determine and publish a Statement of Gambling Policy at least once every three years, in line with statutory guidelines. The Council's current Gambling Policy came into effect in December 2019, therefore was due for review by December 2022.

In readiness for the review Officers produced our new Statement of Gambling Policy and carried out a statutory consultation from the 28th of October 2022 until the 6th of January 2023 to seek the views and opinions of all interested parties. The consultation period is now concluded, and the responses received have been considered by the Licensing Service, SMT and the GLRB.

Council Plan priority

Healthy Barnsley

Recommendations

That Cabinet recommends to the Full Council that: -

The Statement of Gambling Policy appended to the report (Appendix 1) be published in accordance with the statutory requirements and adopted by the Council.

1. INTRODUCTION

- 1.1 The Gambling Act 2005 requires the Council to have a “Statement of Gambling Policy” that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 1.2 The Gambling Act 2005 has three licensing objectives that a licensing authority must incorporate into any strategy. These are:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable people from being harmed or exploited by gambling.
- 1.3 The attached draft Statement of Gambling Policy complies with the statutory guidance, whilst reflecting local circumstances and responses received to the public consultation conducted prior to the final policy being determined.

2. PROPOSAL

- 2.1 We have a statutory duty to review and publish our Statement of Gambling Policy at least once every three years with the focus being to promote the licensing objectives.
- 2.2 The policy sets out the requirements and standards that licence holders are expected to meet when applying for a licence to operate premises within the borough.
- 2.3 Changes have been made to our existing policy to detail our Local Area Profile and ensure applicants and licence holders appreciate the expectations of the council when applying standards in relation to premises that require permissions under the Gambling Act 2005.
- 2.4 The proposed key changes to current policies and procedures are: -
 - to set out the Local Area Profile and stress the weight of consideration it should be given when making an application under the Gambling Act 2005
 - Link the Local Area Profile to local risk assessments by applicants and licensees
 - Differentiate the mandatory, default and locally imposed conditions
 - Identify better the enforcement and compliance role of the LA
 - Additional information in relation to the registration of small lotteries
 - Advice and suggestions in relation to Public Health concerns with problem gambling

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

There are no direct financial implications arising from the approval of this policy.

3.2 Legal

The policy has been drafted to reflect current legislative requirements and statutory guidance. Adoption of the policy will meet the Council's obligations under the statutory guidance which must be taken into consideration when making decisions in respect of matters relating to the Gambling Act 2005.

Failure to properly consider the policy could result in the Council not complying with the legislation or statutory guidance. Having a clear policy helps to ensure that licensing decisions pertaining to gambling are fair, consistent and comply with the legislation.

3.3 Equality

Full Equality Impact Assessment completed.
Key points addressed around outcome of consultation and consideration of local area profiles in decision criteria.

3.4 Sustainability

Decision-making wheel not completed as it was deemed unnecessary for this statutory policy review.

3.5 Employee

There are no specific employee implications in approving this policy.

3.6 Communications

The draft policy has been subject to a 10-week public consultation period and all stakeholders received notification of the consultation.

Once adopted the Policy will be published on the Councils website and will therefore be available to all interested parties.

4. CONSULTATION

In determining this policy statement, the Council has consulted with the following: -

- The Police
- Responsible Authorities
- Elected members

- The Local Safeguarding Board
- Persons involved in Gambling within the borough i.e., licence holders (or their representatives)
- Representatives of local businesses and residents' organisations
- Person likely to be affected by Gambling within the borough (or their representatives/support groups/charitable organisations)
- Local Chamber of Commerce / BID
- Local Pubwatch Groups
- The public
- Public Health
- Minority Groups

The policy consultation ran for 10 weeks commencing on the 28th of October 2022 until the 6th of January 2023

A report on the results of the consultations can be found at Appendix 2. Three responses were received in total. The views of all consultees were duly considered and given proper weight including being:

- Considered by SMT on the 14th of February 2023
- The General Licensing Regulatory Board on the 15th of February 2023 for consideration and referral to Cabinet and Council for approval.

As the responses received were all administrative, the wording of the proposed new Policy has been amended to reflect the suggestions from the consultation.

There is no reason from the consultation process and responses received not to recommend the adoption of the new Policy.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 The purpose of the Gambling Policy is to:

- Prevent gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
- Ensure that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- Ensure local area issues are taken into account by licensed operators through risk assessments.
- Support the wider Barnsley 2030 strategy.

5.2 Whilst the Council could decide not to adopt a policy that complies with the statutory requirements, it would be failing to implement measures considered to provide the public with the best level of protection and would leave itself open to potential legal challenge.

6. REASONS FOR RECOMMENDATIONS

6.1 Failure to have cohesive policy standards could result in legal challenges to the council's decisions

7. GLOSSARY

None

8. LIST OF APPENDICES

Appendix 1: The proposed new policy "Statement of Gambling Policy"

Appendix 2: Report on the Consultation Responses

9. BACKGROUND PAPERS

None

10. REPORT SIGN OFF

Financial consultation & sign off	Senior Financial Services officer consulted and date Vanessa Hunter 13.02.2023
Legal consultation & sign off	Legal Services officer consulted and date Sajeda Khalifa (TEAM LEADER) 28.02.2023

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Date: 22.03.23