

LICENSING COMMITTEE - 16 JUNE 2021

PART I –NOT DELEGATED

5. GAMBLING ACT 2005 – REVIEW OF STATEMENT OF LICENSING POLICY

(DCES)

1 Summary

- 1.1 The review of the 'Statement of Gambling Principles and Policy (hereafter referred to as "the draft Statement of Policy") is required by The Gambling Act 2005 ("the Act"). The current policy (**Appendix A**) was amended in 2018 and came into force on 14 January 2019 and is in place until 13 January 2022.
- 1.2 Members had also previously confirmed the continuation of a 'No Casinos' policy which is attached to the current policy at Appendix 4. The resolution of a 'No Casinos' policy was first passed by Full Council on 17 October 2006 and such resolution has been passed most recently in 2018 when the Statement of Policy was last amended.
- 1.3 This report seeks Members' comments, or additions to, the draft Statement of Policy for the period 2022–2025 (hereafter referred to as "the draft Statement of Policy") in order to allow for a period of consultation to commence before being formally adopted and ratified in time. A resolution on Casinos will also need to be considered and passed if it is to form part of the draft Statement of Policy.
- 1.4 Officers have in recent months been reviewing the draft Statement of Policy and a track change version is attached at **Appendix B**. The extent of changes are also presented at Section 3 of this report.
- 1.5 The draft Statement of Policy must come into force by 14 January 2022 otherwise the Council will be unable to exercise its function under the Act.

2 Details

- 2.1.1 The Gambling Act 2005, which fully came into force on 1 September 2007 introduced a new regime for commercial gambling to be conducted by the Gambling Commission and by Licensing Authorities depending on the matter to be licensed.
- 2.1.2 In exercising its functions under the Act the Council must have regard to the three licensing objectives which are set out in Section 1 of the Act, namely:
- 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, and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.1.3 Under the Act (section 349) it states that a Licensing Authority shall, before each period of three years, prepare and publish a Statement of Principles (the draft Statement of Policy). The draft Statement of Policy forms the Licensing Authority's mandate for managing local gambling provision (evidence led) and sets out how the Licensing Authority views the local risk environment. This policy is considered the primary vehicle for setting out the Licensing Authority's approach to regulation having taken into account local circumstances, by ensuring that operators have sufficient

awareness and understanding of the relevant Licensing Authority's requirements and approach.

2.1.4 Where the policy is reviewed and changes proposed, Licensing Authorities must consult on any revision. The following are required to be consulted as per section 349(3) of the Act:

- Police force 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 this Act

2.1.5 A 6-8 week consultation process will therefore need to occur. Following responses received, The Gambling Commission guidance states that such responses should usually be published within 12 weeks of the consultation closing. The revised policy must also be published at least four weeks before it takes effect (prior to 13 January 2022).

2.1.6 In respect of the 'No Casinos' resolution, this must be published within the draft Statement of Policy as per the requirements of section 166 of the Act.

2.1.7 The Gambling Commission guidance states that Licensing Authorities can complete their own assessment of the local environment as a means of mapping out local areas of concern. These assessments are known as a local area profile (LAP) which can be introduced at any time.

2.1.8 Within Three Rivers there are currently only 5 betting shops; 2 in South Oxhey, 2 in Rickmansworth and 1 in Croxley Green. On the basis that no concerns have been raised it is not considered necessary to introduce an LAP at this current time.

3 Changes made to the Statement of Licensing Policy

3.1 The changes made to the current Statement of Licensing Policy are shown by the track changes at **Appendix B**.

- Executive Summary updated
- Geographical area map inserted
- Paragraph inserted in relation to frivolous representations
- Paragraph inserted to explain about remote gambling. The use of a device that is not within a licensed premises such as remote communication i.e. internet, television, telephone or other electronic communication.
- Update to the permitted minimum age to play the National lottery to 18yrs
- Proof of age added as a measure to consider to meet the licensing objectives
- Gaming machines reduced from 4 to 2 in a licensed premises
- Consultees have been updated

- Casino Resolution included at **Appendix D**.

