

COUNCIL
24TH MARCH 2022

Report of Director of Regulatory Services

THREE-YEARLY REVIEW OF GAMBLING LICENSING POLICY: STATEMENT OF PRINCIPLES

PURPOSE OF REPORT

The report informs Council of the requirement for it to carry out a formal review of its current Gambling Statement of Principles (Policy). Approval is sought of the revised Policy document, produced in Appendix 1, for its adoption and re-publishing. The Policy must be reviewed and approved by the full Council at least once every 3 years.

A clear statement of policy will provide greater scope for licensing authorities to work in partnership with local businesses, communities and responsible authorities to identify and mitigate local risks to the licensing objectives.

RECOMMENDATION

That Council approves the revised Gambling Statement of Principles (Policy) for re-publishing for a further 3 years, to expire 31st January 2025.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's priority of a thriving district, particularly in relation to business growth and job creation. Effective enforcement of this regime contributes to our vision of a distinctive rural environment with towns and villages that offer a high quality of life.

1 Background

- 1.1 Under the Gambling Act 2005, the Council is responsible for issuing premises licences for casinos, bingo halls, betting offices, adult gaming centres and licensed family entertainment centres. It also issues permits for gaming machines in pubs, clubs and other alcohol licensed premises. Since the introduction of the Act in 2007, no licence applications for casinos or bingo halls have been received.
- 1.2 The Act contains three licensing objectives, which underpin the functions of the Gambling Commission and the local authority, acting in their capacity as the Licensing Authority.

- 1.3 These objectives are pivotal to the regulatory regime and are:
- preventing gambling from being a source of crime or disorder, being associated with crime or 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 In this district the following numbers of licences/registrations are currently in force under the Act:
- 1 Adult Gaming Centre (Matlock Bath) – premises licence **
 - 2 Bookmakers (Betting Shops) – premises licences
 - 4 Unlicensed Family Entertainment Centres (Matlock Bath) - permits
 - Occasional Use Notice (for Pikehall Harness Racing)
 - 170 Small Society Registrations (for raffles etc).
- (** Adult Gaming Centres are premises which provide a limited number of higher stake/higher pay-out 'fruit' machines).
- 1.5 In practice, it is considered that the Council's policy has worked well; this is reflected by all applications/renewals for licences and permits being granted without any referral to a Committee hearing. It should perhaps be noted there have not been any new applications for premises licences since 2011.
- 1.6 The Gambling Act 2005 imposes a statutory requirement on the District Council, to prepare a Statement of Principles (Gambling Licensing Policy). This is the Council's tool for regulating gambling in the district. It sets out the Council's expectations of operators and also ensures that the general public and the Responsible Authorities, specified in the legislation, are aware of the Council's regulatory approach to gambling activities.
- 1.7 The Act requires the Council to republish its policy every three years and the final draft Policy must be considered by a meeting of the full Council. Historically the Council's Policy has been updated every 3 years since 2007. The Policy was last published on 31 January 2019 and has been kept under review since then. There have not been any issues for concern raised, and the only required changes identified and made, were to reflect administrative updates at local level and as a result of administrative changes to the Gambling Commission's Guidance to Licensing Authorities.
- 1.8 Before the Policy Statement of Principles can be approved and re-published a consultation exercise in respect of any proposed changes is required. A detailed internal review of the Policy was undertaken in August 2021. A further consultation exercise was due to be carried out in time to report any comments back to the October meeting of the Licensing and Appeals Committee, before referral to Council, but was delayed. In November/December 2021 a consultation exercise was carried out with the main stakeholders (Gambling Commission, Responsible Authorities named in the legislation and current licence-holders). No comments were received in respect of the final Draft Policy.
- 1.9 A copy of the final Draft Policy is produced in **Appendix 1**, for Members' consideration.

1.10 Gambling Commission's Licence Compliance and Enforcement Policy

It is worth noting that the Gambling Commission is currently consulting on changes and updates to its own Licensing, Compliance, and Enforcement Policy. The Commission amends the Policy periodically to ensure that it remains clear to operators and other stakeholders, transparent and up-to-date. The Policy was last amended in 2017.

This Policy builds on the Gambling Commission's Statement of Principles and sets out the Commission's regulatory policies in relation to:

- Assessing risk
- Licensing operators and key personnel
- Carrying out compliance activities
- Regulatory and criminal enforcement

1.12 The revised Policy includes changes which are intended to:

- Set out the Commission's position on products which appear to require dual regulation;
- Clarify some of the Commission's requirements relating to operating and personal licences;
- Incorporate the Commission's new special measures approach which they have been piloting over the last 12 months;
- To reflect a number of changes to the Commission's process on licence review, suspension and regulatory settlement.

1.13 The consultation ended on 9th February 2022 and the outcomes have not yet been published. Depending on the outcomes, it may be necessary for all Licensing Authorities to review their own Licensing Policy Statement of Principles again before the next formal review date of 2025. Officers will monitor the situation, and submit reports/updates to the Licensing and Appeals Committee as necessary.

2 RISK ASSESSMENT

2.1 Legal

The Council has a statutory obligation to review and re-publish its Gambling Licensing Policy statement every 3 years. Not to do so could result in the policy being challenged, and if challenged successfully, could result in the Council's reputation being harmed.

There may be potential for decisions made in determining licensing applications that become the subject of judicial review or appeal. If the Licensing Policy is not credible it may be subject to legal successful challenge.

The report is intended to address issues that may give rise to the need for change, and the legal risk is therefore assessed as being low.

2.2 Financial

There are no significant financial considerations arising from this report. The costs of the review and consultation exercise have been met from existing budgets. Fees for gambling licences are reviewed annually and determined by the Governance & Resources Committee. The financial risk is therefore assessed as low.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, environmental, health, human rights, personnel, and property.

No detailed climate change assessment is required; the report provides updated information only.

A partial Equalities Impact Assessment (EqIA) has been completed as part of reviewing the Gambling Licensing Policy.

4 CONTACT INFORMATION

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5 BACKGROUND PAPERS

Draft EqIA – Initial Equalities Impact Assessment – Nov/Dec 2021

On-line consultation - Gambling Commission's changes and updates to Licensing, Compliance, and Enforcement Policy. November 2021-February 2022.

6 ATTACHMENTS

Appendix 1 – Final Draft Gambling Licensing Policy