

WELWYN HATFIELD BOROUGH COUNCIL
LICENSING COMMITTEE– 18 JUNE 2024
REPORT OF THE EXECUTIVE DIRECTOR (RESIDENT SERVICES AND CLIMATE
CHANGE)

**WELWYN HATFIELD BOROUGH COUNCIL’S STATEMENT OF PRINCIPLES
UNDER THE GAMBLING ACT 2005**

1 Executive Summary

- 1.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies. The statement must be produced following consultation which is deliberately wide to enable licensing authorities to consult with anyone who may be affected by or otherwise have an interest in the Licensing Authority Statement of Policy. Our current Gambling Act Policy expires on 31 January 2025, so this Policy must be consulted on, approved and published before that date.
- 1.2 The Gambling Act Policy has been reviewed and updated to reflect changes made to the Gambling Commission’s guidance to licensing authorities (last published April 2021 and last updated April 2023). It is presented in Appendix 1.
- 1.3 Once adopted the statement of principles under the Gambling Act will form part of the decision-making process for Council Members and Officers when they are determining applications for premises licences in respect of Casinos, Bingo, Betting shops, adult gaming centres and Family Entertainment centres. The statement of principles (Gambling Act policy) will also be used by the Courts should they be asked to consider an appeal against a committee decision. The statement of principles (Gambling Act policy) follows the prescribed statutory format and will incorporate views from a consultation exercise.

2 Recommendation(s)

- 2.1 For the Licensing Committee to consider the Welwyn Hatfield Council draft statement of Principles under the Gambling Act for 2025-2028.
- 2.2 For the Licensing Committee to approve the policy going out for public consultation.

3 Explanation

- 3.1 In connection with the Gambling Act 2005 the Council is obliged to have regard to promoting the statutory licensing objectives contained in the Act. These are:
- preventing gambling being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way and

- protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.2 The Welwyn Hatfield Council Statement of Principles (Gambling Act policy) aims to set out in general terms what policy decisions the Council has taken to achieve these licensing objectives. The Statement of Principles (Gambling Act policy) is based on the Act, statutory regulations and guidance.
- 3.3 The Gambling Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children, but guidance assumes that 'vulnerable' people includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs.
- 3.4 The policy sets out the matters that gambling operators are expected to take into account when producing their risk assessments. In addition, we have produced a local area profile setting out local risks as map overlays in a GIS format. It is intended that this assists operators with knowledge of sensitive premises or where there may be individuals or groups with vulnerabilities. The maps are also reproduced as appendices to the local area profile which is a standalone document to be read alongside the Statement of Principles (Gambling Act policy).
- 3.5 Once adopted Welwyn Hatfield Borough Council's Statement of Principles under the Gambling Act, together with the Act, regulations and statutory guidance will provide the basis for decisions under the Gambling Act 2005. The policy must be reviewed in three years' time but may be amended sooner in response to a particular local need, case law or new legislation or guidance.
- 3.6 There have been a few changes to the Gambling Policy on this occasion as there were additions, amendments and items removed from the updated Guidance to licensing authorities from the Gambling Commission. The main changes are:
- Further information of Gambling Commission Codes regarding social responsibility of advertising of gambling to protection children and vulnerable persons from harm (page 25)
 - Social Responsibility Code Provision requiring certain operators and licence holders to offer of self-exclusion schemes if requested by customers (page 28)
 - Further information about gaming machines; limits on machines and availability for use (pages 29-30)
 - Further information about gaming machines at unlicensed family entertainment centres; limits on machines and availability for use (page 37)
 - Further information about Occasional Use Notices; maximum limits on number of days and other requirements (page 43)
 - Other minor amendments
- 3.7 The separate document forming our local area profile includes maps showing the location of premises which may affect the positioning of Gambling premises. This will assist applicants wishing to site a Gambling premises and the maps can be updated at any time without the need to consult on the Gambling Policy. This document will assist applicants with their premises risk assessment. This is contained in Appendix 2.

