

**LICENSING COMMITTEE
3 DECEMBER 2021**

FOURTH REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

Cabinet Member(s): Cllr Dennis Knowles
Responsible Officer: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Reason for Report and Recommendation: Mid Devon District Council is required to set out and formally adopt a Statement of Principles advising how it will carry out its duties under the Gambling Act 2005. That statement has to be reviewed every three years and this is its fourth review.

The reason for the recommendation is to ensure the updated Statement of Principles is formally adopted allowing for delivery against these statutory duties.

Recommendation: That the Licensing Committee recommend to Council that the updated Statement of Principles as contained in Annex 1 of this report is adopted and will have effect from 31 January 2022.

Financial Implications: None that are not contained within existing resources.

Budget and Policy Framework: No budget implications. With respect to policy, the updated Statement is attached with the proposed changes tracked. More information on the proposed changes is set out within the report and these are relatively minor in nature.

Legal Implications: The Council is required to adopt a Statement of Principles as set out. Section 349 of the Gambling Act 2005 requires that the licensing authority consult the Chief Officer of Police; one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act. Details of this consultation are set out within the report.

Risk Assessment: If the Statement of Principles is not properly adopted it could be subject to legal challenge. As such this would be a failure of the Council's statutory duty as the Licensing Authority in respect of the licensing duties set out in the Gambling Act 2005. The result would be a failure to appropriately licence and regulate relevant gambling establishments and activities and ensure the key Licensing Objectives as set out in section 1.4 of the report are met.

Equality Impact Assessment: An EIA has not been undertaken for this report. The Statement of Principles set out herein is determined purely by the provisions of the legislation within the context of the statutory consultation as set out and do not discriminate against any relevant persons with protected characteristics. Nonetheless, the Statement seeks to protect vulnerable persons and uphold key Licensing Objectives as set out below.

Relationship to Corporate Plan: This report and the annexes attached link directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community within the Corporate Plan.

Impact on Climate Change: None directly arising from the report or the proposed updated Statement of Principles.

1.0 Introduction

1.1 The Gambling Act 2005 (“the Act”) came into force on 1 September 2007 and consolidated regulation of casinos, bingo, gaming machines, lotteries, betting and remote gambling into the single Act for the purposes of regulation.

1.2 The Act also created a new unified industry regulator, the Gambling Commission, which has responsibility for advising both central and local government on issues relating to gambling.

1.3 The Council has responsibilities under the Act as the designated Licensing Authority for the Mid Devon area to issue premises licences, permits and notices in respect of premises where it is proposed that gambling take place. The Council is also responsible for the registration of Small Society Lotteries.

1.4 The Act contains three key objectives, which are set out in section 1 of the Act:

- Preventing gambling from being a source of crime or disorder, associated with crime or disorder, or be used to support crime;
- Ensuring gambling is conducted in a fair and open way;
- Protecting children and other vulnerable people from being harmed or exploited by gambling.

1.5 Section 349 of the Act requires all licensing authorities to prepare and publish a Statement of Principles that they intend to apply in exercising their functions under the Act. The Statement of Principles will last a maximum of three years.

1.6 The current Statement of Principles for Mid Devon was formally adopted on 4 December 2015 and the third, most recent update of this came into force on 30 January 2019 following approval by Council. It is therefore due to be reviewed.

2.0 Revised Statement of Principles

2.1 The Act requires that the Statement of Principles be reviewed on a three yearly basis. The proposed Statement of Principles that was consulted upon is attached as Annex 1.

2.2 As with previous versions, the new Statement of Principles has been written in pursuant to the provisions of the Gambling Act and also takes account of the

Guidance issued under Section 25 of the Act by the Gambling Commission. This Guidance provides a clear steer on what Statements of Principles should look to cover.

Amendments to the Statement of Principles

2.3 There are no suggested amendments to the core principles within the document setting out how the Council has regard to the licensing objectives of the Gambling Act. There have been minor wording and structural changes to aid the flow of the document and to clarify issues. A general overview of the main changes is given below.

