

CABINET

21 NOVEMBER 2024

REFERENCE FROM THE LICENSING AND REGISTRATION COMMITTEE

A.3 ADOPTION OF A REVISED GAMBLING LICENSING POLICY STATEMENT

(Report prepared by Ian Ford, Committee Services Manager)

PURPOSE OF THE REPORT

To enable the Cabinet to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a revised Gambling Licensing Policy Statement (the Policy Statement recommended for adoption is set out as an Appendix to this report).

EXECUTIVE SUMMARY

The Gambling Act 2005 ("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:-

- 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 in accordance with Section 349 of the Act.

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.**

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 three 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 then Government introduced a Gambling White Paper in April 2023. Should the current Government 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.

This proposed Policy Statement will be the sixth that has taken place since the first policy was adopted in 2006.

A draft Policy Statement had been considered by the Licensing and Registration Committee at its meeting held on 24 July 2024. The Committee at that time had authorised consultation on the draft for a period of five 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 Tending 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.

Gosschalks LLP, acting on behalf of the Betting and Gaming Council, submitted a consultation response. As part of that response, Gosschalks put forward amendments to paragraphs 15.11 and 24.2 of the Policy Statement.

The draft Policy Statement was seeking to set out how this Council (as the licensing authority) will regulate gambling activities within the District. Whilst for the majority of the general public, gambling is an enjoyable and often social experience, it is for some individuals a largely hidden addiction which taken to excess has an adverse impact on their

finances, health, wellbeing and relationships. The wellbeing of our residents is a key priority for the Council and the Gambling Policy has a role to play in supporting this priority through its control of gambling premises. It is hoped that the new revised policy statement is clear and easily understood and will be of significant use to the Council, its partners and operators when considering gambling matters.

This Council's Licensing and Registration Committee ("the Committee"), at its meeting held on 2 October 2024 (Minute 23 refers), considered the matter again (including the response received during the consultation). Through the report, the Committee was invited to determine its recommendation to Cabinet. The Committee's decision was as follows:-

"RESOLVED that the Committee recommends the revised Gambling Licensing Policy Statement 2025 - 2028, as attached as Appendix A to the report (A.3), to Cabinet and thence Full Council for its formal adoption."

The Policy Statement referred to in the above decision of the Licensing and Registration Committee is set out as an Appendix to this report.

Housing and Planning Portfolio Holder's Comments

"I thank the Licensing and Registration Committee for its oversight of the development of this revised policy statement on behalf of the Council. It is important that we operate the Council's gambling licensing functions in a way that promotes the Gambling Act 2005's objectives of:

- preventing gambling from being a source of crime or 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 gambling.*

I am pleased to be able to support the adoption of this revised policy statement and urge Cabinet to recommend this to Full Council."

RECOMMENDATION

That, subject to Cabinet's consideration of the recommendation of the Licensing and Registration Committee arising from its meeting held on 2 October 2024, Cabinet recommends to Full Council that the Gambling Licensing Policy Statement, as set out in the Appendix hereto, be adopted.

CURRENT POSITION

Cabinet is now requested to consider the recommendation submitted to it by the Licensing and Registration Committee.

The Assistant Director (Governance)'s Report and accompanying Appendix which was considered by the Licensing and Registration Committee at its meeting held on 2 October 2024 is available using this link:

[Agenda for Licensing and Registration Committee on Wednesday, 2nd October, 2024, 6.30 pm \(tendingdc.gov.uk\)](#)

Under the Leader of the Council's approved Scheme of Delegation, as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council's Constitution, the Portfolio Holder for Housing and Planning is the designated Executive Member for overseeing licensing policy matters.

BACKGROUND PAPERS

None. However, the published Minutes of the meeting of the Licensing and Registration Committee held on 2 October 2024 have been referred to in the preparation of this report.

APPENDICES

A.3 Appendix – Gambling Licensing Policy Statement (recommended for approval by the Licensing and Registration Committee)