

## **REPORT TO LICENSING COMMITTEE**

**Date of Hearing:** 29 MAY 2018

**Report of:** Environmental Health and Licensing Manager

**Type of Application:** Report outlining a proposal to introduce an updated Gambling Act 2005 Statement of Licensing Policy

**Ward Application Refers to:** ALL

**Applicant:** Not applicable.

**Premises Address:** Not Applicable

### **Is this a Key Decision?**

No

\* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

### **1. What is the report about?**

- 1.1 Exeter City Council's current Statement of Licensing policy was written in 2015 and came into effect in January 2016. There is a legal requirement to review such policy statements every three years. The current policy must be reviewed by 31 January 2019. The draft policy attached to this report has been updated to reflect changes in national guidance, and feedback from the Gambling Commission.
- 1.2 The purpose of this report is to inform Members of the draft policy that is proposed to be used as a consultation document on the introduction of an updated Gambling Act 2005 Statement of Licensing Policy.
- 1.3 This Policy will ensure that the Council carries out its Gambling Licensing responsibilities in a fair, equitable and consistent manner.
- 1.4 It will help ensure that the public, councillors and those engaged in Gambling Licensing activities understand what the law requires and how the Council will approach its enforcement duties.
- 1.5 The DRAFT form of words is attached as appendix 1.

### **2. BACKGROUND**

- 2.1 The Licensing Authority must determine and publish a statement of Licensing Policy for the Gambling Act. The Licensing Authority is under a duty to keep its policy under review and make such revisions as it considers appropriate during each three-year period.
- 2.2 Before determining such a policy, Section 349(3) of the Gambling Act 2005 places a statutory duty on the Authority to consult. Where revisions are made the authority must publish a statement of the revisions or the revised licensing statement.

- 2.3 In line with good practise it is proposed to conduct a widespread consultation with a number of prescribed bodies and interested parties.
- 2.4 The responses to the consultation will need to be brought back to a subsequent Licensing Committee for them to consider any amendments or variations that may have been suggested during the consultation.

### **3. OPTIONS**

- 3.1 The Committee are invited to indicate whether they support the recommendation to consult on the draft Licensing Policy.

### **4. TIMETABLE**

- Notification to interested parties 30<sup>th</sup> May 2018.
- 22<sup>nd</sup> August 2018 consultation period ends.
- 18<sup>th</sup> September 2018, statement of Licensing Policy for the Gambling Act (amended as necessary) to Licensing Committee with recommendation for approval to Full Council.
- 9th October 2018 statement of Licensing Policy for the Gambling Act to Executive Committee.
- 13<sup>th</sup> November 2018 Licensing Policy to Full Council for approval.

### **5. CONCLUSION**

- 5.1 It is proposed that the revised Policy draft document at appendix 1 will be used as a basis for consultation with Members of the Council, businesses, resident's representatives and others with an interest in the policy. It is further proposed that the draft policy be brought back to the Licensing Committee on 18<sup>th</sup> September 2018 to consider any representations that have been received, and to enable a recommendation for the adoption of the final (reviewed) Policy to be made to Full Council in November 2018.

### **6. RECOMMENDED**

- 1) That Members of the Committee give consideration to the draft document to be consulted upon as attached and either:
- a) Accept the request of the Environmental Health and Licensing Manager and authorise the consultation process as outlined above.
  - b) Reject the request submitted by the Environmental Health and Licensing Manager on the grounds that the draft policy requires amendment prior to the consultation period beginning.

## **Environmental Health and Licensing Manager**

### **Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:-**

None

APPENDIX 1: Draft Gambling Licensing Policy