

North East Derbyshire District Council

Licensing and Gambling Acts Committee

16 December 2021

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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(Licensing)

PURPOSE / SUMMARY

To consider renewal of the Council's Policy under the Gambling Act 2005

REPORT DETAILS

1 Background *(reasons for bringing the report)*

- 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 North East Derbyshire 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 statutory guidance and in a format common to neighbouring authorities to enable consistency and transparency. The policy, together with a Local Area Profile was published on 31 January 2019. The Act requires the Council to republish its policy every three years, at least four weeks before the previous policy expires, and to review the policy in full every three years.

2. Details of Proposal or Information

- 2.1 The current policy is to be republished by the 3rd January 2022, however a full 12 week public consultation on a new policy is required as part of the Council's obligations to review its policy every three years.
- 2.2 The internal review of the existing policy has identified a number of minor consequential amendments in the statutory guidance which need to be made to the existing policy as well as local demographic and business data. These changes are not a modification to the content of the policy, simply an update to references within the document.
- 2.3 Over the last three years there has not been a significant change in the types of premises in the district with 97 gambling premises in comparison to 95 premises in 2018. The businesses are broken down into the following:

Category	2021	2018
Betting Premises Licences	4	7
Gambling Prize and Machine Permits	93	88

- 2.4 Since the previous policy was published there has been a 13% reduction in the number of Small Society Lotteries registered between 2018 and 2021 from 102 to 89. It must be noted that some reductions may be temporary and due to the wider impact of the Coronavirus pandemic.
- 2.5 The new draft policy is in Appendix 1, the updated Local Area Profile is in Appendix 2 and the consequential amendments described in full in Appendix 3.
- 2.6 In order to continue to comply with the Council's obligations under the Gambling Act 2005 the current policy will need to be republished four weeks prior to its expiry on 31 January 2022. However, to enable the updates outlined in this report a full consultation will be carried out with a view to publishing the revised policy at a later date.
- 2.7 Following approval at the Licensing and Gambling Acts Committee a 12 week public consultation will be carried out, the results of which will be presented back to the Committee for consideration, before a final draft is recommended to Council for adoption.

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.

RECOMMENDATIONS

1. The Committee resolves to republish the current policy four weeks prior to its expiry date;
2. The Committee note the proposed amendments to the Statement of Principles under the Gambling Act 2005;
3. The Committee require the Joint Assistant Director – Environmental Health to carry out a public consultation on the proposed amendments; and
4. The Joint Assistant Director present a further report for consideration by the Committee on the outcome of the Public Consultation in order to consider the renewal of the Statement of Principles under the Gambling Act 2005.

Approved by Councillor Liggett - Chair of Licensing and Gambling Acts Committee

IMPLICATIONS

Finance and Risk: Yes No

Details:

There will be a minor cost associated with carrying out the consultation. 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 of the proposals in this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/>	Yes Details: Chair of Licensing and Gambling Acts Committee

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

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DOCUMENT INFORMATION

Appendix No	Title
1	Draft Statement of Principles 2022-2025 – Gambling Act 2005
2	Draft Local Area Profile
3	Table of consequential amendments

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)

[Guidance to licensing authorities - Gambling Commission](#)

[Gambling Act 2005 - section 349 - Three Year Licensing Policy](#)

[The Gambling Act 2005 \(Licensing Authority Policy Statement\)\(England and Wales\) Regulations 2006 \(legislation.gov.uk\)](#)