- Change reference to 'licensing authority' or 'authority' to 'Licensing Authority' to reflect the formal role of the Council under the legislation
- For clarity, amend 'Council' to 'Mid Devon District Council'
- Update date of coming into force to 31 January 2022
- Insert consultation dates – this includes that of the statutory consultation set out below and will also include the date of this Licensing Committee in the final, published version following adoption
- Update number of relevant current licensing activities and premises in the Council area
- Revised or updated web links where relevant
- Remove any reference to 'Policy' and replace with 'Statement of Principles' for clarity
- Updated references to different categorisation of gaming machines following changes in legislation

2.4 Members will see that changes have been tracked so new additions are in blue and deletions are crossed through in red.

2.5 The updated Statement of Principles has also been reviewed against the current Gambling Commission 2018 Guidance to Licensing Authorities in England & Wales (minor amendment version September 2021 - see background papers).

3.0 Statutory consultation

3.1 Section 349 of the Act requires that licensing authorities consult with:

- The Chief Officer of Police
- Representatives of gambling businesses
- Representatives of people who, in the opinion of the authority, are likely to be affected by the exercise of the function.

3.2 The consultation took place for a period of six-weeks between 15 September and 27 October 2021.

3.3 This was a targeted but extensive consultation whereby the draft, amended Statement of Principles was published on the Council's website and specific letters/emails were sent to:

- Association of British Bookmakers
- British Amusement and Catering Trade Association
- British Beer and Pub Association
- Citizens' Advice Bureau
- Community Safety Partnership
- Churches Housing Action Team
- Devon & Cornwall Constabulary (Licensing Lead as the appointed representative of the Chief Constable/Chief Officer)
- Devon County Council – Local Safeguarding Children's Board
- Devon County Council – Social Services / Education Department
- Devon and Somerset Fire and Rescue Service
- Existing MDDC licence holders / representatives
- Federation for Small Business (Mid Devon)
- Gamblers Anonymous
- Gambling Commission
- GamCare (a body that helps people with gambling problems)
- Mencap
- NSPCC
- Planning and Public Health (Mid Devon District Council-)
- Primary Care Trust
- Town and Parish Councils

3.4 We received no responses. Confirmation of receipt and with no suggested amendments was received from several organisations and individuals including the Gambling Commission.

3.5 The draft, amended consultation version of the Statement of Principles setting out the proposed changes is attached as Annex 1. Consequently, this is the proposed, final fourth version of the Statement of Principles for adoption as no further changes or amendments were required following consultation.

4.0 Recommendation

4.1 That the Licensing Committee recommend to Council that the updated Statement of Principles as contained in Annex 1 of this report is adopted and will have effect from 31 January 2022.

4.2 The Act and associated regulations sets out a formal timescale and publication requirement for the correct adoption of any Statement of Principles. Details of compliance with these requirements is set out below, subject to formal adoption of the Statement by Council.

5.0 Notice of Publication and timescale

5.1 The Council, as the Licensing Authority for the gambling function, is required to publish the adopted Statement of Principles no later than four weeks before the day on which it comes into effect. The Statement will take effect on 31 January 2022 and a draft copy of the Notice of Publication is attached as

Annex 2. It will be published on the Council's website, on the notice board of Phoenix House and also in the public libraries of Cullompton and Crediton. It is proposed that it will be published in December following the 15 December 2021 Council meeting, thus fulfilling our statutory requirements.

Contact for more Information: Vicky Limb, Specialist Lead - Licensing (secondment) vlimb@middevon.gov.uk or Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing snewcombe@middevon.gov.uk.

Circulation of the Report:

Cabinet Member for Community Well Being (Cllr Dennis Knowles)
Members of the Licensing Committee
All Leadership Team
All Corporate Management Team
All Operations Managers
Legal Services

List of Background Papers:

Gambling Act 2005
<https://www.legislation.gov.uk/ukpga/2005/19/contents>

Gambling Commission guidance on Statement of Principles for Licensing Authorities
<https://www.gamblingcommission.gov.uk/authorities/page/statement-of-principles-for-licensing-authorities>

Annex 1 - Updated Statement of Principles (proposed for adoption following consultation)

Annex 2 - Draft copy of the Notice of Publication