

North East Derbyshire District Council

Council

30 January 2023

Review of the Council's Policy under the Gambling Act 2005

Report of the Portfolio Holder for Council Services

Classification: This report is public

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PURPOSE / SUMMARY

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.

RECOMMENDATIONS

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 13th March 2023.
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 the Portfolio Holder – Cllr Mark Foster
(Delete completely for Scrutiny Reports)

IMPLICATIONS

Finance and Risk: Yes No

Details:

There were minor costs 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: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <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 Significantly Affected	All
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: <ul style="list-style-type: none">• Licensing and Gambling Acts Committee• Public• Stakeholders• Portfolio Holder for Environmental Health and Licensing• Senior Management

Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.

All

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 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 North East Derbyshire 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.
- 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 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.
- 1.8 A full evaluation of the response was carried out and this, together with copies of the consultation responses and the subsequently amended Policy and LAP, were considered by the Licensing and Gambling Acts Committee on 11 October 2022.
- 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 and Local Area Profile 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 11 October 2022 (Attached as Appendix 1 and 2) be followed.
- 2.3 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.

DOCUMENT INFORMATION

Appendix No	Title
1	Draft Statement of Principles 2023-2026 – Gambling Act 2005
2	Draft Local Area Profile 2023-2026
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 you must provide copies of the background papers)	
Correspondence from Derbyshire Constabulary regarding gambling related crime. Correspondence from North East Derbyshire District Council's Community Safety Partnership regarding gambling related crime. Annual Statistics from the National Gambling Treatment Service	