

## BRECKLAND DISTRICT COUNCIL

**Report of:** Gordon Bambridge – Executive Member for Environmental Services and Public Protection

**To:** Full Council – 20<sup>th</sup> January 2022

**Author:** Josie Hoven - Licensing Team Leader

**Subject:** Revised Gambling Policy (Statement of Principles)

**Purpose:** Consideration of the Council’s revised Gambling Policy (Statement of Principles) following consultation.

**Recommendation:** That in order for Breckland Council, as the Licensing Authority, to discharge its statutory duties under the Gambling Act 2005, Council approves and adopts the revised Gambling Policy (Statement of Principles).

### 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 functions during the three-year period to which it applies. 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 the required review process must be completed by the end of 2021 to enable publication in January 2022.
- 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 the conditions on these licences are upheld.
- 1.2 Following the agreement of the Committee of the Licensing Authority on 21<sup>st</sup> July 2021 the revised policy was opened for consultation from 26 July to 5 September 2021. The consultation was carried out in accordance with the Gambling Act 2005, using email where possible. The draft Statement of Principles (Gambling Act) was also placed on the Council’s website for the same period.
- 1.3 No responses to the consultation were received. The draft revised Statement of Principles (Gambling Act) is attached as Appendix A.
- 1.4 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 the Council must adopt the final document.
- 1.5 The Committee of the Licensing Authority at its meeting on 20<sup>th</sup> October 2021, agreed the revised Statement of Principles (Gambling Act) for recommendation to Full Council for approval and adoption.

### 2.0 OPTIONS

2.1 The options for the Council are limited as the process is legislative and dictated by the Gambling Act 2005. The Council has no discretion as to the making of the Statement of Principles, although there is some discretion as to the content of the statement.

2.2 Having regard to all the information provided the Members have the option to; -

- 1) Adopt the revised Statement of Principles (Gambling Act)
- 2) Agree amendments to the revised Gambling Act policy and adopt
- 3) Do nothing

### 3.0 REASONS FOR RECOMMENDATION(S)

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

### 4.0 EXPECTED BENEFITS

4.1 Statutory compliance.

### 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 Constitution & Legal

5.1.1 If the Authority (the Council) does not produce a revised Statement of Principles 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 by persons wishing to make such applications. Furthermore, the Authority will also have failed to comply with its legal obligation under the Gambling Act 2005 and could face challenge.

#### 5.2 Risk Management

5.2.1 As 5.1.1 above

#### 5.3 Safeguarding

5.3.1 The revised policy sets out how the Authority expects applicants to include safeguarding of children and the vulnerable under the Gambling Act 2005.

### 6.0 WARDS/COMMUNITIES AFFECTED

6.1 All wards

### 7.0 ACRONYMS

7.1 None

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**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Mandatory Service.**

**Appendices attached to this report: [\(list appendices below or delete\)](#)**

Appendix A Revised Statement of Principles (Gambling Act)