

Report to: Licensing and Enforcement Committee



Date of Meeting 17 July 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Draft Statement of Gambling Policy 2025- 2028

Report summary:

The Licensing and Enforcement Committee is asked to consider a proposal to consult with Statutory Consultees, with a view to obtaining their views on a proposed amended Statement of Licensing Policy.

East Devon District Council's current Statement of Licensing policy was written in 2021 and came into effect in January 2022. There is a legal requirement to review such policy statements every three years. The current policy must be reviewed by 31 January 2025. The draft policy attached to this report has been reviewed and updated to reflect changes in national guidance, and feedback from the Gambling Commission, but a further, more in depth review of the Policy is proposed to be undertaken once the Gambling Commission has completed updating its guidance to Local Authorities.

This Policy will ensure that the Council carries out its Gambling Licensing responsibilities in a fair, equitable and consistent manner.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Committee give consideration to the draft Policy document, and accept the request of the Licensing Manager to approve the sharing of the draft policy with the statutory consultees as outlined above.

That the draft Policy document be returned to the Licensing and Enforcement Committee for further consideration following consultation with the statutory consultees.

Reason for recommendation:

East Devon District Council's current Statement of Licensing policy was written in 2021 and came into effect in January 2022. There is a legal requirement to review such policy statements every three years. The current policy must be reviewed by 31 January 2025. The draft policy attached to this report has been updated to reflect changes in national guidance, and feedback from the Gambling Commission to date, but more substantive changes to the Guidance to Local Authorities are expected from the Gambling Commission in the near future, and it is anticipated that this will require a more substantive review of the Policy outside of the standard 3-year review window for the gambling Statement of Licensing policy.

Officer: Phillippa Norsworthy, Licensing Manager, licensing@eastdevon.gov.uk

Portfolio(s) (check which apply):

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

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; [Click here to enter text on risk considerations relating to your report.](#)

Links to background information N/A

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

APPENDICES

APPENDIX A – Draft Gambling Act 2005 Statement of Licensing Policy

APPENDIX B – Proposed Consultee List

Report in full

1 Background

1.1.1 Over the Summer of 2023, the Gambling Commission and HM Government launched a series of public consultations on a significant number of proposed amendments to gambling regulation across the UK. The Licensing Committee directed Officers to draft responses to the consultations and approved the responses put forward. Several of the proposed amendments addressed by the public consultations have the potential to significantly impact on Local Authority gambling regulation, but the Gambling Commission have confirmed that it is still considering the responses received and will not be in a position to amend Statutory Guidance to Local Authorities prior to the deadline for review of the Statement of Gambling Policy. The Gambling Commission have publicised this position as follows:

1.2.1 'As required by the Gambling Act 2005 each Licensing Authority is required to renew their Statement every 3 years. The renewal date in this current cycle is January 2025. The Commission is advising that you should make plans as to how to conduct this renewal process.

Given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement.

Whilst it is a matter for local determination, we suggest that the Statement is refreshed in line with the requirements of the Act so as to be enforceable from January 2025.

Thereafter we will publish a revised GLA which you can include in a refreshed Statement. You are permitted to revise your Statement within the 3-year timescale.' (Source: Institute of Licensing News 15/04/2024).

- 1.2.2 The above approach was recommended by Officers to the Licensing and Enforcement Committee on 8th May 2024. A review of the Statement of Licensing Policy was therefore undertaken in July 2024 and a number of minor amendments proposed pending a more substantive review in the near future further to the publishing of updated Gambling Commission guidance.
- 1.2.3 Given the minor nature of the proposed policy amendments at the present time, it is recommended that draft policy is shared with the statutory consultees for comment (as required by Section 349 (3) of The Gambling Act 2005) but is not subject to a public consultation.
- 1.2.4 The current review of the Statement of Licensing Policy and proposed consultation with statutory consultees will maintain East Devon District Council's compliance with the Gambling Act 2005 requirement to review the Statement of Licensing every three years, whilst leaving scope for further review at such time as the amended guidance from the Gambling Commission is available.

2 Legal

- 2.1.1 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.
- 2.1.2 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.
- 2.1.3 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 and Enforcement Committee for them to consider any amendments or variations that may have been suggested during the consultation.

3. Proposed Timeline

- 3.1 Proposed timeline for implementation of amended statement of Licensing Policy:
 - 17th July: Licensing and Enforcement Committee report requesting approval to consult on draft policy;
 - 13th November: Return to Licensing and Enforcement Committee to discuss any consultation comments received and recommend moving amended policy to Full Council for approval;
 - 4th December: Full Council;
 - 31st January 2025: proposed amended policy comes into effect;

Financial implications:

“Consultation costs and officer time will be met in full from Gambling Act 2005 applications and renewal fees income.

Legal implications:

“The legal implications are set out within the report and require no further comment”