



Report Reference Number: PR/21/14

To: Policy Review Committee
Date: 15 March 2022
Ward(s) Affected: Whole District
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Title: Gambling Policy 2022

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 existing Gambling Policy has been reviewed and it is considered that very minor changes are required. The Council consulted on the revised Gambling Policy between 10 January 2022 to 21 February 2022.

Recommendation:

That the Policy Review Committee consider and endorse the proposed Gambling Policy (Annex A).

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 way 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 that it proposes to apply in exercising its functions under the Act.

1.5 The Gambling Policy must be reviewed at least every three years, and the current Gambling Policy must be reviewed and revised (if necessary) in 2022.

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 May 2021.

2.2 The draft Gambling Policy has been reviewed (Appendix A). It was previously adopted in 2019 and the regulatory regime is unchanged. For that reason, it is considered that the only changes required are to update:

- population size of the district
- 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
- Name change of the Police Licensing Officer

2.3 The Executive considered the draft Gambling Policy on 6 January 2022 and approved it for consultation from 10 January 2022 to 21 February 2022. The Consultation was wide, including, those consultees required by statute (listed at Appendix B of the draft Gambling Policy), as well as non-statutory consultees such as the public, Parish Councils and Selby District Councillors. The consultation was also published on the Councils website, advertised in the local newspaper, and regularly published on the Councils social media.

2.4 Four comments were received to the consultation; in summary these were:

- BeGambleaware.org commented that although unable to offer specific feedback to the Gambling Policy, information was shared about the national helpline and where to find interactive maps. The helpline information has been added to our website.

- Licence holder of a lottery licence required operational information on payments and applying for a renewal – this information was provided.
- Police – Section 14.2, Preventing Gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime – from a police perspective if operators wished to seek information on crime in our area, they could use the link provided to the Police UK crime map. This has been added to this section.
- A resident commented on concerns over how gambling premises communicate to children what is normal, expected and shapes what see as a possible future.

2.5 Following this consultation, the Gambling Policy was amended as necessary and can be seen in Appendix A, which is scheduled to be presented before the following committees. Any updates from the previous committees will be given verbally.

Committee	Date
Licensing	Monday 14 th March
Policy Review	Tuesday 15 th March
Executive	Thursday 7 th April
Council	Tuesday 17 th May

2.6 If the Gambling Policy is adopted at Full Council, following the call-in period, there will be a further two weeks advertising that the Gambling Policy has been adopted. If there are no comments to the advertising, it is anticipated that the Gambling Policy will come into effect towards the end of June 2022.

3. Legal Implications

- 3.1. The review of the Gambling Policy is a legislative requirement. The Act requires the Licensing Authority to publish a Gambling Policy every three years, but it can be reviewed at any time within the three-year period. In accordance with section 349 of the Act, when reviewing the Gambling Policy, the Licensing Authority is required to carry out a consultation process.
- 3.2. The final approval for the new Gambling Policy is given by Full Council. Failure to review the Gambling Policy and follow the correct guidelines will leave decisions on gambling licensing open to challenge.

4. Financial Implications

- 4.1. This Gambling Policy proposes no significant changes, and no financial risk is identified.

5. Equalities Impact Assessment

- 5.1. Given the minor nature of the changes to the draft Gambling Policy, no impacts are anticipated and therefore no screening document completed.

6. Conclusion

- 6.1. In line with the Act and the most recent Gambling Commission guidance, the Council, in its role as Licencing Authority, has now completed the statutory review of the policy, which will ensure the Council is carrying out its role as Licensing Authority. The draft Gambling Policy went out for consultation between 10 January 2022 to 21 February 2022. It received 4 comments only.
- 6.2 Subject to comments from the Policy Review Committee, following approval by full Council on 17 May 2022, the new Gambling Policy will come into force on the 30 June 2022.

7. Background Documents

Existing Gambling Policy

8. Appendices

Appendix A – Draft Gambling Policy (Statement of Principles)

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