

BRECKLAND DISTRICT COUNCIL

Report of: Craig Fowler – Environmental Health & Licensing Manager

To: Committee of the Licensing Authority – 21st July 2021

Author: Josie Hoven – Licensing Team Leader

Subject: Revised Gambling Act Policy (Statement of Principles)

Purpose: Consideration of the revised Statement of Principles – Gambling Act 2005 prior to it being issued for consultation.

Recommendation(s):

- 1) That the Committee consider the proposed revised Gambling Act Policy (Statement of Principles) as shown at Appendix A of this report, prior to it being issued for consultation.

1.0 BACKGROUND

- 1.1 Section 349 of the Gambling Act 2005 requires the Council (the Licensing Authority) to prepare and publish a Statement of Principles (Gambling Policy) that it proposes to apply in exercising its licensing function. The statement will last for a maximum of three years but can be reviewed and revised by the Authority at any time. This Authority's current statement took effect in January 2019 and so the required review process must be completed by the end of 2021 to enable publication in January 2022. This report summarises the proposed amendments to the Policy.
- 1.2 The Gambling Act 2005 places the responsibility for the licensing of gambling premises and the issuing of gambling permits with Local Authorities, with the associated responsibility of ensuring that the conditions on these licences are upheld. Amongst other matters the 2005 act deals with the licensing of:
 - Betting Shops
 - Bingo Halls
 - Amusement arcades
 - Gaming Machines
 - Society Lotteries
- 1.3 The Act requires Licensing Authorities to prepare, consultation on and publish a Statement of Licensing Principles (Gambling Policy) that they propose to apply in exercising their functions under the Act during the three year period to which the policy applied.
- 1.4 Core to the Gambling Act are the licensing objectives which are:
 - Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.
 - Ensuring that gambling is conducted in a fair and open manner.
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.5 Section 349(3) of the Gambling Act 2005 requires the Licensing Authority to consult the following on its licensing policy statement or any subsequent revision:

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

The list of persons to be consulted when preparing the Statement of Principles (Gambling Policy) is deliberately wide. This enables Licensing Authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Licensing Policy Statement.

1.6 Section 154 of the Gambling Act 2005 indicates that adoption of the Statement of Principles (Gambling Policy) cannot be delegated to the Committee of the Licensing Authority, therefore Full Council must adopt the final document. This is different to the granting of gambling premises licences which the Act automatically delegates to the Committee of the Licensing Authority. It is proposed that the Council meeting on 9th December 2021 will consider the final version of the proposed revised policy. The timetable for the process is below:

21st July 2021

Draft amendments to be considered by the Committee of the Licensing Authority.

26th July 2021

Proposed amendments to the Policy issued for consultation.

5th September 2021

Closing date for consultation responses.

20th October 2021

Consultation results to be considered by the Committee of the Licensing Authority. Any appropriate amendments to be made and then recommend the revised Policy to the Council for adoption.

9th December 2021

Revised policy to be adopted by the Council.

3rd January 2022

Revised policy to take effect.

1.7 We have reviewed the current Statement of Principles (Gambling Policy) in light of experience in dealing with gambling premises and issues over the last three years, as well as considering the Gambling Commission guidance to Licensing Authorities. A copy of the draft revised Statement of Principle (Gambling Policy) is attached as Appendix A.

Proposed changes are identified below:

- A. The requirement to show that the premises is ready to be used for gambling prior to applying for a premises licence has been removed on the recommendation of the Gambling Commission as this was only ever guidance and they consider it no longer relevant.

- B. PART A (2) the list of the number of Gaming Machine authorisations has been updated with current figures for June 2021.
- C. PART B (16) remove the statement that the Authority is currently working towards producing a Local Area Profile to “this Authority has not produced a local area profile to date. However, this will remain under review”.

2.0 **OPTIONS**

- 2.1 The options for the Committee are limited as the process is legislative and dictated by the Gambling Act 2005. The Council has no discretion as to making the Statement of Principles, although there is some discretion as to the content of the statement.
- 2.2 The Committee of the Licensing Authority are asked to review the draft policy and agree for it to be issued for consultation.

3.0 **REASONS FOR RECOMMENDATION(S)**

- 3.1 To ensure that Breckland Council, acting as the Licensing Authority, can meet its statutory duties under the Gambling Act 2005.

4.0 **EXPECTED BENEFITS**

- 4.1 The expected benefit is having a transparent and up to date policy on gambling and enabling compliance with our statutory obligations under the Gambling Act 2005.

5.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

5.1 **Carbon Footprint / Environmental Issues**

- 5.1.1 The consultation document will be emailed to consultees where possible to reduce paper and printing. The document will also be available on the Council's website.

5.2 **Constitution & Legal**

- 5.2.1 It is a statutory requirement that the Licensing Authority produces a Statement of Principles that it proposes to apply in exercising its functions under the Gambling Act 2005 and that it reviews it every three years. If the Authority does not produce a revised policy within the statutory timescale, there is a risk that the Authority will not be in a position to process applications, leaving the Authority open to challenge.

5.3 **Corporate Priorities**

5.3.1 This Policy supports the corporate strategic vision – Breckland: a place where people and business thrive.

5.4 **Crime and Disorder**

5.4.1 Norfolk Constabulary are a consultee on this policy. There are criminal offences under the Gambling Act 2005 and so the policy will support businesses to comply with the law.

5.5 **Equality and Diversity / Human Rights**

5.5.1 The policy addresses how human rights are considered in respect of enforcement action and also addresses information sharing and Data Protection.

5.6 **Health & Wellbeing**

5.6.1 The policy addresses how children and vulnerable adults should be protected from gambling related harm including addiction and financial exploitation.

5.7 **Safeguarding**

5.7.1 The policy covers safeguarding of children and vulnerable adults in more detail.

5.8 **Stakeholders / Consultation / Timescales**

5.8.1 Full consultation will be carried out as detailed in this report and within the policy. Consultation will include responsible authorities and other parties listed in Appendix 2 of the Policy.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 The policy applies to all wards.

Background papers:- Gambling Commission Guidance for Licensing Authorities
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Lead Contact Officer

Name and Post: Josie Hoven – Licensing Team Leader
Telephone Number: 01362656870
Email: licensingteam@breckland.gov.uk

Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A Draft Gambling Policy (Statement of Principles) 2022