

## **For publication**

### **Gambling Act 2005 – Statement of Principles**

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Meeting:	Council
Date:	12 December 2018
Cabinet portfolio:	Health and Wellbeing
Report by:	Licensing Officer

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### **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 2016. Therefore, the Policy needs to be approved by the Members via the Full Licensing Committee, and Full Council and published to come into effect on 31 January 2019.
- 1.3 The Draft Statement of Principles was approved by the Full Licensing Committee on 19 September 2018 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 Recommendations**

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

### **3.0 Amendment to policy**

3.1 Since the last Policy was published in 2016 the following changes have now been made;

- Update reference to the Data Protection Act 1998 reference and changed to GDPR 2018 (General Data Protection Regulation).
- Licensing objectives section updated with each individual heading and a brief summary of how Chesterfield Borough Council will take these into account when issuing licences under the Gambling Act 2005.

3.2 The Draft Statement of Principles was approved by the Full Licensing Committee on 19 September 2018.

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 25 October 2018.

3.4 No responses were received.

### **4.0 Risk management and equalities**

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.*

4.1 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 **Recommendations**

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

For more information on this report please contact the  
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