



- 1.3 The Council has responsibilities under the Act 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 is based on three key principles, which are set out in section 1 of the Act:
- Gambling should not be a source of crime or disorder, associated with crime or disorder or be used to support crime;
  - Gambling should be conducted in a fair and open way;
  - Children and other vulnerable people should be protected 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 (SoP) that they intend to apply in exercising their functions under the Act. The SoP will last a maximum of three years.
- 1.6 This report sets out the reason for their being only minor changes to the SoP at this time, the responses received during the consultation and the recommendation that the proposed statement be adopted.

## **2 Proposed statement of principles**

- 2.1 The Gambling Commission set out the overall direction for gambling regulation at a national level and licensing authorities then lead locally.
- 2.2 With this in mind, it is important to note that under section 25 of the Act, the Gambling Commission issue guidance to licensing authorities about the manner in which they exercise their functions under the Act and the principles to be applied. This is therefore important guidance and it was most recently published in April 2021.
- 2.3 As per the report presented to the Licensing Committee on 28 June 2024, the Gambling Commission is expected to issue revised guidance in 2025. The review of the SoP cannot be delayed until then due to its three year cycle and as a result, the Licensing Team are proposing minimal changes at this time.
- 2.4 Although the SoP can last for three years, we are permitted to review it again within this period and we intend to carry out another, more thorough review of the SoP once the updated guidance has been issued.
- 2.5 The proposed SoP is attached as Annex A.

## **3 Consultation**

- 3.1 The consultation started on 12 July 2024 and ended on 23 August 2024.
- 3.2 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.

3.3 The consultation was published on the 'Let's Talk Mid Devon' platform via the Council's website and specific letters / emails were sent to:

- All Councillors
- Association of British Bookmakers
- British Amusement and Catering Trade Association
- British Beer and Pub Association
- Citizens' Advice Bureau
- Community Safety Partnership (East and Mid Devon)
- Churches Housing Action Team
- Devon & Cornwall Police
- Devon County Council - Director of Public Health
- Devon County Council - Local Safeguarding Children's Board
- Devon County Council - Social Services / Education Department
- Devon and Somerset Fire and Rescue Service
- Mid Devon District Council Environmental Health (Public Health)
- Certain existing licence holders / representatives
- Federation for Small Business (Mid Devon)
- Gamblers Anonymous
- Gambling Commission
- GamCare
- HMRC
- Mencap
- NSPCC
- Planning (MDDC)
- Town and Parish Councils

3.4 The Council received five responses to the consultation. Two of these responses raised some issues that are beyond the scope of the review carried

out by the Licensing Team at this time. These were from Devon County Council (Annex B) and GamCare (Annex C).

- 3.5 The Licensing Team plan to consider these broader, more extensive suggestions when we next review the SoP, following the publication of the Gambling Commission's updated guidance.
- 3.6 These responses are attached to this report in full and to be clear, these comments will not need to be made by parties again during the next review – they will be considered before the next consultation period so any proposed changes that result can be commented on by interested parties.
- 3.7 The table of responses attached as Annex D summarises all responses to the consultation and also contains an officer comment / recommendation in light of the information provided.

#### **4 Recommendation and next steps**

- 4.1 In accordance with the above, that the Licensing Committee recommend to Full Council the adoption of the revised Gambling Act 2005 SoP as attached in Annex B. This recommendation could be presented to Full Council on 30 October 2024 and revised SoP come into effect from 31 January 2025.
- 4.2 The Council is required to publish the adopted SoP no later than four weeks before the day on which it comes into effect. The SoP will take effect on 31 January 2025 and 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, thus fulfilling our statutory requirements.

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

**Legal Implications:** The Council is required to adopt a SoP.

**Risk Assessment:** If the SoP is not properly adopted it could be subject to legal challenge.

**Impact on Climate Change:** There is no direct impact on climate change as a result of this report.

**Equalities Impact Assessment:** No equality issues identified for this report.

**Relationship to Corporate Plan** This report links 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, People and Equalities within the Corporate Plan 2024-28 and in particular objective 2.3 to support the health, wellbeing and safety of our residents.

## **Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Stephen Walford  
Agreed by or on behalf of the Section 151  
**Date:** 17.9.24

**Statutory Officer:** Maria de Leburne  
Agreed on behalf of the Monitoring Officer  
**Date:** 17.9.24

**Chief Officer:** Simon Newcombe  
Agreed by or on behalf of the Chief Executive/Corporate Director  
**Date:** 12 September 2024

**Performance and risk:** Steve Carr  
Agreed on behalf of the Corporate Performance & Improvement Manager  
**Date:** 13 September 2024

**Cabinet member notified:** Yes

### **Contact for more Information:**

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### **Background Papers:**

- Gambling Act 2005 - <https://www.legislation.gov.uk/ukpga/2005/19/contents>
- Gambling Commission guidance to licensing authorities - <https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>
- MDDC current SoP - <https://www.middevon.gov.uk/business/licensing/licensing-policies/>