



Report Reference Number: E/18/08

To: Executive
Date: 12th July 2018
Status: Non Key Decision
Ward(s) Affected: Whole District
Author: Sharon Cousins, Licensing Manager
Lead Executive Member: Councillor Pearson, Lead Executive Member for Housing, Health and Culture
Lead Officer: Gillian 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. This was brought before the Licensing Committee on Monday 14th May 2018 and no comments were made. 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 that the statutory review of the gambling policy is required and must go before Policy Review Committee, subject to public consultation before returning to the Executive and being approved by Full Council.
- ii. To approve a public consultation on the draft Gambling Policy at Appendix A.

Reasons for recommendation

To ensure compliance with the Gambling Act 2005.

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

- 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.
- 3.2. The approval of the policy is part of the Budget and Policy Framework of the Council and therefore the Executive is responsible for proposing and consulting on the policy whereas the approval of it must be undertaken by full Council.

4. Financial Implications

- 4.1. This 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 no impacts are anticipated and therefore no screening document completed.

6. Conclusion

- 6.1. 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 22nd June and the 14th September 2018 and Officers are seeking approval to commence this. The Gambling Policy must go before Policy Review Committee, subject to public consultation, before returning to the Executive and being approved by Full Council The new policy will then come in force 31st January 2019.

7. Background Documents

Existing Gambling Policy

8. Appendices

Appendix A – draft Gambling Policy (Statement of Principles)

Contact Officer:

Sharon Cousins
Licensing Manager
scousins@selby.gov.uk
01757 292033

