

# LICENSING AND REGISTRATION COMMITTEE

14 OCTOBER 2021

## REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY)

### A.2 REVIEW OF THE COUNCIL'S DRAFT STATEMENT OF GAMBLING POLICY FOR PUBLIC CONSULTATION

[Report prepared by Michael Cook]

#### PART 1 – KEY INFORMATION

##### **PURPOSE OF THE REPORT**

To request that the Committee review and agree the draft revision of the Council's Statement of Gambling Policy which will run for three years from the 31 January 2022 following public consultation, consideration by Cabinet and adoption by the Full Council.

##### **EXECUTIVE SUMMARY**

The Council is required to review and renew its Statement of Gambling Policy every three years in accordance with the Gambling Act 2005. The review and renewal of the policy is subject to public consultation and must be adopted by Full Council on recommendation from the Licensing and Registration Committee and Cabinet.

The Review was last undertaken 3 years ago and no significant issues have arose through use of the Policy since this time. The proposed changes are considered minor however, internal consultation will be undertaken with the Council's Corporate Enforcement Group through this process.

##### **RECOMMENDATION(S)**

**It is recommended that:-**

- a) **the draft revisions made to the Council's Statement of Gambling Policy be agreed for consultation purposes;**
- b) **the programme and timetable for public consultation, review, approval, publication and implementation of the revised Gambling Policy be as shown in the body of this report, subject to the responses received; and**
- c) **it is noted that the Council's Corporate Enforcement Group will form part of the consultation process.**

#### PART 2 – IMPLICATIONS OF THE DECISION

##### **DELIVERING PRIORITIES**

###### **Our Prosperity**

- Build a thriving local tourism industry
- Promote sustainable economic growth

###### **Our People**

- Remain a low crime area and reduce the fear of crime

## **Our Place**

- Regenerate the District and improve deprived areas

The Betting and Gaming industry in our District provides significant direct and indirect employment, skills and training for local people and particularly in our family friendly and family orientated seaside resort areas of Clacton, Dovercourt and Walton-on-the-Naze, it also provides welcome leisure attractions for visitors to our District.

## **FINANCE, OTHER RESOURCES AND RISK**

### **Finance and other resources**

The cost of administration in terms of production, consultation and publication of the Council's Statement of Gambling Policy is met within current service budget and gambling licence and permit fee income.

### **Risk**

The Council's reviewed and revised Gambling Policy must be adopted, published and in place by the 31 January 2022. Failure to comply or meet with this deadline would mean that the Council could not lawfully accept or process Gambling Act 2005 applications after that date which would have a significant negative impact on the Council being able to recover its reasonable costs in relation to operating its licensing service for this function.

Such a scenario could see the Council open to complaint and judicial challenge through the Courts, particularly from applicants who may suffer loss of income and reputation as a result of the Council being unable to process applications submitted under the Gambling Act 2005.

## **LEGAL**

The Council is required to review its Statement of Gambling Policy every three years in accordance with Section 349 of the Gambling Act 2005 and to widely consult on that review with responsible authorities and other interested parties. The Council has to have its Gambling Policy agreed, published and in place by the 31 January 2022. Failure to meet this deadline would mean that the Council would be ultra vires in respect of gambling applications submitted after that date.

## **OTHER IMPLICATIONS**

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.

### **CRIME AND DISORDER**

'Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime' is one of the three licensing objectives of the Gambling Act 2005. The Council's Statement of Gambling Policy has been prepared in order to pro-actively support and promote the prevention of crime and disorder in the betting and gaming industry in our District.

### **EQUALITY AND DIVERSITY**

The proposed draft policy will be subject to open public consultation with a diverse body of community and faith groups as well as individual businesses, schools and voluntary groups and the Safeguarding Children's Service. It will also be available to comment on through the Council's web site and the policy itself has been drafted to ensure that all applicants and licence and permit holders under the Gambling Act 2005 in our District will be treated equally and in a transparent and fair way.

## **AREA/WARDS AFFECTED**

All

## **CONSULTATION/PUBLIC ENGAGEMENT**

It is recommended that public consultation be over a minimum of a four-week period. The consultation itself will encompass and engage a diverse range of consultees such as faith groups, local schools, Children's Safeguarding Service, voluntary groups, premises licence holders, business representatives, betting and gaming representatives and organisations that work with problem gamblers like Gamblers Anonymous to seek a wide variety of comment and views on the draft policy. The policy will also be available to view, download and comment on through the Council's web site.

