

WELWYN HATFIELD BOROUGH COUNCIL
LICENSING COMMITTEE– 15 OCTOBER 2024
REPORT OF THE EXECUTIVE DIRECTOR (RESIDENT SERVICES AND CLIMATE
CHANGE)

APPROVAL OF THE WELWYN HATFIELD BOROUGH COUNCIL'S STATEMENT OF
PRINCIPLES UNDER THE GAMBLING ACT 2005

1 Executive Summary

- 1.1 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. Our Policy statement must be published by 3 January 2025.
- 1.2 The policy was originally prepared having regard to a national template from the Local Authorities Co-ordinators of Regulatory Services (LACORS) and Guidance issued by the Gambling Commission. The policy has been reviewed and updated to reflect changes made to the Gambling Commissions guidance to licensing authorities (last published April 2021 and last updated April 2023).
- 1.3 The draft revised policy was consulted on for 12 weeks between 24 June and 22 September 2024 and five responses were received. The draft revised policy has been updated as needed following the public consultation. The revised Gambling Act policy is at Appendix 1.
- 1.4 Once adopted the statement of Gambling Act policy 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, Adult gaming centres and Family Entertainment centres.

2 Recommendation(s)

- 2.1 For the Licensing Committee to consider the Welwyn Hatfield Council revised statement of Principles under the Gambling Act for 2025-2028.
- 2.2 For the Licensing Committee to note the results of the consultation and agree any changes proposed to the revised policy at Appendix 1 for onward approval by cabinet and then Full Council.

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 this aim. The statement of Principles (Gambling Act Policy) is based on the Act, statutory regulations, and guidance.

3.3 The policy sets out the matters that 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. 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).

3.4 Once adopted Welwyn Hatfield Borough Councils statement of Principles (Gambling Act Policy), together with the Act, regulations and statutory guidance will provide the initial basis upon which decisions under the Gambling Act 2005 are based and considered during any appeal to the Magistrates Court. 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.

3.5 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. These 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

3.6 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. These maps are contained in Appendix 2.

3.7 The public consultation took place for 12 weeks between 24 June and 22 September 2024 and there were five responses received to our survey, one of

which provided details of their response by email. The responses were from Hatfield Town Council, Hertfordshire County Council, Welwyn Parish Council, a community organisation and a business. Appendix 3 contains the responses in full, with suggested changes proposed are collated in a table. Any further changes agreed by members will be made to the revised policy for adoption by Full Council.

- 3.8 Welwyn Hatfield Borough Council can only consider matters within the scope of the Guidance, Act and Codes of Practice.

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 2005 carry out its licensing functions under the Act to have regard 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 Council's statement must be published by 3 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.
- 4.5 Public consultation was undertaken with the bodies listed above and also with the public and businesses.

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 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 4. 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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Background papers:

None

Appendices:

Appendix 1 – Policy

Appendix 2 Local Area Profile

Appendix 2A Maps

Appendix 3 Consultation responses and table of comments

Appendix 4 - EqIA