

REPORT TO LICENSING COMMITTEE

Date of Meeting: 26 October 2021

REPORT TO EXECUTIVE COMMITTEE

Date of Meeting: 2 November 2021

REPORT TO COUNCIL

Date of Meeting: 14 December 2021

Report of: Director Net Zero and City Management.

Title: Draft Statement of Gambling Policy 2021-2023

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council.

1. What is the report about?

1.1 This report details the responses to the consultation undertaken into the proposed updated Gambling Act 2005 Statement of Licensing Policy which was presented to the committee at the meeting on 14th September 2021. A consultation with the interested parties, including those specifically listed in Section 349(3) of the Gambling Act 2005, has been undertaken between 20th September and 20th October 2021. The Licensing Committee is constituted with formulating new statements of licensing policy with the final policy going to Full Council for adoption.

2. Recommendations:

2.1 The Licensing Committee are requested to approve the updated Gambling Act 2005 Statement of Licensing Policy in order that it can be progressed through to full Council for adoption in January 2022.

2.2 That Executive supports the introduction of the updated Gambling Act 2005 Statement of Licensing Policy.

2.2 That Council formally adopts the updated Gambling Act 2005 Statement of Licensing Policy.

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 the gambling policy statement 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 Licensing Committee resolved on 14th September 2021 that a consultation with interested parties should begin on the proposed new policy. Following the Licensing Committee's decision, the Licensing Team undertook a consultation with a wide range of stakeholders who may have an interest in this policy, including existing licence holders, gambling support providers, and statutory consultees. The list of those contacted is attached as Appendix B

3.3 The authority received comments back in relation to the consultation exercise, which are reproduced in full in Appendix C.

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:

The report raises no issues for the Section 151 officer on the basis that the policy does not give rise to any additional resources or have any revenue implications.

6. What are the legal aspects?

6.1 In accordance with the provisions of the Gambling Act 2005, the Licensing Authority is required to prepare and publish a statement of licensing principles. The Licensing Authority is under a duty to keep its policy under review and make such revisions as it considers appropriate before each successive three-year period.

6.2 Before determining such a policy, Section 349(3) of the Gambling Act 2005 places a statutory duty on the Authority to consult with the listed interested parties. Where revisions are made the authority must publish a statement of the revisions or the revised licensing statement.

7. Monitoring Officer's comments:

7.1 Provided that the Licensing Authority has carried out the review of its statement of licensing principles in accordance with the provisions of 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.

Director Net Zero and City Management, David Bartram

Author: Simon Lane, Service Lead – Environmental Health and Community Safety

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

Background papers used in compiling this report:-

- Draft Statement of Licensing Policy
- Gambling Commission Guidance to Local Authorities 2021
- Gambling Commission Licence Conditions and Code of Practise 2020

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275