

North East Derbyshire District Council
Licensing and Gambling Acts Committee

8 May 2025

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

Report of the Joint Assistant Director for Environmental Health

Classification: This report is public

Report By: **Charmaine Terry**

Contact Officer: **Charmaine Terry**

PURPOSE / SUMMARY

To consider the draft Statement of Principles under the Gambling Act 2005.

RECOMMENDATIONS

1. The Committee approves the revised draft Statement of Principles under the Gambling Act 2005 for public consultation.
2. The Committee requires the Joint Assistant Director of Environmental Health to conduct a 12 week public consultation in line with statutory requirements and report the findings back to the Committee for consideration at a later date.

Approved by the Portfolio Holder – Cllr Pickering, Cabinet Member for Environment
(Delete completely for Scrutiny Reports)

IMPLICATIONS

Finance and Risk: Yes ☒ No ☐

Details:

There will be a minor cost associated with conducting 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 - £125,000 <input type="checkbox"/> Capital - £310,000 <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
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Yes, superseded by stage 2
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	Yes, appended.
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <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: Chair of General Licensing Committee Portfolio Holder for Environment

Links to Council Plan priorities, including Climate Change, Economic and Health implications.
All

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 the Authority must have regard to when 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, and establishes a set of controls which the Council considers appropriate for the effective management of gambling activities within the district. The Policy acts as a guide for Members, applicants, responsible authorities, and members of the public and aims to promote fair, consistent, and proportionate decision making.
- 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 The Act requires the Council to review and publish its policy every three years. The Council is required to publish their revised policy at least four weeks before the current policy is due to expire. The current policy, together with a Local Area Profile, came into effect on 15 February 2023. To meet the requirements of the legislation the Council must now approve an updated Statement of Principles.

2. Details of Proposal or Information

- 2.1 The Council is required to prepare and publish a Statement of Principles ('the Policy') under the Gambling Act 2005 every three years. The current Policy came into effect on 16th March 2023 and is now due to be reviewed and republished.
- 2.2 The joint Environmental Health Service, has conducted a review of the existing Policy and identified a number of changes needed to keep the Policy up to date, fit for purpose and in a format consistent with that of neighbouring authorities.
- 2.3 In summary the draft proposals aim 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.

- 2.4 The fundamental principles of the Policy remain the same, however, upon review it was felt that the Policy would benefit from being restructured and reformatted, and some of the content clarified.
- 2.5 As part of the review, research has been conducted to establish if there are any emerging trends or areas of concern in the district, that need to be addressed in Policy. A summary of the findings and the conclusions drawn from research can be found at paragraphs 2.9 to 2.17 below.
- 2.6 The current Policy and Local Area Profile are attached as **Appendices 1 and 2**, and the revised draft Policy and Local Area Profile are attached as **Appendices 3 and 4**.
- 2.7 An equality impact assessment has been carried out and a draft copy is attached as **Appendix 5**.
- 2.8 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.

Review Findings

Gambling Activity in the District

- 2.9 Over the last three years there has not been a significant change in the number or type of licensed premises in the district. There has been no change to the number of gambling premises licences in force, but a 25% reduction in the number of permits in place. Gambling businesses in the district are broken down in Table 1 below:

Table 1

Category	2021/22	2023/24
Betting Premises Licences	4	4
Gambling Prize and Machine Permits	93	70

- 2.10 Since the previous policy was reviewed there has been a slight reduction in the number of Small Society Lotteries registered with the Council. In 2021/22 there were 89 registered societies and in 2023/24 there were 78.
- 2.11 Whilst the figures above would suggest there is a reduction in gambling activity within the district, this may not be the case. [The Gambling-related harms evidence review: summary](#), updated in January 2023, discusses how there has been an increase in online and remote gambling. The responsibility for licensing remote gambling, for the most part, lies with the Gambling Commission and not the Authority.

Gambling Related Crime and Harm

- 2.12 An initial consultation with the Police, Community Safety and Public Health was conducted to determine whether there any potential concerns related to gambling across the district. At the time of preparing this report and Statement of Principles, there has been no evidence presented to North East Derbyshire District Council that suggests any part of the area is experiencing problems from gambling activities.
- 2.13 Whilst there are no locally identified areas of concern it is acknowledged that gambling related harm is a national concern, and the prevalence of online and remote gambling has increased. [The Gambling-related harms evidence review: summary](#), updated in January 2023, made findings that 'harmful gambling should be considered a public health issue' and that 'more needs to be done to prevent and reduce the harms associated with gambling'.
- 2.14 The Gambling Commission remains the leading authority on safeguarding players and the wider public from gambling related harm, however, the Council is pivotal in ensuring gambling does not negatively impact local residents or businesses.
- 2.15 Whilst there is currently no evidence to suggest there is a locally identified need for the Council to address gambling related crime or harm, having a clear and cohesive Policy setting out the Councils expectations for good management practices, can help to make a positive contribution to the reduction of gambling related crime and health.

Gambling Related Complaints

- 2.16 Table 2 below shows the number of gambling related complaints received by the Council since the policy was last reviewed. The numbers of complaints received by the Council are small and do not evidence a specific local need to address illegal gambling in the district.

Table 2

	2021/22	2022/23	2023/24	2024/25 (To date)
Number of Complaints	0	0	2	1

Conclusions

- 2.17 Research has shown there are no locally identified issues with gambling related crime and harm in the North East Derbyshire district. Whilst research does not highlight a local concern, it is acknowledged that gambling related harm is a national issue and the Council can make a positive contribution to the reduction of gambling related harm through having a clear and cohesive Policy, together with a Local Area Profile which aims to increase the awareness of local risks.

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	Current GA 2005 Statement of Principles
2	Current GA 2005 Local Area Profile
3	Draft GA 2005 Statement of Principles
4	Draft GA 2005 Local Area Profile
5	Draft Equality Impact Assessment
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)	
Derbyshire Joint Strategic Needs Assessment - Gambling Gambling-related harms evidence review: summary - GOV.UK Statistical information from the Council's systems.	