4 Options and Reasons for Recommendations

4.1 There are 3 options available for Members:

- **Option 1:**

- a) That Members make any comments on, or additions to, the draft Statement of Policy in order that the period of consultation may commence.
- b) Members of the Committee agree that the Council confirms the continuation of a 'No Casinos' Policy within the draft Statement of Policy.
- c) That following the consultation period the draft Statement of Policy is presented to the Licensing Committee, with any amendments following the consultation and details of consultation responses, for formal adoption of the Policy and the No Casinos resolution by Full Council in 2021.

- **Option 2:** Authorise Officers to make further changes on the Policy and bring back to a future Committee for further consideration.

- **Option 3:** Decide not to adopt a revised Policy

5 Policy/Budget Reference and Implications

5.1 The recommendations in this report are within the Council's agreed budgets. There will be a cost associated with advertising however this will be subsumed within existing licensing budgets.

5.2 There are no performance indicators impacted.

6 Staffing, Environmental, Community Safety & Public Health Implications

6.1 None specific.

7 Financial Implications

6.1 There are no financial implications.

8 Legal Implications

8.1 The Act must be adhered to in this process as well as reference to the [Gambling Commission's Guidance to Local Authorities](#).

8.2 If the draft Statement of Policy is not brought in to force in the time scales outlined above, the Council will not have a policy to work to under the Act. A Statement of Policy sets out the principles of the Council and its expectations in respect of applications and representations made in respect of those applications. The Statement gives general information on how the licensing process will be carried out and indicates the expectations of the Council in assisting it to make its judgements on individual applications, and in carrying out its enforcement role. The policy is therefore vital in the Council's exercise of its powers under the Act.

8.3 Option 2 and 3 have legal implications in that the Council may not be able to adopt the Policy prior to the current policy expiring, see paragraph 12.2.

9 Equal Opportunities Implications

9.1 Relevance Test

Has a relevance test been completed for Equality Impact?	No
Did the relevance test conclude a full impact assessment was required?	N/A

9.2 Impact Assessment

9.2.1 There is no detrimental impact likely towards any protected group from introducing the Policy.

10 Customer Services Centre Implications

10.1 The CSC will be made aware of any consultation exercise so they can inform any callers accordingly.

11 Communications and Website Implications

11.1 If agreed the draft Statement of Policy and relevant appendices will be displayed on the TRDC website and will be published via TRDC social media platforms.

12 Risk and Health & Safety Implications

12.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

12.2 The subject of this report is covered by the Regulatory Service Plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Option 1:	This will ensure the Council is fulfilling its statutory duty under the Gambling Act 2005 in reviewing and adopting its	Officers to go out to consultation and bring the Policy back in sufficient time to ensure it can be ratified no later than at	Treat.	Low 2.

	Policy every 3 years.	Full Council on 14 December 2021.		
Option 2:	Delays will inevitably add more risk to the Council given the time which is required to go out for consultation / convene for a further meeting.	Officers to make the necessary changes and bring back to an extraordinary Licensing Committee at the earliest opportunity.	Treat.	Low 4.
Option 3:	The Council would not be fulfilling its statutory duty under the Gambling Act in reviewing and adopting its Policy every 3 years.	Officers to advice against this approach to avoid legal challenges and failure of statutory duty.	Treat.	High 8

12.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8

Data rating:

1	Poor	
2	Sufficient	
3	High	X

Background Papers: None.

APPENDICES

Appendix A: Current Statement of Gambling Principles and Policy 2019-2022

Appendix B: Changes made to the draft Statement of Policy 2022-2025

Appendix C: Clean version of draft Statement of Policy 2022-2025

Appendix D: 2006 'No Casino' Policy resolution

Appendix E: [Statement of Gambling Licensing Policy – A Councillor's guide](#)