

WELWYN HATFIELD COUNCIL  
LICENSING COMMITTEE – 25 NOVEMBER 2021  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION PLANNING AND  
GOVERNANCE)

ADOPTION OF THE WELWYN HATFIELD COUNCIL STATEMENT OF PRINCIPLES  
UNDER THE GAMBLING ACT 2005

**1. Executive summary**

- 1.1 This report recommends adoption of the Council's Statement of Principles (Gambling Act 2005) for a 3-year period commencing 31 January 2022, as required by section 349 of the Gambling Act 2005. Once adopted the statement of principles will form part of the decision -making process for Council Members and Officers when they are determining applications for premises licences and permits. The statement of principles will also be used by the Courts should they be asked to consider an appeal against a committee decision. The statement of principles follows the prescribed statutory format and was the subject of a consultation exercise. The draft statement of principles was approved for consultation release by the Licensing Committee on 21 July 2021 and received no responses. You are now asked to recommend that the final statement is approved and adopted for publishing on 31 January 2022.

**2. Recommendations**

- 2.1. That the Licensing Committee approves the Welwyn Hatfield Borough Council statement of principles at Appendix 1 and its adoption for the next three years, commencing 31 January 2022.

**3. Explanation**

- 3.1. The Welwyn Hatfield Borough 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.
- 3.2. In connection with the Gambling Act 2005 (Gambling Act or the Act) , 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.
- 3.3. 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 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.

- 3.4. The statement of principles is at Appendix 1 and a list of persons and organisations consulted is given in Appendix B.
- 3.5. A list of persons consulted 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.
- 3.6. There have been minimal changes to the Gambling Policy on this occasion as there are no significant changes following the publication of the updated guidance from the Gambling Commission. However, we have produced a separate document forming our local area profile including 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 is a separate document to the Gambling policy and can be added to in order to assist applicants with their premises risk assessment. It is contained in Appendix 2.
- 3.7. The Act gives licensing authorities a number of important regulatory functions in relation to gambling. These include licensing premises for gambling activities, regulating gaming and gaming machines in alcohol licensed premises, grant permits to family entertainment centres for lower stake gaming machines, grant permits for prize gaming and registering small society lotteries. They will also acknowledge Temporary use notices, receive occasional use notices and provide information to the Gambling Commission regarding details of licences issued.
- 3.8. A draft statement of principles was prepared and presented to the Licensing Committee on 21 July 2021. The Committee recommended that the policy be consulted upon and was duly released for consultation between 27 July 2021 and 25 October 2021.
- 3.9. This draft statement of licensing policy is being presented to the Licensing Committee with the request that the committee now agrees its adoption as no comments were received during the consultation.
- 3.10. The Policy must be reviewed and re-adopted every 3 years; however it is recognised that extra-ordinary reviews may need to take place in response to case law, new guidance or changes in circumstances to which the policy relates.

#### **4. Legal implication(s)**

- 4.1. Once adopted Welwyn Hatfield Borough Council's Statement of Principles 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 statement of principles 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.
- 4.2. The Council is at risk of legal challenge if it does not have a licensing policy in place, has failed to review its licensing policy or if its policy does not take account of the Secretary of State's guidance issued under the Gambling Act.

## **5. Financial implications**

- 5.1. None directly arising from this report. Consultation on policy development is a normal part of day-to-day work and allowed for in existing budgets.

## **6. Risk management implication(s)**

- 6.1. Welwyn Hatfield Borough Council is required to have a statement of licensing policy made under the Gambling Act 2005 which is reviewed every 3 years or in light of revisions to the guidance. The council is at risk of challenge if it does not have such a policy in place or if it is not kept up to date.

## **7. Security and 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 additional concerns.

## **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 policies 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. Health and wellbeing implication(s)**

- 10.1 Alongside this policy we have produced local area profiles which set out the local risks and concerns in relation to the licensing objectives. These are available as map overlays in a GIS format. The council's regulatory approach to Gambling Act applications may be influenced by the type of premises and/or its position in the borough, for example known issues with problem gambling, the interaction between the night-time economy and gambling and any crime patterns or anti-social behaviour linked to gambling may be taken into consideration. In addition, the socio-economic makeup of the area, density of gambling premises and specific types of gambling may also be considered.

## **11. Communication and engagement**

- 11.1. The policy is reviewed every three years and a consultation is carried out with the recipients in Appendix B. The policy was also placed on the council's website.

## **12. Link to corporate priorities**

- 12.1 I confirm that the subject of this report is linked to the Council's Corporate Priority 'a sense of community where people feel safe' and is linked to statutory requirements under the Gambling Act 2005.

## **13. Equality and Diversity**

- 13.1 An EqIA was completed on 28 October 2021 and no negative impact was identified on any of the protected groups under Equalities legislation.

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Appendices to be listed

Appendix 1 – Draft Policy

Appendix 2 - Local Area Profile