- 3.8 The Gambling Act 2005 and the guidance to the Act require the licensing authority to consult the following on the Statement of Principles (Gambling Act policy) or any subsequent revision. These are:
- The Chief of Police for the Authority's area;
 - 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 the Act.
- 3.9 A list of persons we intend to consult with is at Appendix 1B. The list is deliberately wide. This enables licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Statement of Principles (Gambling Act policy).
- 3.10 It is proposed that the public consultation will take place for 12 weeks between 24 June and 22 September 2024.
- 3.11 A survey to seek public feedback will be placed on the Council's website and hard copies can be sent out if requested. Emails will also be sent out to the Police and other interested parties (as listed in Appendix 1B). A press release and promotion of the public consultation will be undertaken on social media.
- 3.12 The draft policy has been compared against the current guidance issued by the Gambling Commission to ensure it reflects the latest statutory guidance (as at April 2021 updated April 2023). Members are asked to consider the draft policy and approve it for public consultation.
- 3.13 The proposed timetable for review and approval of the revised Statement of Principles (Gambling Act policy) is:
- Public consultation between 24 June and 22 September 2024.
 - Results of the public consultation presented to the Licensing Committee on 15 October
 - Approval by Cabinet on 4 November
 - Approval by Full Council on 13 November

Implications

4 Legal Implication(s)

- 4.1 The attached policy would form the basis of decision making regarding gambling in the borough of Welwyn Hatfield.
- 4.2 The Council, as a Licensing Authority, has a duty under Section 1 of the Gambling Act 2025 to carry out its licensing functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:
- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - b) ensuring that gambling is conducted in a fair and open way, and

- c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.3 Section 349 of the Gambling Act requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. The statement must be produced following consultation which is deliberately wide to enable licensing authorities to consult with anyone who may be affected by or otherwise have an interest in the Licensing Authority Statement of Policy. The revised statement must be approved by full council and published by 3rd January 2025.

4.4 In preparing a statement or revision under this section a licensing authority shall consult—

(a) in England and Wales, the chief officer of police for the authority's 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.

5 Financial Implication(s)

5.1 Preparation and consultation on the Statement of Gambling Policy, and administration of the Licensing functions, are met from within the existing budget and staff resources in the Licensing Team. The purpose of the gambling fees charged for applications under the Act are to cover the costs of the Gambling licensing functions.

6 Risk Management Implications

6.1 The risks related to this proposal are:

6.2 The council is at risk of legal challenge if it does not have a statement of gambling policy in place, has failed to review or consult on its statement, or if its statement does not take account of the Secretary of State's regulations and guidance issued under the Gambling Act. The approval of and adherence to the Statement of Gambling Policy (Appendix 1) on how licensing functions are exercised will help mitigate this risk.

7 Security & Terrorism Implication(s)

7.1 The Council has an overarching duty to have due regard to the need to prevent people being drawn into terrorism and to consider security and measures to counteract terrorism in public places.

8 Procurement Implication(s)

8.1 None arising directly from this report.

9 Climate Change Implication(s)

9.1 The proposal appears to result in no increase in the use of water or other materials. All documentation and agreements are sent electronically unless specifically requested.

10 Link to Corporate Priorities

10.1 The subject of this report is linked to the Council's Corporate Priority "*enable an economy that delivers for everyone*" as it supports trade through the issuing of licenses, permits and registrations. It is also linked to the Council's Corporate Priority '*Together, create opportunities for our communities*' - *to help us feel safer where we live*.

11 Equality and Diversity

11.1 An Equality Impact Assessment (EqIA) has been carried out in connection with the Gambling Act 2005. Please see Appendix 3. The EqIA found that the Policy provides a positive impact in terms of protection of children as this is one of the licensing objectives, and towards mental health disability is protection of vulnerable persons is also one of the licensing objectives.

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Appendices

Appendix 1 – Revised draft Statement of Principles (Gambling Act Policy)

Annex 1A – Plan of Borough

Annex 1B - List of consultees

Annex 1C – Table of delegation

Annex 1D – Glossary

Appendix 2 - Local Area Profile

Annex 2A – Maps

Appendix 3 – EqIA