

LICENSING AND REGISTRATION COMMITTEE

2 OCTOBER 2024

REPORT OF THE ASSISTANT DIRECTOR - GOVERNANCE

A3. GAMBLING ACT 2005 POLICY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report is submitted to the Committee to enable it to consider the revised Gambling Act 2005 Policy following a recent 5-week period of consultation on a draft revised policy. This report sets out the proposed policy to be adopted and the outcome of the consultation.

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 arisen through use of the current policy since that last review. The proposed changes are considered minor however, internal consultation has been undertaken with the Council’s Corporate Enforcement Group through this review process.

The Government introduced a gambling white paper in April 2023. Should the new Government from July 2024 pursue those proposals it is likely that there would be changes to the Gambling Commissions guidance issued to Local Authorities, which in turn will have an impact on the Council’s Gambling Policy. This, therefore, could require a further “mid-term” review of the Gambling Policy.

The Council is unable to extend the term of its existing Gambling Act policy and must review its existing policy within the Statutory period.

The Licensing and Registration at its meeting on 24 July 2024 agreed to undertake public consultation on the draft policy.

RECOMMENDATION(S)

It is recommended that the Committee receive and considers the outcome of the public consultation on a revised Gambling Act 2005 Policy and then determine whether to recommend the policy attached to this report to Cabinet and Full Council for adoption.

REASON(S) FOR THE RECOMMENDATION(S)

The Council's reviewed and revised Gambling Policy must be adopted, published and in place by the 31 January 2025. 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.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The draft revised policy set out at Appendix A is intended to support the following themes from the Council's Corporate Plan 2024-28:

- Pride in our area and services to residents
- Working with Partners to improve quality of life
- Promoting our Heritage offer, attracting visitors and encouraging them to stay longer

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.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

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 January 2025.

FINANCE AND OTHER RESOURCE IMPLICATIONS

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.

USE OF RESOURCES AND VALUE FOR MONEY

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The policy does not, in itself, directly impact on financial sustainability.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The policy directly seeks to support consistency good decision making.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The implementation of the policy will be reviewed to ensure it can be delivered in a way that supports economic, efficient and effective delivery of services.

MILESTONES AND DELIVERY

The adoption of the Statement of Gambling Act 2005 Policy this financial year is itself a key milestone in ensuring Licensing Policies remain up to date. Subject to the decision of the Committee and Cabinet, Full Council will then consider adoption of the proposed policy.

ASSOCIATED RISKS AND MITIGATION

The Council's reviewed and revised Gambling Policy must be adopted, published and in place by 31 January 2025 through this report steps are taken to avoid this scenario.

CONSULTATION AND ENGAGEMENT

The draft revised Gambling Act Policy submitted to the Committee at its meeting of 24 July 2024 was subject to public consultation and scrutiny for a period of 5 weeks from 30 July 2024 to 3 September 2024.

A page was created for the consultation on the Council's website and a public notice was displayed outside of the front of the Town Hall and the Council's Offices at Pier Avenue, Clacton on Sea.

The below were written to inviting them to comment on the draft policy:

- All Tendring District Councillors
- All Parish Councils
- Responsible Authorities under the Gambling Act 2005 (including Essex Police)
- Institute of Licensing
- A number of licensing solicitors
- A range of licence holders of local premises licence (including pubs, off-licences, night time economy, street traders, gambling premises and taxis)

In addition to the consultation letters, the licensing team also visited a number of licence holders within the District handing out consultation postcards to bring the consultation to the attention of the trader to voice their opinions.

One licensing solicitor sent in responses to the consultation. Their comments are attached as Appendix B to this report.

EQUALITIES

In preparing this report, due consideration has been given to the Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

The Licensing Authority will have due regard to the public sector equality duty under the Equality Act 2010. Under this duty, the Authority (in the exercise of its functions) must have due regard to the need to:

- eliminate any form of unlawful discrimination (including direct or indirect discrimination, harassment, victimisation, and any other conduct prohibited under the Act);
- advance equality of opportunity between people who share a relevant characteristic and people who do not;
- foster good relations between people who share a protected characteristic and people who

do not.

SOCIAL VALUE CONSIDERATIONS

There are no direct social value considerations arising in respect of this policy.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

There are no environmental implications arising directly from the content of this report.

OTHER RELEVANT 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	The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its area.
Health Inequalities	There are no direct implications arising from the proposals set out in this report.
Area or Ward affected	All

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 set out in the Gambling Act 2005, 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.**

This proposed draft of the policy will be the sixth 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 Officer's 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.

The Licensing and Registration Committee at its meeting on 24 July 2024 agreed to undertake public consultation on the draft revised policy.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

Licensing and Registration Committee of 24 July 2024 (minute 10 refers)

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix A – Draft Gambling Policy
Appendix B – Consultation Response

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