

Report to: Licensing and Enforcement Committee



Date of Meeting 13 November 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:

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.

At the meeting of 17th July 2024, a statutory consultation on the draft Statement of Licensing policy 2025-2028 was approved, and this report summarises the responses to that consultation.

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 Licensing and Enforcement Committee recommends to Council that the draft Statement of Licensing policy 2025-2028, as amended, is adopted at the meeting on 4th December 2024.

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.

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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 –Gambling Act 2005 Statement of Licensing Policy

APPENDIX B – Public Health Devon Consultation Response

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 and a draft policy incorporating minor amendments only, was put before the Licensing and Enforcement Committee on 17th July 2024 and approved for consultation with statutory consultees (as required by Section 349 (3) of The Gambling Act 2005).

1.2.3 This report summarises the responses received from that statutory consultation process.

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. Consultation Responses

3.1 Notice of the consultation was sent to some 31 statutory consultees and interested parties comprising the following:

- ☐ Environmental Health Authority for the district
- ☐ Devon and Cornwall Police
- ☐ Devon County Council Children and Young Peoples Services
- ☐ Devon and Somerset Fire and Rescue Service
- ☐ East and Mid Devon Community Safety Partnership
- ☐ Planning Authority for the district
- ☐ Gamblers Anonymous
- ☐ Gambling Commission
- ☐ Gamcare
- ☐ HM Commissioners of Custom and Excise

❑ Representatives & Association of British Bookmakers

3.2 The consultation was undertaken between 30th July and 1st October 2024 and during that period the Licensing Team received two responses.

3.3 Only one of the two responses was substantive, that being the response from Public Health Devon which is attached in full at Appendix B. The response provides useful information to note in relation to the terminology used around gambling, at risk groups, and useful signposts for gambling related harm support services and mental health support services. Officers have carefully considered the response from Public Health Devon and have concluded that the draft Statement of Licensing policy sufficiently covers the elements raised in the consultation response, but will look to include a dedicated section in the policy signposting support services in the next policy revision in 2025.

3.4 The other response received was from Environmental Health who confirmed that they had no comments to make in relation to the consultation.

4. Proposed Timeline

4.1 Proposed timeline for implementation of amended statement of Licensing Policy:

- 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 statutory framework is set out within the report and requires no further comment”