

LICENSING AND REGISTRATION COMMITTEE

17 JANUARY 2022

REPORT OF ASSISTANT DIRECTOR, PARTNERSHIPS

A.3 Review of the Council's Draft Statement of Gambling Policy after Public Consultation

[Report prepared by Michael Cook]

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

For the Committee to consider the responses received from the public consultation that has taken place for the review of the Council's Statement of Gambling Policy and amend its draft policy in light of any responses received before agreeing a final policy to put forward for 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 Licensing and Registration Committee at its meeting of the 14 October 2021 agreed a revised draft policy to be offered for public consultation and is now asked to consider responses received and agree a final policy and recommend its adoption to Full Council.

RECOMMENDATION(S)

It is recommended that the Licensing and Registration Committee:

- a) Notes the outcome of the public consultation;
- b) agrees the final draft Statement of Gambling Policy set out in Appendix A to this report incorporating minor amendments thought necessary after consideration of the consultation responses received; and
- c) agrees that the final draft Statement of Gambling Policy be considered at the next available Cabinet meeting for recommendation onto Full Council for adoption.

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. Failure to do so could mean that the Council is not able to accept or process any applications for gambling premises or gaming permits submitted until a new policy is in place.

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.

Schedule 3 of the Local Authorities (Functions And Responsibilities) (England) Regulations 2000 (as amended) describes the functions of formulating or preparing a plan or strategy as referred to within Regulation 4(1) that are not to be the sole responsibility of an Authority's Executive. This includes a Licensing Authority Policy Statement under section 349 of the 2005 Act. Consequently, any recommendation onto Full Council should be endorsed and approved by the Cabinet.

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

The revised draft policy agreed by the Committee at their meeting of the 14 October 2021 was open to public consultation and scrutiny for a period of four weeks from 18 October 2021 to the 15 November 2021. The consultation encompassed and engaged a large and diverse range of consultees such as the Council's Corporate Enforcement Group, faith groups, local schools, Children's Safeguarding Service, voluntary groups, premises licence holders, business representatives, betting and gaming representatives and organisations that work with gambling addictions like Gambling Anonymous and GamCare to seek a wide variety of comments and views on the revised draft policy. The policy was also made 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 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.

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 and Registration Committee Members.

CURRENT POSITION

The Licensing and Registration Committee are asked to review and agree the proposed revised draft of the Council's Statement of Gambling Policy as attached to **Appendix A** to this report following its public consultation and take into consideration the responses and specific points received to that consultation where Members may consider it to be appropriate to do so.

There were two letters received in response to the consultation which were from TCVS and Gosschalks Solicitors. These responses are attached in full to this report as **Appendix B**.

These amendments have provisionally been incorporated into the proposed final draft of the policy subject to the agreement of the Licensing and Registration Committee, these are highlighted in yellow.

The Licensing and Registration Committee is therefore asked to consider the final draft of the Council's Statement of Gambling Policy in light of the consultation responses that have been received and agree a final policy to be considered by Cabinet and recommended to Full Council for its adoption at the next available meeting.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

APPENDIX A	-	Draft Gambling Policy
APPENDIX B	-	Consultation Responses