

Bolsover District Council

Council

7th November 2018

**Gambling Act – Statement of Principles 2019-2022
Policy Review**

Report of the Chair of Licensing Committee

This report is public

Purpose of the Report

- To consider approval for the Council's revised **Gambling Act – Statement of Principles 2019-2022**.

1 Report Details

- 1.1 Under The Gambling Act 2005, the Council is responsible for issuing premises licences for casinos, bingo halls, betting offices, adult gaming centres and licensed family entertainment centres as well as permits for gaming machines in pubs, clubs and other alcohol-licensed premises.
- 1.2 The Act contains three licensing objectives, which underpin the functions of the Gambling Commission and the local authority, acting in their capacity as the licensing authority. These objectives are central to the regulatory regime created by the Act and 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; and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling;
- 1.3 The Gambling Act 2005 imposes a statutory requirement upon Bolsover District Council, as the statutory Licensing Authority to prepare a Statement of Principles. This is the Council's tool in regulating gambling in the district, it sets out what the Council's expectations are as to how operators should behave, and ensures the general public and Responsible Authorities are aware as to how the Council approaches Gambling Regulation.

- 1.4 There is a 3 yearly statutory review requirement, which currently covers the period 2016-2019, the next being 2019-2022. A revised Statement must be published by 3 January 2019 and to come into force on 31 January 2019. This is irrespective of when a licensing authority last made any amendments to the policy.
- 1.5 In July 2018 the Licensing Committee approved a draft Gambling Act – Statement of Principles 2019-2022 for consultation with the public and stakeholders. That statutory consultation took place for a period of 11 weeks between 30th July 2018 and 15th October 2018.
- 1.6 That consultation is now complete and the results are appended to this report. During the consultation period two external responses were received. These were from GamCare, and the Association of British Bookmakers.
- 1.7 As a result of the consultation responses there have been some very minor changes to the previously approved draft policy, some to remove duplication and some to provide clarification.
- 1.8 Members of the Licensing Committee have recommended the attached final version of the policy documents to Council for adoption
- 1.9 Officers consider that, the draft Statement of Principles is fit for purpose and reflects best practice.
- 1.10 The Gambling Commission recommends that Licensing Authorities publish a Local Area Profile which gives operators and a better awareness of the local area and the risks that they will need to address when they submit local risk assessments. It is recommended that this be supplemental to the policy to allow this to be reviewed regularly without the need for formal consultation. At Appendix 3 is a working draft, which will be reviewed and updated prior to publication of the Policy in January 2019.

2 Conclusions and Reasons for Recommendation

- 2.1 The Gambling Policy has been reviewed in accordance with the Gambling Act 2005 which requires Licensing Authorities to prepare a Statement of Principles on a three year cyclical basis. The proposed revised Gambling Policy reflects recent changes in legislation and Gambling Commission Guidance. It is a statutory requirement to prepare a Gambling Policy for the next three years and to publish that policy.
- 2.2 The proposed revised policy is fit for purpose, more simplified in its layout and follows the best practice of bordering Licensing Authorities.

3 Consultation and Equality Impact

- 3.1 The Draft policy has been subject to an 11 week public consultation, with only two responses received, and suggested amendments incorporated in to the attached draft and approved by the Licensing Committee.
- 3.2 An equality impact assessment has been undertaken which takes into account this feedback.

4 Alternative Options and Reasons for Rejection

- 4.1 Leaving our current policy in place is not an option. There is a legal requirement that the statement of Principles is updated and published on 3rd January 2019 to take effect from 31st January 2019.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None anticipated

5.2 Legal Implications including Data Protection

- 5.2.1 Having a policy which is up to date and compliant with the legislation, fit for purpose and clearer to Licence Holders and Applicants could assist in implementing rules while preventing a legal challenge by way of appeal or judicial review, with associated costs in defending the same.

5.3 Human Resources Implications

- 5.3.1 None.

6 Recommendations

- 6.1 That Council approve and adopt The Gambling Act - Statement of Principles 2019-2022.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC:</i> <i>Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC:</i> <i>Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/>	No
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<input checked="" type="checkbox"/> Please indicate which threshold applies	
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	All indirectly
Links to Corporate Plan priorities or Policy Framework	All

8 **Document Information**

Appendix No	Title	
1.	Consultation responses	
2.	Draft BDC Statement of Principles 2019-2022	
3.	Draft, Local Area Profile	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)		
<ul style="list-style-type: none"> • Gambling Commissions Guidance to licensing authorities - 5th edition September 2015 (updated September 2016) • Gambling Commission Licence Conditions and Codes of Practice – January 2018 		
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Report Reference –