

## East Herts Council Report

### Executive

**Date of meeting:** 23 November 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, which is also a licensing authority, to adopt and publish a Statement of Gambling Principles at least every three years. The purpose of the Statement 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.

### RECOMMENDATIONS FOR EXECUTIVE:

- A.** Endorse the final draft version of the Statement of Gambling Principles 2022-2025 as included at **Appendix B** for presentation 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 Statement of Gambling Principles ('the Statement'), 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 Statement must be periodically reviewed, so as to ensure that it reflects the current legislation and is 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>Licences held in 2018</b>	<b>Licensed held 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
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 that the consultation includes the placing of public notices at the authority's 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 fulfilling these minimum requirements, the council ensured that 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 a 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 Gambling Principles 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 On 13 October 2021, the Licensing Committee considered the draft revision of the Statement of Gambling Principles and the responses that had been received.

3.7 The Licensing Committee resolved to endorse the version of the Statement as consulted upon without amendment. The endorsed wording is attached at **Appendix B**. There have been no further changes the draft Statement since consideration by the Licensing Executive.

#### **4.0 Options**

4.1 Do not endorse the Statement of Gambling Principles 2022-2025 – NOT RECOMMENDED as the council is required to review the Statement by legislation and no negative views on the draft were expressed during the consultation.

4.2 Propose amendments to the draft Statement appended to this report. If members wish to do this, they are asked to refer the amendments back to officers to consider in consultation with the Executive Member for Planning and Growth with either the delegated authority to make any necessary changes and present the amended version to Council or a requirement to bring the amended version back to the Executive for consideration.

4.3 Endorse the draft Statement of Gambling Principles 2022-2025 as consulted upon without amendment - RECOMMENDED.

#### **5.0 Risks**

5.1 The council 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 one 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 and 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 and an Equalities Impact Assessment was not considered necessary for the following reasons:

### Negative Impacts

The council has not identified any negative effects from the analysis of consultation responses, the makeup of the District and the way that applications are processed and consents issued. The consultation itself elicited no responses so has not identified any positive or negatives from those offering or using gambling facilities, responsible authorities and those dealing with gambling related harm or any other section of the public.

### Positive Impacts

The council has not identified any positive effects from the analysis of consultation responses, the makeup of the District and the way that applications are processed and consents issued.

The strengthening of protection of children and other vulnerable people from gambling related harm within the revised statement clearly has a benefit relating to these groups.

The inclusion of the principle that health impacts from gambling will be considered where evidence is provided may lead to benefits for any groups where their health has been negatively impacted. Within society there are vulnerable people who may develop addictions to gambling. Whilst the law requires licensed gambling premises to monitor those who gamble regularly and also to have self-exclusion schemes, historically this has been a difficult problem to deal with as Adult Safeguarding departments are not responsible authorities. The 2022-25 statement aims to deal with / mitigate this by strengthening the links between the council and the local Director of Public Health. It is hoped that this will further promote the licensing objective relating to the protection of children and other vulnerable people from gambling related harm.

For most gambling activity you have to be 18 (16 for some activities), and so the statement of principles protects those of this age.

By ensuring East Herts is a District where gambling is well regulated the principles also ensure that it is a place where communities can live safely and peacefully together, thus fostering the good relations that are also part of the council's equality duty.

### Overall conclusion

There are no people with protected characteristics particularly represented amongst applicants/licence holders. Applications are made on the prescribed forms, in the prescribed way and assessed in line with the national legislation and there is no evidence to demonstrate that our processes for applying for a gambling permission could act differentially among those with a protected characteristic.

The Statement ensures that the process of obtaining a licence is fair and free of discrimination, as set out in the national legislation, and there are no barriers to anyone making an application. On consideration, there is no negative impact on any characteristic or group as a result of this Statement, and the strengthening of links with the local Public Health Team will have a positive impact on all groups in society.

### **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>

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