

Licensing Committee
15 October 2024

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the LICENSING COMMITTEE held on Tuesday 15 October 2024 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, AL8 6AE

PRESENT: Councillors J.Weston (Chairman)

J.Cragg, D.Jones, A.Chesterman, L.Gilbert, J.Quinton,
T.Skottowe, A.Bardett, S.Bonfante, L.Chesterman and
M.Short

OFFICIALS K Payne, Licensing Team Leader
PRESENT: S.McDaid, Executive Director (Resident Services and Climate Change)
R.Misir, Senior Democratic Services Officer

27. APOLOGIES & SUBSTITUTIONS

Apologies for absence were received from Councillors K Bonkur, H Goldwater, B Sarson and R Trigg.

The following substitution of members was made in accordance with Council Procedure Rules:

Cllr Alex Bardett for Cllr B Sarson

Cllr L Chesterman for Cllr K Bonkur

Cllr M Short for Cllr R Trigg

Cllr S Bonfante for Cllr H Goldwater.

28. MINUTES

The minutes of the meeting held on 22 August 2024 were approved as a correct record.

29. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 6

There were no items of urgent business.

30. DECLARATIONS OF INTERESTS BY MEMBERS

There were no declarations of interest.

31. GAMBLING ACT POLICY

Licensing Committee
15 October 2024

The Licensing Team Leader introduced the report. Section 349 of the Gambling Act required all licensing authorities to prepare and publish a statement of the principles that they proposed to apply in exercising their functions under the Act during the three year period to which the policy applied (January 2025 – 2028). The statement must be produced following consultation. The draft revised policy was consulted on for 12 weeks between June and September 2024 and five responses were received which were included in Appendix 3 of the report.

One of the responses received was from Hatfield Town Council which was generally in support of the policy.

Hertfordshire County Council (HCC) had raised three points:

- It was launching a Gambling Harms strategy at the end of 2024; one of its proposed strategic priorities was about influencing the licensing and regulatory environment to protect vulnerable people from gambling harm and to be clear on the individual roles of the County Council and district and borough councils. The Hertfordshire Joint Needs Assessment Briefing in 2022 provided a wealth of evidence which was recommended to be referenced in the Gambling Statement of Principles. Members were asked whether they would like to reference this in the Welwyn Hatfield Gambling Act policy; premises were required to produce a risk assessment and to have procedures and measures in place to mitigate risk. Members voted unanimously that the policy would reference the joint needs assessment on gambling.
- HCC had made specific comments relating to the harm caused by problem gambling and the impact of applications locally to protect children and vulnerable people from being harmed or exploited by gambling. Hertfordshire Public Health recommended that the policy statement should reference the cumulative impact of applications locally. Cumulative impact was not mentioned in the Gambling Act and so if this was to be considered, it should be on the basis of evidence that the Gambling Act objectives were being locally undermined. This could potentially be unjustified as there was a low number of establishments in the borough (15) and neither the Council or police had any concerns. Members were asked whether they wished the policy to reference cumulative impact. A member asked where the line would be drawn (i.e. what was the maximum number of premises acceptable for a location) and officers responded that legislation meant a gambling licence could only be refused with good reason: establishments needed a licence from the Gambling Commission, to complete a risk assessment that took account of the Council's policy and local area profile, and to be licensed by the Council. The only grounds for which an application could be refused was if an establishment failed to meet the relevant criteria. If there were concerns about an excess of premises in a location, the establishment would be asked in its risk assessment and application to focus on how it would be protecting the relevant criteria. Cumulative impact could be revisited at any time if it became an issue. A member asked what would be lost by including cumulative impact in the policy as this could future proof the situation; officers said a cumulative impact policy could only be introduced

Licensing Committee
15 October 2024

when there was evidence it was required, noting it was not mentioned in the Act. Government was reviewing the Act and some of the evidence submitted referenced whether cumulative impact could be considered but in the absence of an update officers would be concerned about the legal position if this was to be introduced into the policy. Members voted (9 for, 2 against) in favour of omitting cumulative impact from the policy.

- HCC had raised the issue of premises in areas of deprivation given that gambling premises clustered in areas of greater deprivation caused more problems. The Gambling Commission's guidance recommended licensing authorities completed risk assessments and identified concerns by developing maps that showed the proximity of premises that might be frequented by vulnerable people, and local area profiles to help shape their statements which Welwyn Hatfield had done. Gambling premises were currently spread out in the borough, and the maps and profile demonstrated to applicants what they were expected to consider. It was difficult to decide whether anything further was required in terms of areas of deprivation given there was not a cluster of gambling establishments and if that was to occur then any issues could be addressed with the application. Officers felt that the fact that applicants were already asked to look at where they wanted premises to be sited and to mitigate any risks was probably satisfactory for the number of premises there were in the borough. The Committee agreed no changes were required in this instance.

The third response was from Welwyn Parish Council who had asked for a link to the source of statistical information in the policy; this had come from the Office of National Statistics and officers would include a link to this in the policy. They had also asked for dates for the consultation and when the policy would be published which would be included in the final policy.

The fourth response had noted minimal changes to the policy and had not made any comments. The final response had felt small society lottery registrations should be free; those fees were set by the Gambling Commission, so the Council was not able to change that.

RESOLVED

The Committee considered the Welwyn Hatfield Council revised statement of Principles under the Gambling Act for 2025-2028, noted the results of the consultation and agreed any changes proposed to the revised policy at Appendix 1 for onward approval by Cabinet and then Full Council.

Meeting ended at 7.56 pm