



Report Reference Number: E/21/39

To: The Executive
Date: 6 January 2022
Status: Non-Key Decision
Ward(s) Affected: Whole District
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Lead Executive Member: Councillor T Grogan, Lead Member for Health & Culture
Lead Officer: Martin Grainger, Head of Planning

Title: Gambling Policy Review

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 2022. The existing policy has been reviewed and it is considered that there should be no major changes made to the current policy. The information in this report was shared with the Licensing Committee on the 15th November 2021 and there were no comments.

The Council must consult on the revised policy, and it is intended to do this between 10th January 2022 – 21st February 2022.

1. Recommendation:

To approve a public consultation on the draft Gambling Policy at Appendix 1

Reasons for recommendation

To ensure compliance with the Gambling Act 2005 to review the policy every three years.

2. Introduction and background

2.1 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
- Family Entertainment Centre Premises

- Bingo Premises
- Adult Gaming Premises
- Betting Premises

2.2 The Act also passes responsibility to the Council for the granting of all types of gaming machine permits and alters the way certain categories of lotteries are registered and controlled.

2.3 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.

2.4 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.

2.5 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 2022.

3. The Report

3.1 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 May 2021.

3.2 The existing policy has been reviewed. It was adopted in 2019 and the regulatory regime is unchanged. For that reason, it is considered that only minor changes are required. In addition to tracked changes, any new additions to the policy are highlighted in yellow, as can be seen in the proposed policy in Appendix A. The following has also been updated:

- population size of the district updated
- removal of section 7.7 as the Enforcement policy is currently being reviewed and the link and pages mentioned may change.
- Merkur Slots added under the list of consultees on Appendix A
- Name change of the Police Licensing Officer, Appendix A

3.3 The information in this report and the draft policy was shared with the licensing committee on the 15th November 2021, there were no comments.

- 3.4 It is proposed to consult on the policy between 10th January 2022 and 21st February 2022 to ensure that the policy can be brought to the Executive to consider recommending for adoption by Council. It would come into force by the summer of 2022.

4. Legal/Financial Controls and other Policy matters

Legal Issues

- 4.1 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

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

Impact Assessment

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

5. Conclusion

- 5.1 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. It is intended that the draft policy goes out for consultation for 4 weeks between 10th January to the 21st February 2022 and Officers are seeking approval to commence this. The Gambling Policy, is subject to public consultation, before returning to the Executive to consider recommending adoption by Full Council If adopted the new policy would then come in force summer 2022.

6. Background Documents

N/A

7. Appendices

Appendix A– Draft proposed Gambling Policy for consultation

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