



**REPORT OF: EXECUTIVE MEMBER FOR  
ENVIRONMENT**

**TO: COUNCIL FORUM**

**ON: 24 January 2018**

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**GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY – 2019**

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**1. PURPOSE OF THE REPORT**

1.1 To seek adoption of the Statement of Policy.

**2. RECOMMENDATIONS**

2.1 That the Council approves the revised Statement of Licensing Policy for the Gambling Act 2005.

**3. BACKGROUND**

3.1 The Council is required to publish a Statement of Licensing Policy under the Gambling Act 2005 (the Act). This is a statement of principles that the Licensing Authority must consider when determining applications for Premises Licences for gambling establishments and sets out the approach which will be taken when dealing with permissions the Council grants and enforces thereafter.

3.2 It also identifies how the Authority will seek to promote the licensing objectives under the Act, namely:-

- Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime.
- Ensuring gambling is conducted in a fair and open way.
- Protecting children and other vulnerable people from being harmed or exploited by gambling.

3.3 The policy must be reviewed every three years; the last policy was published in January 2016.

## 4. RATIONALE

4.1 The Statement of Policy document is based on a template issued by the Local Government Association. The aim of this is to promote a nationwide, consistent approach on Gambling policy.

4.2 The Statement of Policy is a comprehensive document which defines the principles in exercising:

- The powers to designate a body which is competent to advise the Licensing Authority about the protection of children from harm.
- The powers to determine whether a person is an interested person in relation to a premises licence, or an application for or in respect of a premises licence.
- The functions with respect to the exchange of information between the Licensing Authority and the Gambling Commission and other persons listed in schedule 6 to the Act, for example Police and HMRC.
- The principles to be applied by the Licensing Authority in exercising the functions under part 15 of the Act with respect to the inspection of premises and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

4.3 The Public Protection Service has consulted at a national and local level with businesses and organisations affected by the policy. The consultation lasted from 3 September to 14 November 2018. The residents of the Borough have been consulted via the Council's website and through resident associations. A full list of consultees is included as Appendix A of the Policy Statement.

4.4 The current Statement of Policy was agreed in 2016. The proposed changes for 2019 are very limited. The main amendment reflects legislative changes introduced in April 2016 whereby operators of gambling premises must carry out a local risk assessment of the impact of the provision of their gambling facilities in the area on the licensing objectives. Information regarding the public health aspect of gambling has also been included. Other changes are to update contact details and titles of legislation.

4.5 A very limited number of responses have been received and further amendments have been made where appropriate.

4.6 There are no risks associated with publication of the Statement of Policy for the Gambling Act.

4.7 The statement of policy explains how the Council will exercise its functions to protect residents and visitors from the potential harms from gambling whilst allowing responsible businesses to operate.

## **5. POLICY IMPLICATIONS**

5.1 Please see comments in the body of the report. The Council's Constitution requires the Licensing Policy Statement to be approved by full Council as part of the policy framework.

## **6. FINANCIAL IMPLICATIONS**

6.1 The financial costs incurred by the consultation and the publication of the revised document will be borne by the fees levied for gambling premises.

## **7. LEGAL IMPLICATIONS**

7.1 The Council is required to publish a Statement of Licensing Policy under the Gambling Act 2005. The statement must be reviewed every 3 years. Blackburn with Darwen Borough Council last published a Statement of Licensing Policy under the Gambling Act 2005 in 2016 therefore there is a theoretical risk of legal challenge if the reviewed and amended document attached to this report is not approved.

## **8. RESOURCE IMPLICATIONS**

8.1 Existing staff in the public protection service will undertake the associated work in revising and implementing the Statement of Gambling Policy.

## **9. EQUALITY IMPLICATIONS**

9.1 An initial Equality Impact Assessment has been completed. No negative impacts are anticipated.

## **10. CONSULTATIONS**

10.1 Details of consultation are included in paragraph 4.3.

### **Chief Officer/Member**

Contact Officer: Denise Andrews, Business Compliance and Licensing Manager  
Donna Riding, Principal Licensing Officer

Date:

Background Papers: None