

**EXETER CITY COUNCIL
LICENSING COMMITTEE
27 NOVEMBER 2012**

**GAMBLING ACT 2005
NEW STATEMENT OF POLICY:
RESPONSES TO THE STATEMENT OF POLICY CONSULTATION**

1. PURPOSE OF THE REPORT

- 1.1 The Gambling Act 2005 (“the Act”) introduced significant changes to licensing law in England and Wales. This report refers to one of the fundamental requirements of the Act, the Statement of Policy.
- 1.2 The Statement of Policy sets out the principles that a licensing authority proposes to apply in exercising its functions under the Act and lasts for a maximum of three years after which time a new Statement of Policy must be produced. Exeter City Council’s current Statement of Policy lasts until 30 January 2013.
- 1.3 The new Statement of Policy has been subject to a three month consultation period, with the bodies and persons set out in the Act and others, commencing at the end of July 2012. The purpose of this report is to inform Members of any responses to the consultation and to recommend that the Council produces the new Statement of Policy for the three year period from 31 January 2013 to 30 January 2016.

2. BACKGROUND

- 2.1 At present, Exeter City Council licences the following under the Act:

2	Bingo premises
6	Adult Gaming Centres
14	Betting Premises
1	Unlicensed Family Entertainment Centre (Gaming machine permit)
1	Club Gaming Permit
18	Club Machine Permits
87	Notifications of 2 machines in licensed premises
20	Licensed premises Gaming Machine Permits
123	Small Society Lottery licences

There are no Casinos or track betting licensed in Exeter.

- 2.2 A copy of the new Statement of Policy consulted upon is attached at Appendix 1 for information.
- 2.3 A copy of the relevant section of the guidance published by the Gambling Commission is attached at Appendix 2. The full Gambling Commission guidance can be found at:
<http://www.gamblingcommission.gov.uk/pdf/GLA4%20September%202012.df>
- 2.4 In line with the resolution of the Licensing Committee dated 24 July 2012, the new Statement of Policy consulted upon is unchanged from the current Statement of Policy. There has not been any reason or need to amend the

Statement of Policy produced when the Gambling Act 2005 first came in to force.

- 2.5 The Council is required to give careful consideration as to whether the views of any consultees should be taken in to account and must give reasons for decisions taken following consultation. The list of persons to be consulted is deliberately wide and includes anyone who may be affected or otherwise have an interest in the new Statement of Policy; however, there have been no responses to the consultation undertaken in July 2012.

3. LEGAL IMPLICATIONS

- 3.1 The Statement of Policy can be reviewed or revised by the licensing authority at any time during its three year life. It is likely that this policy will be subject to a revision to reflect any changes in the 4th Edition of the Gambling Commission Guidance, published during the consultation period.
- 3.2 Not less than 4 weeks before it is to come in to effect, the new Statement of Policy must be published on the Council's internet website and must be made available for public inspection during the interim period at reasonable times in one or more public libraries in the district and/or premises situate in the district. Further, the date of coming into effect of the new Statement of Policy and details of where it may be inspected must be advertised.
- 3.3 There are a number of overarching statutory schemes designed to protect human rights and equalities and to reduce crime and disorder. The Statement of Policy takes in to account the relevant statutory regimes which are set out below. Additionally, these statutory regimes overarch any individual matters dealt with under the Act.

3.3.1 Human Rights Act 1998

The Secretary of State has certified that the Act is compatible with the European Convention on Human Rights. Local licensing authorities have a duty when applying any policy to consider whether in the light of relevant representations made to them, exceptions to the policies should be made in any particular case.

3.3.2 Equality Act 2010

Equality Act 2010 obliges local licensing authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity between the sexes and to foster good relations between the sexes. In considering the draft Gambling Policy, there was deemed to be no negative impact upon any of the target equality groups.

3.3.3 Crime and Disorder Act 1998

Crime and Disorder Act 1998 imposes a duty on local licensing authorities to exercise their functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that they reasonably can to prevent, crime and disorder, including anti-social and other behaviour adversely affecting the local environment, the misuse of drugs, alcohol and other

substances and also reoffending. The draft Gambling Policy was considered to support the prevention of crime, disorder and anti-social behaviour.

4. OPTIONS

In resolving to produce a new Statement of Policy the Licensing Committee must demonstrate regard to the following:

- Statement of Policy (attached in Appendix I);
- the Guidance issued by the Gambling Commission (attached in Appendix 2, with the latest guidance accessed through the link in paragraph 2.3);
- any views of consultees (no representations have been received).

5. TIMETABLE

The following timetable was formulated:

- July 2012 consultation period commenced;
- 26 October 2012 consultation period ended;
- 27 November 2012 – new Statement of Policy for approval by Licensing Committee, with recommendation to Full Council;
- 11 December 2012 – new Statement of Policy to Full Council for approval;
- 2 January 2013 – new Statement of Policy published on Council's internet website and deposited for inspection and notification advertised.

6. RECOMMENDATION

- 6.1 That the Committee determines whether to approve the new Statement of Policy and recommend its approval by Full Council in line with the timetable set out above.

Assistant Director Environment

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

None