

REPORT TO LICENSING COMMITTEE

Date of Meeting: 14 September 2021

Report of: Service Lead – Environmental Health and Community Safety

Title: Draft Statement of Gambling Policy 2021-2023

Is this a Key Decision?

No

Is this an Executive or Council Function?

The Licensing Committee has delegated powers to determine this matter.

1. What is the report about?

1.1 Exeter City Council's current Statement of Licensing policy was written in 2018 and came into effect in January 2019. There is a legal requirement to review such policy statements every three years. The current policy must be reviewed by 31 January 2022. 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 implemented. As only a small number of very minor amendments have been made to the previous policy, it is not proposed to undertake a public consultation in this instance, but the Draft Statement would be shared with the statutory consultees listed in Section 349 (3) of The Gambling Act 2005 with a view to getting their views on the draft policy. This Policy will ensure that the Council carries out its Gambling Licensing responsibilities in a fair, equitable and consistent manner.

1.3 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.

1.4 The draft form of words is attached as Appendix 1.

2. Recommendations:

2.1 That Members of the Committee give consideration to the draft document and accept the request of the Service Lead Environmental Health and Community Safety and approve the sharing of the draft policy with the statutory consultees as outlined above.

3. Reasons for the recommendation:

3.1 Exeter City Council's current Statement of Licensing policy was written in 2018 and came into effect in January 2019. There is a legal requirement to review such policy statements every three years. The current policy must be reviewed by 31 January 2022. The draft policy attached to this report has been updated to reflect changes in national guidance, and feedback from the Gambling Commission.

3.2 The Gambling Commission were contacted in April 2021 about the Policy update, and a review of the current national guidance and Gambling Commission publications was undertaken in June 2021, and concluded that our previous Statement of Gambling Policy remained substantively up to date with the current guidance. Accordingly only a small number of very minor amendments have been made to the previous policy (such as minor changes to update the Profile of Exeter section, and job title amendments), and as such no public consultation recommendation has been made in this instance, however the draft will be shared with the statutory consultees as stated above.

4. What are the resource implications including non financial resources?

4.1 The proposed changes to policy do not give rise to any additional resource implications or have any revenue impact.

4.2 Any future costs in relation to the production of the policy will be met by income from fees.

5. Section 151 Officer comments:

There are no financial implications for Council to consider

6. What are the legal aspects?

6.1 The Licensing Authority must determine and publish a statement of Licensing Policy under Section 349 (1) of the Gambling Act 2005 ('the Act'). The Licensing Authority is under a duty under Section 349 (2) of the Act to keep its policy under review and make such revisions as it considers appropriate during each three-year period.

6.2 Before determining such a policy, Section 349(3) of the Act places a statutory duty on the Licensing Authority to consult with the listed interested parties. Where revisions are made the Licensing Authority must publish a statement of the revisions or the revised licensing statement.

6.3 Any significant responses to the sharing of the draft policy with the statutory consultees which lead to amendment of the draft policy would therefore 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.

7. Monitoring Officer's comments:

On the basis that the Council has carried out the review of its statement of licensing principles in accordance with the Gambling Act 2005, this report raises no issues for the Monitoring Officer.

8. Report details:

8.1 This proposed policy sets out the general principles that the Council will follow in relation to the enforcement of gambling legislation.

8.2 The proposed policy and the conditions included represent guidance on details of the service provided and the general principles that the Council follows in relation to the enforcement of gambling legislation and the discretionary functions it undertakes.

8.3 The authority embraces the Department for Business Innovation and Skills' "Regulators Code." The authority embraces the principles of better regulation to promote efficient and effective approaches to regulatory activity without imposing unnecessary burdens on business. The Licensing Authority shall have regard to any plan agreed between a company and primary authority.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The proposed Statement of Licensing Policy will contribute to improvements in gambling regulation, help promote a healthy and safe city, and lend support to a robust, business friendly economy.

10. What risks are there and how can they be reduced?

10.1 There are risks that a poorly drafted policy that is neither proportionate nor reasonable, or is inadequately consulted upon, may give rise to legal challenge. These risks have been minimised by ensuring appropriate consultation with interested parties has taken place.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act.

12. Carbon Footprint (Environmental) Implications:

12.1 There are no direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

13.1 Members of the Committee may reject the proposed policy on the grounds that the policy requires amendment.

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

Background papers used in compiling this report:-

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APPENDIX 1: Draft Statement of Gambling Policy