## **PART 3 – SUPPORTING INFORMATION**

### **BACKGROUND**

Section 349 of the Gambling Act 2005 53 prescribes that:-

- (1) A licensing authority shall before each successive period of three years—
  - (a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
  - (b) publish the statement.
- (2) A licensing authority shall—
  - (a) review their statement under this section from time to time,
  - (b) if they think it necessary in the light of a review, revise the statement, and
  - (c) publish any revision before giving it effect.
- (3) In preparing a statement or revision under this section a licensing authority shall consult—
  - (a) either—
    - (i) in England and Wales, the chief officer of police for the authority's area, or
    - (ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area,
  - (b) 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
  - (c) 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 this Act.

The Gambling Act 2005 places a statutory responsibility on all Local Authorities to be responsible for the issuing of various permissions, permits and notices relating to the use of premises for gambling activities:-

- a) Consideration of applications for premises licences for:
  - Casinos
  - Bingo premises
  - Betting premises and Race tracks
  - Adult gaming centres
  - Family entertainment centres

- b) Consideration of applications for permits for:
  - Gaming machines in alcohol-licensed premises, such as pubs
  - Gaming machines for members clubs
  - Gaming in members clubs
  - Unlicensed family entertainments centres (category D machines only – i.e. those that have the lowest level of stakes and prizes)
  - Prize gaming
- c) Temporary use notices
- d) Occasional use notices
- e) Provisional Statements
- f) Registration of small society lotteries

Each Authority is legally required to formulate its own Gambling Licensing Policy Statement which must be reviewed and re-published every three years.

The policy must be based on the three licensing objectives, which are;

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

The Council's current Statement of Gambling Policy has been in place and in force since the 31 January 2019. This proposed draft and review of the policy will be the fifth that has taken place since the first policy was adopted in 2006.

The framework of this policy was originally initiated and designed by the Essex Licensing Officers Forum so that applicants and existing businesses in the betting and gaming industry that have outlets across Essex would have a template to recognise and work with across a wide range of different Local Authorities in Essex. It also ensured a framework of generic best practice amongst all Essex Authorities and ensured that any necessary regulatory requirements did not unnecessarily burden businesses who have applications to make for licensed outlets across Essex such as chain of betting shops for example.

This has also enabled the development of a robust and practical policy through partnership for how the Gambling Act 2005 will be administered and compliance is managed for applicants and licence and permit holders alike.

The policy framework has then been augmented by local requirements and local strategy since 2006 to reflect the Authority's own area as influenced by public consultation and Tendring District Council's Licensing Committee Members.

## **CURRENT POSITION**

The Licensing and Registration Committee are asked to review and agree the proposed draft of the Council's Statement of Gambling Policy so that it can go out to full public consultation.

Following public consultation the draft policy will be brought back before the Licensing and

Registration Committee to consider any responses received and to consider if they wish to make any final amendments to the draft as a result of the consultation before recommending the Policy for adoption. The Committee will then be asked to recommend the policy to Cabinet for adoption by Full Council for publication.

The re-published policy will then set out the principles that the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications for licences made under the Act for the subsequent three years from the 31 January 2019 and how it will expect compliance with the policy to be met by applicants, licence and permit holders and also how compliance will be managed by the Licensing Authority.

The draft has been amended so that it is in line with current legislation and Gambling Commission guidance to Local Authorities. The changes themselves are administrative in nature and do not alter in any significant or substantial way the Council's overall policy to how it will administer applications and compliance under the Gambling Act 2005.

The timetable shown below is therefore suggested to the Committee

<b>Signpost</b>	<b>Outcome</b>
Licensing & Registration Committee 14 October 2021	Committee review and agree proposed draft of Gambling policy and agree it goes out to public consultation.
Licensing & Registration Committee TBC	Committee review outcome of consultation and agree final content of policy and recommend the policy to Cabinet.
Cabinet Members	Cabinet recommends the Policy to Full Council for adoption.
Full Council - TBC	Full Council considers the recommendation to adopt the revised policy
Policy to be published on Council's web site by 28 January 2022	Policy published on website
Public Notice of adoption to be published in local newspaper by 28 January 2022	Public Notice published in newspaper
Commencement of new three year policy from 31 January 2022	Policy runs from 2022 to 2025 (with any future administrative amendments as required by legislation or gambling commission guidance).

#### **BACKGROUND PAPERS FOR THE DECISION**

None

#### **APPENDICES**

**APPENDIX - Draft Gambling Policy**