

FOR PUBLICATION

STATUTORY REVIEW OF CHESTERFIELD BOROUGH COUNCIL'S GAMBLING POLICY

MEETING:	COUNCIL
DATE:	27 APRIL 2016
REPORT BY:	LICENSING OFFICER
WARD:	ALL
COMMUNITY ASSEMBLY:	ALL
KEY DECISION NO.	607

1.0 PURPOSE OF REPORT

- 1.1 The Council's Statement of Principles is concerned with the administration of the licensing functions required of the Council under the Gambling Act 2005.
- 1.2 In accordance with the Gambling Act 2005 the Statement of Principles needs to be published every three years. The previous Policy was published in 2013. Therefore, the Policy needs to be approved by the Members via the Full Licensing Committee, and Full Council and published during 2016.
- 1.3 The Draft Statement of Principles was approved by the Full Licensing Committee on 2 March 2016 where the Committee approved that the Draft Statement can be consulted upon.
- 1.4 The Policy is now referred to full Council for their approval before the final document can be published.

2.0 RECOMMENDATION

- 2.1 That full Council approve the final Statement of Principles including amendments following consultation.

3.0 AMENDMENT TO POLICY

3.1 Since the Policy was published in 2013 there have been changes in legislation which have been included in this edition. The main changes are where there have been changes to Gambling legislation such as:

- Planning legislation for Betting Offices. All new betting offices now require planning permission and have been taken out of general A2 financial and professional service use class.
- Local risk assessments and social responsibility. The gambling commission will formalise (from 6/4/16) the need for operators to consider local risks. All premises licensees are required to assess the local risks to the licensing objectives posed by the provision of Gambling facilities at each of their premises, and produce policies, procedures and control measures to reduce those risks.
- Access to premises. Although there are exceptions the principle is that there can be no access from one licensed gambling premises to another, except between premises that allow access to under 18's.
- Categories of gaming machines. Stakes should be included with the statement of principles.

Change to Format

- Plain English has been used wherever possible.
- Removed explanatory notes for the introduction in 2005 which are no longer necessary.
- The previous statement included types of gambling establishments. This has been summarised to explain each type of facility so the emphasis is on the applicant to contact the authority once they know which licence they require.
- Sections have been reworded and condensed to provide a much clearer guidance to applicants.

- 3.2 The Draft Statement of Principles was approved by the Licensing Committee on 2 March, 2016.
- 3.3 This document was then circulated to members of the trade, responsible authorities, representatives of local premises, and businesses in its area for comments to the Council by 7th April 2016. No responses from the consultation were received.

4.0 RISK MANAGEMENT AND EQUALITIES

4.1 In writing this report Licensing have considered the following licensing objectives:-

- *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.*
- *Protecting children and other vulnerable persons from being harmed or exploited by gambling.*

4.2 When considering applications and taking enforcement action the Licensing Authority will have regard to the provisions of the Human Rights Act and in particular; Article 1, Protocol 1 – peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest.

Article 6 – right to a fair hearing.

Article 8 – respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life.

Article 10 – right to freedom of expression.

Human Rights Act 1998 or any other relevant legislation implemented during the period of this Policy.

5.0 RECOMMENDATION

5.1 That full Council approve the final Statement of Principles including amendments following consultation.

For more information on this report please contact the author,
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