

BOLSOVER DISTRICT COUNCIL

Council

on 8th October 2025

Review of the Council's Statement of Principles under the Gambling Act 2005

Report of the Portfolio Holder for Environmental Health and Licensing

Classification	This report is Public
Contact Officer	Michelle James Policy and Performance Officer (Temporary)

PURPOSE/SUMMARY OF REPORT

To invite Council to adopt the revised draft Gambling Act 2005 Statement of Licensing Principles together with the draft Gambling Act 2005 Local Area Profile.

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 shops, 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 'the Policy'). 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 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 Commission's 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 ('the LAP') was published in 2019. The Act requires the Council to republish its policy every three years.

Since this time, the policy has remained largely unchanged save for minor amendments which aimed to achieve the following:

- Modify the format of the Policy to ensure it remains cohesive and consistent with that of neighbouring local authorities;
 - Ensure the Policy is consistent with legislation and statutory guidance;
 - Increase the clarity of the Policy;
 - Update local demographics; and
 - Provide clarity on delegations.
- 1.6 The Joint Environmental Health Service conducted an initial review of the Policy and the LAP 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 and LAP through the Licensing and Gambling Acts Committee, a 12-week public consultation opened between 2 June 2025 and 24 August 2025. 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.
 - 1.8 A full evaluation of the response was carried out and this, together with copies of the consultation responses and the unchanged Policy and LAP, were considered by the Licensing and Gambling Acts Committee on 11 September 2025.
 - 1.9 The Committee noted the low level of response to the consultation and that the changes to the Policy and LAP were largely to bring them in line with local demographics.

2. Details of Proposal or Information

- 2.1 The revised draft Gambling Act 2005: Statement of Principles (Appendix 1) and Local Area Profile (Appendix 2) have been drafted in line with the legislation and current guidance issued by the Gambling Commission and can be found attached as **Appendix 1 and 2**.

- 2.2 Following a lengthy public consultation and member scrutiny, a recommendation has been made to Council that the process for adopting the final draft Policy and LAP agreed by the Licensing and Gambling Acts Committee on 9 June 2022 (Attached as Appendix 1 and 2) be followed.
- 2.3 Despite a lengthy consultation period, direct communication with partners over the review and promotion through Ask Derbyshire, only two responses were received. One of the respondents confirmed support for the policy as it stands, the other incorporated as an amendment to the information on the Council website and did not impact upon the Policy.
- 2.4 The only 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.
- 2.5 In order to adopt the revised Policy and LAP the Council must comply with the requirements set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and must do the following:
- Publish the revised Policy on the Council's website for a period of at least 4 weeks before the date on which it comes into effect;
 - Make the revised Policy available for inspection at the Council offices for a period of at least 4 weeks before the date on which it comes into effect, and;
 - Publish a notice of the Council's intention to publish the revised statement, on a public notice board in or near the Council's offices, no later than the first day on which the revised Policy is published in line with the requirements above.

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) That Council approve the recommendation from the Licensing and Gambling Act Committee that the final draft Gambling Act 2005: Statement of Principles and Local Area Profile be adopted to take effect on 23 February 2026.
- (2) That Council require the Joint Assistant Director – Environmental Health to follow the formal process to adopt the final draft Gambling Act 2005: Statement of Principles and Local Area Profile.

Approved by Councillor Hiney-Saunders, Portfolio Holder for the Environment

IMPLICATIONS:

<u>Finance and Risk</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Details: There will be a minor cost associated with the implementation of the policies. This can be accommodated from within existing budgets. On behalf of the Section 151 Officer	
<u>Legal (including Data Protection)</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
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	
<u>Staffing</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Details: There are no staffing implications for this report. On behalf of the Head of Paid Service	
<u>Equality and Diversity, and Consultation</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Details: An Equality Impact Assessment has been conducted.	
<u>Environment</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
The Gambling Act Regulatory Regime will not have any direct impact on the achievement of carbon neutral targets or the enhancement of the environment. This policy aims to introduce measures which promote responsible management of licensable activities within the district and mitigate environmental impacts.	

DECISION INFORMATION:

<input checked="" type="checkbox"/> <i>Please indicate which threshold applies:</i>	
Is the decision a Key Decision? A Key Decision is an Executive decision which has a significant impact on two or more wards in the District, or which results in income or expenditure to the Council above the following thresholds:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or (b) Results in the Council incurring Revenue Expenditure of £75,000 or more.	(a) <input type="checkbox"/> (b) <input type="checkbox"/>
Capital (a) Results in the Council making Capital Income of £150,000 or more or (b) Results in the Council incurring Capital Expenditure of £150,000 or more.	(a) <input type="checkbox"/> (b) <input type="checkbox"/>
District Wards Significantly Affected: <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick All if all wards are affected:	All <input checked="" type="checkbox"/>

Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <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"/>	

Links to Council Ambition: Customers, Economy, Environment, Housing
All

DOCUMENT INFORMATION:

Appendix No	Title
1	Draft Statement of Principles 2026-2029 – Gambling Act 2005
2	Draft Local Area Profile 2026-2029

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 Executive, you must provide copies of the background papers).</i>