

Bolsover District Council

Meeting of the Licensing & Gambling Acts Committee 9 June 2022

REVIEW OF THE COUNCIL'S POLICY UNDER THE GAMBLING ACT 2005

Report of the Environmental Health Service Manager

Classification	This report is Public
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PURPOSE/SUMMARY OF REPORT

To consider the responses to the Gambling Act 2005 policy consultation and recommend the draft Gambling Act 2005 policy for adoption at full Council.

REPORT DETAILS

1. Background

1.1 Under The Gambling Act 2005 ('the Act'), 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 (alternatively referred to as a policy). This 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. .
- 1.4 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 which the Council proposes to apply when exercising its functions under the Gambling Act 2005.
- 1.5 In 2018 an extensive review was undertaken to ensure that the Council’s policy was consistent with the Gambling Commissions Guidance to Licensing Authorities (‘the GLA’) and in a format common to neighbouring authorities to enable consistency and transparency. The policy, together with a Local Area Profile was published in 2019. The Act requires the Council to republish its policy every three years.
- 1.6 The Joint Environmental Health Service conducted an initial review of the policy and identified a number of minor amendments necessary to bring the policy up to date with the GLA and local demographics.
- 1.7 Following consideration of a draft policy through the Licensing and Gambling Acts Committee, a 12 week public consultation opened between 28 January 2022 and 22 April 2022. The Consultation was carried out through the Ask Derbyshire website, publicised via the Council’s website and social media platforms as well as contacting a range of stakeholders directly. A full list of stakeholders can be found at Appendix 1 of the draft policy which can be found attached at **Appendix 1**.
- 1.8 The Council received one response to the consultation. A copy of this response can be found attached at **Appendix 2** and the response is contained in section 2 of this report.

2. Details of Proposal or Information

- 2.1 Despite a lengthy consultation period, direct communication with partners over the review and promotion through Ask Derbyshire, only a small number of responses were received. This may indicate an indifference to the proposed changes to the policy and that the policy remains fit for purpose. The only significant changes to the policy were to bring the policy up to date with the Gambling Commissions Guidance to Licensing Authorities and to update our local demographics.
- 2.2 The following is a summary of the responses received and the response of the Joint Environmental Health Service, with amendments being made in respect of some of the concerns.

Issue Raised	Service Response
The wording in paragraph 4.18 requires further clarity that offered controls refers to	The wording in paragraph 4.18 has been amended to provide clarity that the offered controls relate to those measures outline in the local risk assessment.

measures within the local risk assessment not conditions attached to the licence.	
Paragraph 5.10 should include an additional statement to specify that the mandatory and default conditions are designed to be and usually are sufficient.	The wording in paragraph 5.10 has been amended to provide clarity that usually a licence will be granted subject to the mandatory and default conditions but that from time to time it may be necessary to include additional conditions.

- 2.3 The updated draft policy can be found attached as **Appendix 1**, which also now contains updated details for the Council’s Licensing Team following some internal changes and also provides details of those consulted as part of the review.
- 2.4 Following the consultation, no further amendments were made to the Local Area Profile. A copy of the draft Local Area Profile can be found attached as **Appendix 3**.
- 2.5 If approved by the Licensing and Gambling Acts Committee a further report will be submitted to the Council for formal adoption of the updated Policy.

3. Reasons for Recommendation

- 3.1 The Council is required to prepare and publish a Statement of Principles under the Gambling Act 2005 every three years.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council can choose not to prepare and publish a new Statement of Principles; however this would leave the authority open to successful legal challenge by way of appeal against decisions on licensing matters or judicial review.

RECOMMENDATION(S)

1. The Licensing and Gambling Acts Committee note the outcome of the public consultation.
2. The Licensing and Gambling Acts Committee agree to the proposed amendments to the Gambling Act 2005 Policy and Local Area Profile.

Approved by Councillor Heffer – Chair of Licensing and Gambling Acts Committee

IMPLICATIONS:

Finance and Risk: Yes No

Details:

There will be a minor cost associated with the implementation of the policies. This can be accommodated from existing budgets.

On behalf of the Section 151 Officer

Legal (including Data Protection):

Yes

No

Details:

It is a legal requirement under the Gambling Act 2005 that a licensing authority prepare and publish a statement of principles every three years. Having a policy which is up to date, compliant with the legislation, fit for purpose and clear to Licence Holders and Applicants could assist in implementing rules while preventing a legal challenge by way of appeal or judicial review.

On behalf of the Solicitor to the Council

Staffing: Yes

No

Details:

There are no staffing implications for this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

<p>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:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> Please indicate which threshold applies</p>	<p>No</p>
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	<p>No</p>

District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input checked="" type="checkbox"/> SAMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/>	Yes Details: <ul style="list-style-type: none"> • Chair of Licensing and Gambling Acts Committee • Cabinet Member • Assistant Director • Strategic Director

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
All

DOCUMENT INFORMATION	
Appendix No	Title
1	Draft Statement of Principles 2022-2025 – Gambling Act 2005
2	Consultation Responses
3	Draft Local Area Profile 2022-2025

Background Papers
<i>(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)</i>