



OPEN REPORT LICENSING AND APPEALS COMMITTEE

Licensing and Appeals Committee 24th September 2024

Review of the Gambling Statement of Principles 2025 - 2028

Report of Director of Place and Economy

Report Author and Contact Details

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Wards Affected

ALL

Report Summary

To ask members to approve the draft Council's 'Statement of Principles' made under the Gambling Act 2005, for consultation prior to submission to Full Council for approval.

Recommendations

1. That the draft Statement of Principles made under the Gambling Act 2005, is approved for consultation and then submission to Full Council for final approval.
2. That, following the consultation, the Director of Place and Economy be given delegated authority to make minor amendments and alterations to the 'Statement of Principles', in consultation with the Chair of the Licensing and Appeals Committee, prior to submission to Full Council.

List of Appendices

Appendix 1 List of Changes and Draft Statement of Principles 2025 -2028

Appendix 2 Equalities Impact Statement

Background Papers

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Consideration of report by Council or other committee

Council Approval Required

Yes – The Gambling Commission requires that the Statement of Principles be approved by Full Council.

Exempt from Press or Public

No

Review of the Gambling Statement of Principles 2025 - 2028

1.0 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 permit for gaming machines in pubs, clubs and other alcohol licensed premises.

1.2 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.

1.3 In this district the following numbers of licences/registrations are currently in force under the Act:

- 1 Adult Gaming Centre (Matlock Bath) – premises licence **
- 1 Bookmakers (Betting Shops) – premises licences
- 4 Unlicensed Family Entertainment Centres (Matlock Bath) - permits
- Occasional Use Notice (for Pike Hall Harness Racing)
- 99 Small Society Registrations (for raffles etc).

(** Adult Gaming Centres are premises which provide a limited number of higher stake/higher pay-out 'fruit' machines).

1.4 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 ensures that the public and the Responsible Authorities, specified in the legislation, are aware of the Council's regulatory approach to gambling activities.

1.5 The Act requires the Council to review and republish its policy every three years with the final draft Policy considered by a meeting of the full Council. Historically the Council's Policy has been updated every 3 years since 2007. The existing policy was adopted by the Council in 2022 with the current Statement of Principles due to expire on the 31st January 2025. A new statement must be consulted upon then approved by Full Council before the 31st January 2025.

1.6 A copy of the proposed 2025 – 2028 Statement of Principles is attached as **Appendix 1**, along with a list of changes, for members consideration. The Gambling Commission have suggested that the published consultation copy of the Statement of Principles has 'tracked changes'. This makes it's easier for everyone to see what is being consulted upon and it is also something the gaming industry have requested. The proposed Statement of Principles for 2025 -2028 attached at Appendix 1 shows the changes highlighted in yellow. A list of changes to the policy has been included.

- 1.7 The updated 'Guidance to licensing authorities', published April 2021, and last updated in April 2023, issued then by the Gambling Commission has been considered as part of the development of the new Statement of Principles.
- 1.8 The Licensing and Appeals Committee are asked to approve the Draft Statement of Gambling Principles, for consultation, prior to formal submission to Full Council, for approval on the 28th November 2024.
- 1.9 The approved revised Statement of Principles must be published at least four weeks prior to 31st January 2025 (when it comes into effect). Therefore the 28th November 2024 is the last available Council meeting for approval.

2.0 Risk Assessment

2.1 Legal

The Council has a statutory obligation to review and re-publish its Gambling Licensing Policy statement every 3 years, as per section 349(3) of the Gambling Act 2005. 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 is potential for decisions made in determining licensing applications that may become the subject of judicial review or appeal. If the Licensing Policy is not credible it may be subject to a successful legal challenge.

The report is intended to address issues that may give rise to the need for change.

There are two decisions recommended at the beginning of this report, the legal risk of challenge when taking these decisions as recommended has been assessed as 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.

3.0 Equalities Implications

When determining applications. The licensing authority will give due regard to the licensing objectives when considering and determining whether an application should be or should not be granted. A full EIA has been conducted and is attached at **Appendix 2**

4.0 Climate Change Implications

There are no direct climate change implications arising from this report.

5.0 Risk Management

The District Council has a statutory responsibility to undertake the duties outlined in the report.

Report Authorisation

Approvals obtained from: -

	Named Officer	Date
Director of Housing (in the absence of the Chief Executive)	Rob Cogings	16/09/2024
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	16/09/2024
Monitoring Officer (or Legal Services Manager)	Kerry France	13/09/2024