

# GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES OF GAMBLING POLICY

Licensing Committee - 9 July 2018

Report of Chief Officer Environmental and Operational Services

Status For Decision

Key Decision No

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**Executive Summary:** This report seeks a direction from the Committee on options for reviewing the Council's Statement of Gambling Policy, which expires on 30 January 2019.

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**This report supports the Key Aim of sustainable economy.**

**Portfolio Holder** Cllr. Anna Firth (Legal and Democratic Services)

**Contact Officers** Richard Wilson Ext. 7067

Sharon Bamborough Ext. 7325 / 07970 731616

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**Recommendation to Licensing Committee:** Members are requested to advise on any desired changes to the existing policy.

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**Reason for recommendation:** The review of Gambling Policy must take place this year in order to be in place in time for 31 January 2019 as legally required.

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## Introduction and Background

- 1 The Gambling Act 2005 requires the Council, in its role as a licensing authority, to determine its Statement of Gambling Policy in respect of the exercise of its licensing functions every three years.
- 2 The Council's current Policy is in force until 30 January 2019, therefore a new Policy must be in place by 31 January 2019. Once in place this Policy must be kept under review.
- 3 In accordance with this requirement the Committee is invited to consider options for review of the Policy, to ensure a new or refreshed Statement of Gambling Policy is in place for the three-year period 31 January 2019 to 30 January 2022.

The current Policy is attached at Appendix A.

## Options for review or change

- 4 It is suggested that two options are available:

Discussions within the Council and the Licensing Partnership suggest that the current Policy is fit for purpose and requires no significant changes or amendments, other than a simple refresh.

The Committee may therefore agree that a minor refresh is all that is required in this instance.

or

The Committee may, however, wish to see substantive amendments and updates, and dependent upon the Committee's views, a full review may be considered to be more appropriate.

The Committee may therefore agree that a substantive review is required.

- 5 Two issues that have come to light which the Committee may wish to consider as being appropriate for inclusion in either a new or refreshed Policy are:

- Fixed Odds Betting Terminals (FOBT). The Government has announced that the stake for such machines will be reduced, but there is no legislation or commencement date in place just yet.
- It has been suggested in various local authority forums that this change together with the pressure on betting shops to compete with online gambling, may lead some of them to change over their operation from betting shops to adult gaming centres. If this were to happen, it would mean that in addition to the four machines they could have unlimited category C & D machines. Accordingly, it may be appropriate to consult on options for limiting the potential for "gaming centres", which may attract a different style of customer, and to include some provision in a new or refreshed Policy. To provide some context, a table listing all the various gaming machines, and their maximum stake, is set out at the rear of the current policy at Appendix A.
- Members may wish to consider including in a new or refreshed Policy a presumption against the installation of cash machines in any new premises licensed under the Gambling Act 2005, and / or to bring in a limit for cash withdrawals in such premises.

Member's views on the above two proposals are sought.

- 6 For either option, a formal public consultation will be required on a

proposed new Policy, and the agreed new Policy will have to be adopted by a meeting of the Full Council

### **Consultation on proposed Statement of Gambling Policy**

7 The Council is obliged by the Gambling Act to consult with the following groups before adopting a gambling policy:-

- The Chief Officer of Police;
- One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the Borough; and,
- One or more persons who appear to the Council to represent persons who are likely to be affected by the exercise of the Council's functions under the Act.

The Council is required to develop its own consultation processes and consultation methods.

8 Before the current Policy was adopted a range of organisations were consulted, as set out below, and no change is proposed this time:

- Members of the Council
- Neighbouring Authorities
- Bodies designated under section 157 of the 2005 Act as 'Responsible Authorities'
- Town Centre Forums, Partnerships and Managers
- Person/ bodies representative of local residents
- Person/ bodies representative of gambling businesses
- Representatives of persons or business who will hold a premises licences
- Organisations working with people who are problem gamblers
- Representatives of health care organisations
- Representatives of voluntary and community organisations working with children and young people.

### **Timetable**

The timetable in respect of the preparation and consultation for any proposed Policy is as follows and, regardless of the Committees chosen option, this will not change:

16 July to 30 September 2018	Consultation period on a new draft Policy (this timescale allows for a 12-week consultation period - a shorter period may be possible / more appropriate)
1 November 2018	Licensing Committee is invited to consider feedback from the consultation exercise and refer the proposed Policy to next meeting of the Council

20 November 2018	The Council is invited to adopt the new Policy
7 January 2019	Licensing Committee to receive any feedback from Council / confirmation of adoption of new Policy

## Key Implications

### Financial

There are no specific financial implications resulting from the matters considered in this report, as the minimal cost of consultation and publication in respect of the proposed Council's Statement of Gambling Policy will be met from the running costs of the Licensing Team and Licensing Partnership.

### Legal Implications and Risk Assessment Statement.

The Council is obliged by the Gambling Act 2005 to review its Gambling Policy every three years. The commencement date of 30 January for the initial three year period and subsequent three year periods was set by the Gambling Act 2005. The Council has no discretion to alter the period for which its Gambling Policy is in force, although it can carry out further reviews within the set three year period.

Before the Council determines its new Policy it must consult with the statutory consultees.

### Equality Assessment

There is no perceived impact on end users.

### **Appendices**

Appendix A - current Statement of Principles of Gambling policy

### **Background Papers**

[Gambling Act 2005](#)

[Gambling Commission's Guidance to Local Authorities 5<sup>th</sup> Edition \(last updated September 2016\)](#)

**Mr Richard Wilson**  
**Chief Officer Environmental and Operational Services**