

Agenda Item 6

Licensing & Enforcement Committee

29 September 2009

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Gambling Act 2005 – Tri-annual Review of the Council's Licensing Policy

Summary

An explanation to Members of the Licensing and Enforcement Committee on the consultation process and timescales for the tri-annual review of the Council's Gambling Act.

Recommendation

That the Committee note the report

a) Reasons for Recommendation

To brief Members on the consultation process and timescales for the tri-annual review of the Council's Gambling Act 2005.

b) Alternative Options

None

c) Risk Considerations

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

d) Policy and Budgetary Considerations

None

e) Date for Review of Decision

N/A

1 Main Body of the Report

- 1.1 Under the Gambling Act 2005, it is the responsibility of the Council to develop and publish a Statement of Licensing Policy. The published Policy then provides the framework for all decisions on applications relating to the Licensing Act 2003 and the way the Authority carries out its functions in relation to the legislation.
- 1.2 Licensing authorities are also required to review their policy at least every three years. The Council's current Policy was adopted by Council on the 6 December 2006 and will expire on the 31 January 2010.

- 1.3 The Licensing Manager in consultation with licensing colleagues within other Devon Authorities has prepared a new draft policy based on the Council's current policy and the template policy published by the Gambling Commission. Our current policy has been updated to remove information relating to transitional matters, and to include relevant changes in legislation. Also included are proposed statements of principles to be applied to unlicensed family entertainment centres and prize gaming permits. A copy of the draft policy is attached to this report at **Appendix A**. A summary of main changes is also attached as **Appendix B**. There is also a colour version of the draft policy on the Policy Consultation page within the licensing pages of the Council's website. That version shows in colour the various additions and deletions made to the draft.
- 1.3 In August the Licensing Service started the consultation process by giving all stakeholders, interested parties and the public in general the opportunity to have their say on the content of the draft. The public consultation will close on Monday 26 October 2009.
- 1.4 The Communities Overview Committee will be given the opportunity to comment on the Policy at their meeting on the 28 October 2009.
- 1.5 The results of this consultation exercise will be brought for consideration to this Committee at its next meeting on the 24 November 2009. The final version of the draft Policy will then go before full Council for approval on the 9 December 2009.

Legal Implications

The legal implications are set out within the report

Financial Implications

There are no financial implications in this review.

Appendices

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|--------------------------|---------------------------------------|------------|
| <input type="checkbox"/> | Revised Draft Policy for consultation | Appendix A |
| <input type="checkbox"/> | Summary of Main Changes Sheet | Appendix B |

Background Papers

- Gambling Act 2005
- Guidance issued by the Gambling Commission under the Gambling Act 2005
- East Devon District Council's Draft Policy Statement under the Gambling Act 2005 issued for consultation in August 2009
- Gambling Commissions Policy Template

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