



Public Session

Report Reference Number: L/17/31

Agenda Item No: 7

To: Licensing Committee
Date: 14 May 2018
Author: Sharon Cousins Licensing Manager
Lead Officer: Gill Marshall – Solicitor to the Council

Title: Gambling Policy Refresh

Summary:

Selby District Council is the Licensing Authority responsible for the licensing of certain gambling premises licences and all types of gaming machine permits in Selby District. As part of this role the Council must have regard to the statutory licensing objectives and issue a statement of licensing principles (the Gambling Policy) which must be reviewed every 3 years. The next review is due by January 2019. The existing policy has been reviewed and it is considered that very minor changes are required. The Council must consult on the revised policy and it is intended to do this between 22 June and 14 September 2018.

Recommendations:

- i. To note the draft Gambling Policy and to provide any comments or recommendations as part of the consultation process.**

Reasons for recommendation

To ensure the Licensing Committee has the opportunity to provide comment(s) on the draft policy as part of the consultation process.

1. Introduction and background

1.1 Selby District Council as a Licensing Authority is given responsibility by the Gambling Act 2005 (the Act) for issuing premises licences for the following in Selby District:

- Casino Premises
- Bingo Premises
- Adult Gaming Premises
- Family Entertainment Centre Premises
- Betting Premises

- 1.2 The Act also passes responsibility to the Council for the granting of all types of gaming machine permits and alters the manner in which certain categories of lotteries are registered and controlled.
- 1.3 In exercising functions under the Act, the Council must have regard to the Licensing Objectives, which are distinct and different from those contained under the Licensing Act 2003. They are:
- Preventing gambling from being a source of crime and disorder, being associated with crime and 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.
- 1.4 The Council has a duty which it must discharge under s349 of the Act. The Council is required to formulate a Gambling Policy (Statement of Principles) that it proposes to apply in exercising its functions under the Act.
- 1.5 The Gambling Policy (Statement of Principles) must be reviewed at least every three years, and the current policy must be reviewed and revised (if necessary) by January 2019.

2 The Report

- 2.1 The Gambling Commission (the Commission) is required by s25 of the Act to issue guidance to licensing authorities on the discharge of their functions under the Act. It deals primarily with matters intended to assist in the development of a licensing authority's Gambling Policy and is something the Council must have due regard to. The Commission's guidance was most recently updated in September 2016.
- 2.2 The existing policy has been reviewed. It was adopted in 2017 and the regulatory regime is unchanged. For that reason it is considered that the only changes required are to update the area's population and to add a footnote to the stakes and prizes table (Appendix D of the policy) to show that these may change.
- 2.3 It is proposed to consult on the policy between June and September 2018 to ensure that the policy can be considered by the Executive and adopted by Council and come into force before January 2019.

3 Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 The review of the Gambling Policy (Statement of Principles) is a legislative requirement. Legislation requires that the final approval for the new Gambling Policy (Statement of Principles) is given by Full Council. Failure to review the policy and follow the correct guidelines will leave decisions on gambling licensing open to challenge.

Financial Issues

- 3.2 This policy proposes no significant changes no financial risk is identified.

Impact Assessment

- 3.3 Given the minor nature of the changes to the draft no impacts are anticipated and therefore no screening document completed..

4. Conclusion

- 4.1 The Gambling Policy (Statement of Principles) has received a statutory required review which will ensure the Council is carrying out its role as Licensing Authority in line with the Gambling Act and the most recent Gambling Commission guidance. The draft policy is shortly to go out for consultation until 14 March and Officers are seeking comment(s) from the Licensing Committee.

5. Background Documents

[Existing Gambling Policy](#)

Contact Officer:

Gill Marshall
Solicitor to the Council
gmarshall@selby.gov.uk

Appendices:

Appendix A – draft Gambling Policy (Statement of Principles)