



Report Reference Number: C/18/05

To: Full Council
Date: 18th December 2018
Status: Non Key Decision
Ward(s) Affected: Whole District
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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. The Council consulted on the revised policy between 16 July 2018 to 13 August 2018.

Recommendations:

- **That Council approve the draft Gambling Policy as amended following the consultation and authorise officers to take necessary steps to bring it into force.**

Reasons for recommendation

To ensure the Council has an up to date Policy.

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 draft Policy has been reviewed (Appendix A). 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. The Executive considered the draft policy on 12 July 2018 and approved it for consultation from 16 July 2018 to 13 August 2018. The Consultation was wide, including, those consultees required by statute (listed at Appendix B of the draft Policy), as well as non-statutory consultees such as the general public, Parish Councils and Selby District Councillors.

2.4 The Consultation was carried out between 16 July 2018 to 13 August 2018; the following comments have been received:

2.4.1. HM Revenue and Customs a Responsible Authority listed in the appendices of the policy, made contact to amend their postal contact address from 21 India Street to: HM Revenue and Customs, Excise Processing Teams, BX9 1GL, England.

2.4.2. The Gambling Commission emailed and stated that it did not intend to make any representations, however, it made the following Observation;-

“Within Section 12 of the document, you may wish to include a Council requirement that Local Risk Assessments (LRA) are kept on the premises”.

2.4.2.1. Such a provision may prove helpful to Enforcement Officers when conducting visits to licensed premises as, on occasions, Operators assert the LRA is retained elsewhere / head office.

2.4.2.2. LRA's are a social responsibility code which helps them demonstrate how they aim to address the local risks to the licensing objectives. Premise licence holders in the District must conduct a local risk assessment. These must take into account the relevant matters identified in the licensing authorities statement of licensing policy.

2.4.2.3. They should be structured in a manner that offers sufficient assurance that the premises have suitable controls and procedures in place. These controls should reflect the level of risk within the particular area, which will be determined by local circumstances.

2.5 The report has been before the Licensing and Policy Review Committee in September, and back to the Executive on 6 December where the amendments were approved. No further comments were raised.

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. The draft Policy went out for consultation between 16 July 2018 to 13 August 2018. It received no representations, however two comments were received.
- 6.2. Officers are asking for endorsement for approval from Full Council in December. Subject to approval, the new policy will then come in to force by 31 January 2019.

7. Background Documents

Existing Gambling Policy

8. Appendices

Appendix A – draft Gambling Policy (Statement of Principles)

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