

Bolsover Districts District Council

Healthy, Safe, Clean and Green Communities Scrutiny Committee

29th June 2018

Gambling Act – Statement of Principles 2019-2022

Policy Review

Report of the Licensing Team Leader

This report is public

Purpose of the Report

- The purpose of this report is for Communities Scrutiny Committee to consider and feedback on proposed amendments to the Council's **Gambling Act – Statement of Principles 2019-2022**, to enable Licensing Committee to take the Committee's comments into account as part of their consideration of the revised Statement, prior to formal public consultation.

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.
- 1.4 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 set out the requirements for the form and publication of the Policy Statement which the Council proposes to apply when exercising its functions under the Gambling Act 2005.

- 1.5 The Statement of Principles is the Councils tool in regulating gambling in the district, it sets out what the Councils 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.
- 1.6 There is a 3 yearly statutory review requirement, which currently covers the period 2016-2019, the next being 2019-2022. The Gambling Commission has acknowledged that many Licensing Authorities have moved to a different 3 yearly cycle. To ensure that this is rectified, 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.
- 1.7 Therefore as a result of this requirement, the Licensing Authority is now required to publish its revised statement of principles by 3 January 2019.
- 1.8 The current statement of principles was approved by Bolsover District Council in 2016, following a full consultation exercise. At the time of adoption it incorporated all relevant and amended legislation guidance and reflected good practice.
- 1.9 The Committee is being invited to review the revised policy and provide comments. These will be incorporated by the Licensing Team Leader and the revised policy will then be submitted to the Councils Licensing Committee on 26th July 2018. They will consider the draft, with a view to commencing statutory consultation on 30th July 2018.
- 1.10 The outcome of the 11 week consultation period will be fed back to the Licensing Committee, and a final version of the policy will then be recommended to Full Council for approval.
- 1.11 The most significant change is in the format and layout of the policy. This has been changed substantially and looks very different to the old policy. It has therefore not been possible to show amendments by way of track changes to the current policy.
- 1.12 The Gambling Commission has encouraged local authorities to work together to review their Statements to offer consistency to operators who have premises in neighbouring Licensing Authorities. We have therefore simplified the policy, and adopted the same style and standard as that used by neighbouring authorities.
- 1.13 In addition, and upon Gambling Commission recommendation, the Local Area Profile (LAP) is now contained in a separate document to the Statement of Principles. The LAP maps out the characteristics of the area, and because the area profile can change so frequently it is seen as good practice to keep this document separate. This is still in development at this time but will be published at the same time as the Statement of Principles, to ensure that the document is as up to date as possible.
- 1.14 The new revised policy has in the main changed the layout and order of the Policy but not the overall content. The Key changes made to the contents of the policy are as follows;

Introducing a simplified policy document with 4 key policies which set out the Councils approach to gambling regulation – Policy one and two deals

specifically with representations, policy three considers the issue of crime and disorder, and policy four the risk based assessments. This is a new and improved way of presenting the Councils Policy.

Separating the Local Area Profile – by following the Gambling Commission guidance and separating this into a separate document it allows the LAP to be updated on a regular basis without the need to revise the Statement of Principles.

Inclusion of local risk assessment requirements – since April 2016, the Gambling Commission’s Licence Conditions and Codes of Practice (LCCP) require gambling operators to carry out a risk assessment to consider local risks.

The revised statement sets out the Council approach to regulation with clear reference to local risks, it will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives.

Inclusion of The General Data Protection Regulation - The General Data Protection Regulation (GDPR) is a new, Europe-wide law that replaces the Data Protection Act 1998 in the UK. It is part of the wider package of reform to the data protection landscape that includes the Data Protection Bill. The GDPR sets out requirements for how organisations will need to handle personal data from 25 May 2018.

- 1.15 Any further changes will be brought to members’ attention at the meeting.

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 approved draft policies will be subject to a full public consultation. The feedback will be presented to members of the licensing committee in October 2018 and approval sought to recommend final versions of the policies to Council.
- 3.2 Similarly an equality impact assessment will be undertaken once feedback has been received, before the matter goes to the Licensing Committee.

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 There will be a minor cost associated with carrying out the consultation, which can be accommodated from existing budgets.

5.2 Legal Implications including Data Protection

5.2.1 Having a policy which is up to date and complaint with the legislation, and 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 Members review the attached policy documents and provide comments for consideration by Licensing Committee.

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: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
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.	Revised BDC Statement of Principles 2019-2022
2.	Gambling Commission – Statement of Gambling Licensing Policy – A Councillors Guide (03/2018)
<p>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)</p>	
<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 –