

Report to Licensing and Enforcement Committee:



Date of Meeting 21 July 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Gambling Act 2005 – To seek approval to consult on the draft Gambling Policy

Report summary:

Update the Committee and to seek approval to commence consultation on the draft policy

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Committee considers this draft Statement of Gambling Policy (attached as Appendix B) and gives approval for the Licensing Service to start the formal public consultation process that is required by the legislation

Reason for recommendation:

It is a legal requirement of the Act for the Council to determine a Gambling Policy in order to provide a framework for all licence applications. The Policy was last reviewed in 2018 and must be reviewed at least every three years. Therefore an amended Policy must be adopted by the 31 January 2022.

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Portfolio(s) (check which apply):

- Climate Action and Emergency response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Tourism, Sport, Leisure & Culture
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Low Impact

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

Climate change Low Impact

Risk: Low Risk; Click here to enter text on risk considerations relating to your report.

Links to background information [Statement of gambling policy 2019-2022 - East Devon](#)

Link to Council Plan:

Priorities (check which apply)

- Outstanding Place and Environment
 - Outstanding Homes and Communities
 - Outstanding Economic Growth, Productivity, and Prosperity
 - Outstanding Council and Council Services
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Report in full

Background and Proposed Draft Amendments to the Existing Policy

- 1.1 Under the Gambling Act 2005, it is the responsibility of the Council to develop and publish a Statement of Gambling Policy. The published Policy then provides the framework for all decisions on applications relating to the Gambling Act 2005 and the way the Authority carries out its functions in relation to the legislation. This Council adopted the current Policy on the 31 January 2019.
- 1.2 The Act requires that the Licensing Authority review its Gambling Policy every three years. The Council's present policy will expire on the 31 January 2022 and therefore the Authority is under a duty to have reviewed and published a fresh policy by that date.
- 1.3 Over the past three years the current policy has been kept under review by the Licensing Service. A small number of changes have been necessary to reflect current practices including recently updated Guidance to Licensing Authorities (GLA) issued by the Gambling Commission.
- 1.4 The adopted policy must set out the authority's general approach to licence applications and may only be determined following consultation. The revised policy now includes the additional updates:
 - Updated information for the Geographical & Local area data relevant to East Devon. Whilst not a requirement on a Licensing Authority, developing a 'Local Area Profile' (Part A. Sec.3) provides more local focus for statements of licensing policy and reflects good practice;
 - Updated declaration with the addition of adherence to the Human Rights Act (Sec 5),
 - The addition of links to the present Guidance to Local Authorities (Sec 6)
 - Inclusion of licensing activities not undertaken or the responsibility of Local Authorities (Sec 11.2).
 - Inclusion requirement to adhere to Safeguarding principles on application for changes in Betting Office premises (Part C. Sec 3.5).
 - General amendment to web links and contact details that have changed
- 1.5 It is proposed to circulate invitations widely to take part in the draft Policy consultation to include all Responsible Authorities, Council Members, the business community, Town and Parish Councils, the Community Safety Partnership and the Devon Primary Care Trust. A more comprehensive list appears at **Appendix A** and Section 4 of the draft Policy document. The Policy will also be published on the Licensing Service's dedicated web pages and web users will be invited to comment online.
- 1.6 The consultation and publication timetable for the Policy is:

- | | | |
|---|---|--|
| <input type="checkbox"/> 2 August 2021 | - | Revised policy circulated for consultation |
| <input type="checkbox"/> 1 October 2021 | - | Consultation period ends |
| <input type="checkbox"/> 17 November 2021 | - | Result of consultation reported to L & E Committee |
| <input type="checkbox"/> 1 December 2021 | - | Cabinet |
| <input type="checkbox"/> 8 December 2021 | - | Licensing Policy considered by full Council for adoption |

2 Conclusion

- 2.1 A copy of the draft Gambling Policy appears at **Appendix B**. The legislation requires that publication of the policy takes place by 31 January 2022.

Financial implications:

If the Policy is not properly adopted by the District Council the Authority will be liable to legal challenge which if successful could entail costs being awarded against the District Council.

Legal implications:

The legal implications are outlined within the report