

# East Herts Council Report

## Licensing Committee

**Date of Meeting:** 13 October 2021

**Report by:** Oliver Rawlings, Service Manager – Licensing and Enforcement

**Report title:** Consideration of the revised draft Statement of Gambling Principles 2022-25 following consultation

**Ward(s) affected:** All

### Summary

- The Gambling Act 2005 requires each local authority to adopt and publish a Statement of Gambling Principles at least every three years. The purpose of the Policy is to set out the principles the local authority will apply when carrying out its licensing functions under the Act.
- There is a requirement for public consultation and the consideration of any responses that are received.

**RECOMMENDATION FOR** Licensing Committee: that

**A) A final version of the Statement of Gambling Principles 2022-2025 be endorsed for presentation to the Executive for consideration of a recommendation to Council for adoption.**

### **1.0 Proposal(s)**

1.1 That the revised wording of the proposed Statement of Gambling Principles 2022-2025 be considered in light of the consultation responses.

## 2.0 Background

- 2.1 Regulation of non-remote gambling activities such as betting, prize gaming (including bingo and poker), provision of gaming machines and promotion of lotteries under the Gambling Act 2005 (the Act) is one of the major regulatory regimes under which the Council has statutory responsibilities.
- 2.2 The Act requires licensing authorities (District Councils or unitary authorities) to publish a written policy, setting out how they intend to exercise the licensing and enforcement powers conveyed to them, the principles that they will follow, and their expectations of licensees. The policy must be periodically reviewed, so as to ensure that they reflect the current legislation, and are relevant to the issues arising in the authority's area.
- 2.3 Historically and currently the Council has low numbers of licences and authorisations issued under the Act and low numbers of complaints.
- 2.4 To give the context for East Herts, the following table sets out the current licences held in comparison with three years ago.

<b>Type of Licence</b>	<b>Issued in 2018</b>	<b>Issued in 2021</b>
Adult Gaming Centre	0	0
Betting Shop	15	15
Bingo	0	0
Club Gaming Permit	0	0
Club Machine Permit	11	9
Gaming Machines (up to 2 machines)	113	119
Gaming Machines (3 or more machines)	15	11
Small Society Lotteries	75	47

<b>Type of Licence</b>	<b>Issued in 2018</b>	<b>Issued in 2021</b>
Track Betting	0	0
<b>Totals</b>	<b>229</b>	<b>201</b>

2.5 A four week consultation took place between 25<sup>th</sup> August 2021 and 22<sup>nd</sup> September 2021. The Act requires a minimum level of consultation which includes the placing of public notices at the authorities main office and directly consulting:

- the Police;
- 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
- 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.

2.6 In addition to these minimum requirements the details were placed on the authority's website and the individuals and groups detailed at **Appendix A** were contacted directly with details of the consultation.

### **3.0 Reason(s)**

3.1 As the licensing authority, East Herts Council is required to have a Statement of Gambling Principles (the Statement) and revise it at least every three years.

3.2 The current Statement of Licensing Policy expires on 31 January 2022 so an up-to-date revision of the document has been consulted upon as required by the Act.

3.3 The Statement is an important document which sets out the principles the Council will apply when carrying out its licensing function.

- 3.4 During the consultation no responses were received.
- 3.5 Officers would suggest that the lack of responses to the consultation does not reflect on the quality of the consultation but is possibly a result of a combination of the following factors:
- the proposed changes only being very minor with little or no impact on existing licence holders or other stakeholders;
  - the previous statement having been fit for purpose meaning that there had not been any negative impacts from the operation of the statement from either a licence holder or stakeholder perspective.
  - gambling has for a number of years been moving to be predominantly online and the impact of the pandemic has further accelerated this shift.
- 3.6 Officers are therefore proposing no amendments to the draft document as consulted upon which is attached at **Appendix B**.

#### **4.0 Options**

- 4.1 Endorse the draft Statement of Gambling Principles 2022-2025 as consulted upon without amendment.
- 4.2 Propose amendments for consideration by Executive Member for Planning and Growth.
- 4.3 Do not endorse the Statement of Gambling Principles 2022-2025 – not recommended as we are required to review the Statement by legislation and no negative views on the draft were expressed during the consultation

## **5.0 Risks**

- 5.1 The licensing authority is required to review its Statement of Gambling Principles at least every three years. Failure to do so would leave the authority unable to carry out its licensing function until such time as a Statement of Gambling Principles was in place as the existing cannot simply 'carry over' without a pro-active decision of Council to do this should it choose.
- 5.2 Failure to address any perceived or actual gaps within the current Statement of Gambling Principles could be detrimental to the authority's ability to make and defend robust decisions.
- 5.3 If the authority does not have robust policies and procedures in place then it is unable to ensure that the statutory Licensing Objectives pertaining to gambling activities are promoted, these being:
- 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 persons from being harmed or exploited by gambling. The Gambling Commission states: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

## **6.0 Implications/Consultations**

### **Community Safety**

The Statement of Gambling Principles is an important document which seeks to promote the three Licensing Objectives:

- 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 persons from being harmed or exploited by gambling. The Gambling Commission states: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

Therefore Community Safety has been considered when drafting the Policy.

### **Data Protection**

No changes are proposed to how data will be held or handled so no additional implications.

### **Equalities**

Consideration has been given to the Equality Act 2010 and the Public Sector Equality Duty whilst drafting the Policy.

### **Environmental Sustainability**

None

### **Financial**

None

### **Health and Safety**

None

### **Human Resources**

None

## **Human Rights**

As with all policies and Council functions, the Human Rights Act 1998 has been considered when drafting the Statement.

## **Legal**

All statutory requirements have been considered in preparing this report.

## **Specific Wards**

No

### **7.0 Background papers, appendices and other relevant material**

7.1 **Appendix A** – list of direct consultees

7.2 **Appendix B** – Statement of Gambling Principles 2022-2025

7.3 Revised Guidance to Licensing Authorities issued by the Gambling Commission (May 2021) -  
<https://www.gamblingcommission.gov.uk/print/guidance-to-licensing-authorities>

7.4 East Herts current Statement of Principles (2019-2022) -  
<https://www.eastherts.gov.uk/licences-and-registration/gambling-policy-guidance-and-fees>

7.5 The Gambling Act 2005 -  
<https://www.legislation.gov.uk/ukpga/2005/19/contents>

## **Contact Member**

Councillor Jan Goodeve, Executive Member for Planning and Growth  
[Jan.Goodeve@eastherts.gov.uk](mailto:Jan.Goodeve@eastherts.gov.uk)

## **Contact Officer**

Jonathan Geall, Head of Housing and Health, Tel: 01992 531594.

[jonathan.geall@eastherts.gov.uk](mailto:jonathan.geall@eastherts.gov.uk)

**Report Author**

Oliver Rawlings, Service Manager (Licensing and Enforcement), Tel:  
01992 531629. [oliver.rawlings@eastherts.gov.uk](mailto:oliver.rawlings@eastherts.gov.uk)