

## EXTRAORDINARY LICENSING COMMITTEE - 6 OCTOBER 2021

### PART I

#### 4. 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. The Policy must be reviewed at least every 3 years.
- 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 more recently was passed in 2018 when the Statement of Policy was last amended.
- 1.3 Earlier this year Officers reviewed the draft Statement of Policy and sought Members' comments, or additions to, the policy via the Licensing Committee on 16 June 2021. At the June meeting the draft Statement of Policy was noted by Members with no changes proposed.
- 1.4 Following the June Committee Officers commenced a 6 week public consultation process, which ended on 27 August 2021.
- 1.5 No comments were received during the consultation period and therefore the draft Statement of Policy is returning to the Licensing Committee for Member agreement and to then to be ratified by Full Council on 19 October 2021 in order for it to be implemented on 14 January 2022.
- 1.6 A resolution on Casinos will also need to be passed if it is to form part of the draft Statement of Policy.
- 1.7 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 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.
- 2.2 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.

- 2.3 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.
- 2.4 The revised policy must also be published at least four weeks before it takes effect.
- 2.5 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.
- 2.6 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.
- 2.7 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 Consultation**

- 4.1 A consultation process took place for 6 weeks and expired on 27 August 2021 in line with the requirements set out within section 349(3) of the Act.
- 4.2 A press notice was also displayed within the Watford Observer every week during the 6 week consultation process.

4.3 No comments were received.

## 5 Options and Reasons for Recommendations

5.1 There are 3 options available for Members:

- **Option 1:** Authorise Officers to formally adopt the draft Statement of Policy and the No Casinos resolution and request that Full Council adopt the policy on 19 October in order for the policy to take effect for the period 14 January 2022 to 13 January 2025
- **Option 2:** Authorise Officers to make further changes on the draft Statement of Policy (which may necessitate a further consultation exercise)
- **Option 3:** Decide not to adopt a revised Policy

## 6 Policy/Budget Reference and Implications

6.1 The recommendations in this report are within the Council's agreed budgets. Previous costs associated with press notices have been subsumed within existing licensing budgets.

6.2 There are no performance indicators impacted.

## 7 Staffing, Environmental, Community Safety & Public Health Implications

7.1 None specific.

## 8 Financial Implications

6.1 There are no financial implications.

## 9 Legal Implications

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

9.2 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.

9.3 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 13.2.

## 10 Equal Opportunities Implications

10.1 Relevance Test

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

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

## 12 Customer Services Centre Implications

12.1 CSC staff will be made aware of any changes.

## 13 Communications and Website Implications

13.1 If agreed the Statement of Policy will be displayed on the TRDC website and will be published via TRDC social media platforms.

## 14 Risk and Health & Safety Implications

14.1 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.

14.2 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).

<b>Nature of Risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response</b> <i>(tolerate, treat, terminate, transfer)</i>	<b>Risk Rating</b> <i>(combination of likelihood and impact)</i>
<b>Option 1:</b>	This will ensure the Council is fulfilling its statutory duty under the Gambling Act 2005 in reviewing and adopting its Policy every 3 years.	Members to agree to recommendation provided to ensure it can be adopted in October, well before the expiry of the existing policy.	Treat.	<b>Low 2.</b>
<b>Option 2:</b>	Delays will inevitably add more risk to the Council given the time which	Officers to make the necessary changes and bring back to an extraordinary	Treat.	<b>Low 4.</b>

	is required to go out for consultation / convene for a further meeting.	Licensing Committee at the earliest opportunity.		
<b>Option 3:</b>	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.	<b>High 8</b>

14.3 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.

<b>Very Likely</b> ----- <b>Likelihood</b> ----- <b>Remote</b>	<b>Low</b>	<b>High</b>	<b>Very High</b>	<b>Very High</b>
	4	8	12	16
	<b>Low</b>	<b>Medium</b>	<b>High</b>	<b>Very High</b>
	3	6	9	12
	<b>Low</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
	2	4	6	8
	<b>Low</b>	<b>Low</b>	<b>Low</b>	<b>Low</b>
	1	2	3	4
	<b>Impact</b>			
	Low -----> Unacceptable			

**Impact Score**

4 (Catastrophic)

3 (Critical)

**Likelihood Score**

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Significant)

2 (Unlikely (6-20%))

1 (Marginal)

1 (Remote (≤5%))

14.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

## 15 Recommendation

15.1 It is recommended that Members' agree to Option 1:

- a) **Authorise Officers to formally adopt the draft Statement of Policy 2022-2025 and the No Casinos resolution and request that Full Council adopt the policy on 19 October for implementation from 14 January 2022 until 13 January 2025.**

That public access to the report be immediate.

Report prepared by: (Lorna Fryer, Lead Licensing Officer)

### Data Quality

#### Data sources:

- [Gambling Act 2005](#)
- [Gambling \(Licensing and Advertising\) Act 2014](#)
- [GamblingCommission.gov.uk](#)
- [Institute of Licensing](#)

Data checked by: Matthew Roberts, Team Leader, Development Management

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](#)