

WELWYN HATFIELD BOROUGH COUNCIL
ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE – 11TH JUNE 2018
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION PLANNING
AND GOVERNANCE)

ADOPTION OF THE WELWYN HATFIELD BOROUGH COUNCILS 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 fifth statement must be published by 3rd January 2019.
- 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 September 2015).
- 1.3 Once adopted the statement of licensing 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. The statement of licensing policy will also be used by the Courts should they be asked to consider an appeal against a committee decision. The statement of licensing policy follows the prescribed statutory format and will incorporate views from a consultation exercise.

2 Recommendation(s)

- 2.1 For the committee to consider and approve the Welwyn Hatfield Borough Council draft statement of licensing policy 2019-2021 and release it for 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, firstly preventing gambling being a source of crime and disorder, being associated with crime and disorder or being used to support crime; secondly ensuring that gambling is conducted in a fair and open way and thirdly protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.2 The Welwyn Hatfield Council statement of licensing policy aims to set out in general terms what policy decisions the Council has taken to achieve this aim.

The statement of licensing policy is supported by 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. Our intention is to produce a local area profile setting out local risks as map overlays in a GIS format.
- 3.4 Once adopted, the Statement of Licensing 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 This statement of licensing policy is being presented to the Environmental Overview and Scrutiny Committee with the request that the committee recommend that the policy be consulted upon following best practise as set out by HM Government Code of Practice. The policy has been prepared having regard to a national template from LACORS and Guidance issued by the Gambling Commission.
- 3.6 The Guidance to the Gambling Act 2005 requires the licensing authority to consult the following on the licensing policy or any subsequent revision. 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.
- 3.7 A list of persons we intend to consult with is at Appendix B. 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 licensing policy statement. The 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 balance decisions about gambling due to mental impairment, alcohol or drugs.
- 3.8 Welwyn Hatfield Council can only consider matters within the scope of the Guidance, Act and Codes of Practise. Even if there is a large response regarding a certain issue an authority may be unable to deal with this issue under the Gambling Act. However the issue may be a matter for other legislation.
- 3.9 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 September 2015 sections 17, 18 and 19 revised September 16). Members are asked to consider the draft policy and recommend it for consultation.

Implications

4 Legal Implication(s)

- 4.1 The Gambling Act 2005 requires the Council to prepare and publish a “Statement of Licensing Policy” that sets out the principles that the Council will apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 4.2 Welwyn Hatfield Borough Council is the Licensing Authority under the Gambling Act 2005 and is responsible for granting premises licences in the Borough of Welwyn Hatfield in respect of: -
- Casino premises;
 - Bingo premises;
 - Betting premises, including tracks;
 - Adult Gaming Centres;
 - Family Entertainment Centres
- 4.3 In exercising some of our functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- 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
- 4.4 The attached policy will form the basis of decision making regarding gambling in the borough of Welwyn Hatfield.

5 Financial Implication(s)

- 5.1 None directly arising from this report. Licensing sub committees regarding the Gambling Act 2005 are covered by existing budgets.

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 or does not abide by an adopted policy when making decisions in relation to gambling applications. The policy in appendix A and training for relevant members helps to 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, in the context of this report, there are no direct links to consider.

8 Procurement Implication(s)

- 8.1 None arising directly from this report.

9 Climate Change Implication(s)

9.1 The proposal does not imply an increase in greenhouse gas emissions or water use. A limited number of paper polices will be produced as it will be made available in electronic format. The proposal appears to be resilient to climate change and does not require adaptations to be made.

10 Link to Corporate Priorities

10.1 The subject of this report is linked to the Council's Corporate Priority "maintain a safe and healthy community" and is linked to statutory requirements under the Gambling Act 2005.

11 Equality and Diversity

11.1 An Equality Impact Assessment (EIA) has been carried out in connection with the Gambling Act 2005.

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Background papers to be listed

Gambling Act 2005

Gambling Commissions guidance to Licensing Authorities 2005 sections 17, 18 and 19 updated September 2016.

Appendices to be listed

Appendix 1 – Policy
Appendix A – Plan of Borough
Appendix B - List of consultees
Appendix C – Table of delegation
Appendix D - Glossary