

## CABINET

25 FEBRUARY 2022

### REPORT OF PORTFOLIO HOLDER FOR PARTNERSHIPS

#### A.6 ADOPTION OF THE COUNCIL'S STATEMENT OF GAMBLING POLICY

(Report prepared by Michael Cook)

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To request that Cabinet considers the amended and updated draft Gambling Policy agreed by the Licensing and Registration Committee on 17 January 2022 and to recommend the Policy to the Full Council for adoption at its meeting due to be held on 29 March 2022.

##### EXECUTIVE SUMMARY

- The Council is required to review and renew its Statement of Gambling Policy (also known as a Statement of Licensing Principles) every three years in accordance with the Gambling Act 2005.
- The review and renewal of the policy has been subject to a public consultation and a final draft of the Policy was considered and agreed by the Licensing and Registration Committee at its meeting of the 17 January 2022.
- The Policy must be adopted by Full Council on recommendation from the Licensing and Registration Committee and Cabinet and published on the Council's web site and by way of a public notice in the newspaper.

##### RECOMMENDATION(S)

**It is recommended that Cabinet:**

- a) approves the final draft Statement of Gambling Policy, as set out in Appendix A for recommendation onto Full Council for its formal adoption and publication; and**
- b) agrees that any further amendments to the Gambling Policy that are minor or administrative only in nature can be delegated to the relevant Assistant Director, in consultation with the Chairman of the Licensing and Registration Committee and Portfolio Holder for Partnerships, without the need for further public consultation or 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, Gaming and Amusements industries in our District provide significant direct and indirect employment, skills and training for local people and particularly in our family orientated seaside resort areas of Clacton, Dovercourt, St Osyth, Brightlingsea and Walton-on-the-Naze, they also provide traditional indoor leisure attractions and facilities for many visitors to our District. It is important to ensure these are effectively regulated so as to provide for a sustainable industry.

### 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. The Council has to have a Gambling Policy agreed, published and in place at all times.

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 policy agreed by the Licensing and Registration Committee at its meeting of the 17 January 2022 has been subject to open public consultation and scrutiny with the Councils Corporate Enforcement Group, a diverse body of community and faith groups as well as individual businesses, schools and voluntary groups, the Safeguarding Children's service, Essex Police, the Gambling Commission and bodies representing the gambling industry itself. It was also 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**

The revised draft policy agreed by the Licensing and Registration Committee at its meeting of the 17 January 2022 was open to public consultation and scrutiny. The consultation encompassed and engaged a large and diverse range of consultees such as the Councils Corporate Enforcement Group, faith groups, local schools, Essex Police, the Gambling Commission, Essex Children's Safeguarding service, voluntary groups, premises licence holders, business representatives, betting and gaming representatives and organisations that work with gambling addictions like Gamblers Anonymous and GamCare to seek a wide variety of comment and views on the revised policy.

## **PART 3 – SUPPORTING INFORMATION**

### **BACKGROUND**

In summary, Section 349 of the Gambling Act 2005 prescribes that a licensing authority (the Council) shall prepare a statement of principles (gambling policy) every three years, publish this and review and republish it as necessary from time to time.

The Council must also statutorily consult with the Chief Officer of Police along with one or more persons representing the interests of gambling businesses in its area and one or more persons who represent those likely to be affected by the exercise of the authority's functions.

The Act 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.

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

Since 2006 the policy framework has then been augmented by local requirements and local strategies to reflect this Council's own area as influenced by public consultation and Tendring District Council's Licensing and Registration Committee Members.

#### **CURRENT POSITION**

The final version of the reviewed Gambling Policy which has been subject to a wide reaching public consultation was scrutinised and agreed by the Licensing and Registration Committee at its meeting of the 17 January 2022. This meeting recommended the policy for consideration by Cabinet and adoption by the Full Council.

The Licensing and Registration Committee resolved that it:-

- 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.*

The final draft policy must be recommended to Full Council for adoption and published as a public document via the Council's website and by way of a public notice in the local newspaper.

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

None

#### **APPENDICES**

**APPENDIX A** - **Final revised draft of Statement of Gambling Policy**