

## PART A

**Report to:** Licensing Committee  
**Date of meeting:** 26 September 2018  
**Report of:** Head of Community and Environmental Services  
**Title:** Gambling Act 2005 Statement of Principles 2019 - 2022

### 1.0 Summary

- 1.1 The council is the local licensing authority under the Gambling Act 2005 and is required to review, consult upon and publish a policy document every three years. The current policy expires on 6<sup>th</sup> January 2019.
- 1.2 Only minor amendments are suggested to the existing policy.
- 1.3 A public consultation on the proposed policy was carried out between 27<sup>th</sup> July and 31<sup>st</sup> August 2018.
- 1.4 Members are being asked to approve the Gambling Act 2005 Statement of Principles 2019 – 2022 that will take effect from 6<sup>th</sup> January 2019.

### 2.0 Risks

#### 2.1

Nature of Risk	Consequence	Suggested Control Measures	Response (Treat, tolerate, terminate, transfer)	Risk Rating (the combination of severity and likelihood)
Not implementing the policy	The policy would expire and there would be no framework for dealing with applications	Ensure policy is properly implemented by 6 <sup>th</sup> January 2019.	Treat	2

	made under the Act. As a result the council would not be able to effectively regulate gambling premises in the Borough.			
Legal challenge from failure to properly consult	Negative perception of council and its licensing functions, and challenge through the Courts	Carry out consultation in accordance with the Government's published principles of consultation	Treat	2

### Recommendations

3.0

3.1 That the Licensing Committee recommends that the Council, acting as the licensing authority for the Borough of Watford, adopts the Statement of Principles under the Gambling Act 2005 as set out at appendix 1, to take effect from 6<sup>th</sup> January 2019 upon the expiry of the existing policy.

3.2 The Committee recommends that the Council resolves under section 166 of the Gambling Act 2005 that it will continue with the policy not to issue any casino premises licences as it believes a casino would detract from its aspiration to create a safe, prosperous and family-friendly town centre.

3.3 That the Local Area Profile is maintained as a separate document, and not included within the Statement of Principles, with the upkeep of the profile delegated to officers.

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**Report approved by:** Alan Gough, Head of Community and Environmental Services

#### 4.0 Detailed proposal

##### 4.1 Background

Under the Gambling Act 2005 the council is responsible for preparing a “statement of principles” setting out how it exercises its various responsibilities in terms of issuing premises licences, liaising with the Gambling Commission (a national co-regulator), carrying out its enforcement functions and issuing permits for small-scale gambling such as machines in alcohol-licensed premises and registering small society lotteries.

4.2 The existing statement of principles was adopted by the council on 23<sup>rd</sup> November 2015 and is due to expire on 6<sup>th</sup> January 2019. The council is required to update its statement of principles before the current one expires, and the new draft copy of the policy for 2019-2022 is attached at appendix 2.

4.3 In preparing the statement the licensing authority must have regard to the three licensing objectives of the Gambling 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
- protecting children and other vulnerable persons from being harmed or exploited by gambling. The Gambling Commission states: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

4.4 To give the context for Watford, the following table sets out the current licenses issued and applications dealt with over the last three years.

Type of Licence	Currently Issued
Adult Gaming Centre	1
Betting Shop	17
Bingo	1
Club Gaming Permit	0
Club Machine Permit	6
Gaming Machines (up to 2 machines)	27
Gaming Machines (3 or more machines)	18
Small Society Lotteries	54
Track Betting	0

As can be seen the numbers of licences within Watford are generally very low.

- 4.5 Currently, Watford is not one of the areas of the country where casino licences can be issued. However, the council is advised to pass a resolution that it will continue not to issue any casino licences in order to protect this position should the regulations regarding casino licences change. This reinforces the council's position of aspiring to create a safe, prosperous, and family friendly town centre, with a diverse night time economy. The resolution is contained at paragraph 12.1 of the statement. It is advised that this resolution be in force from 6<sup>th</sup> January 2019 upon the expiry of the current policy.
- 4.6 Officers believe that the policy is working well and are not proposing any changes other than those laid out in paragraphs 4.7 and 4.8.
- 4.7 In January 2018 Public Health England, the Local Government Association and the Gambling Commission wrote to Directors of Public Health in England outlining the links between Public Health and gambling; specifically that problem gambling can have an impact on physical, mental and emotional health and wellbeing. The letter is attached at Appendix 4.

The letter suggests that local Public Health teams have a critical role to play in developing licensing authorities' Statement of Principles as they have a good understanding of health issues within a local authority area.

This view was emphasised in a presentation by the local Director of Public Health to the Hertfordshire and Bedfordshire Chief Executives group in March 2018 and by the Gambling Commission to the Hertfordshire and Bedfordshire Licensing Officers Group in July 2018. These presentations are attached as appendices 5 and 6. Therefore, we would like to strengthen the links between the council and the local Director of Public Health, in order to further promote the licensing objective relating to the protection of children and other vulnerable people from gambling.

This is because local Public Health teams are well placed to understand the physical, mental and emotional health and wellbeing impact that problem gambling can have on individuals and their families.

Specifically, in partnership with the local Director of Public Health, the police and other partners and agencies we propose to develop a Local Area Profile, using health statistics and other data, that will assist premises licence holders and applicants with their local risk assessments.

It is recommended that the Local Area Profile is maintained as a separate document, and not included within the Statement of Principles, with the upkeep of

the profile delegated to officers. This is for the simple reason of maintenance, and how keeping the profile separate means that this may be updated as and when it is required without the need for consulting on changes to the whole policy.

Also whilst the Local Director of Public Health is not a Responsible Authority the council believes involving the local Public Health team will help promote the licensing objectives, so we are proposing to provide information on premises licences applications to the Director of Public Health for their comment.

- 4.8 A further proposal is to change how gaming machine applications are considered. At present notifications and applications for five or more gaming machines permits are dealt with by a sub-committee of councillors. We are proposing that these now be dealt with by the licensing authority's officers if there were no representations and officers are satisfied that the licensing objectives will be promoted, so that a sub-committee does not have to be convened. If representations are received these will still be considered by a sub-committee.

## 5.0 **Consultation**

- 5.1 A public consultation was carried out between 27<sup>th</sup> July and 31<sup>st</sup> August 2018.

- 5.2 Officers can confirm that the following parties were consulted on this proposal, identified as responsible authorities under the Gambling Act, and parties who represent businesses and other persons within the Borough:

- (a) Holders of premises licences, permits and gaming machine notices issued under the Act
- (b) Trading Standards (Hertfordshire County Council)
- (c) Residents of the Borough (residents' associations)
- (d) Hertfordshire Constabulary
- (e) Gambling Commission
- (f) Hertfordshire Fire & Rescue Service
- (g) Hertfordshire Safeguarding Children's Board (Hertfordshire County Council)
- (h) Development Management (Watford Borough Council)
- (i) Environmental Health (Watford Borough Council)
- (j) Her Majesty's Revenue & Customs
- (k) Watford Borough Councillors
- (l) Hertfordshire County Council Director of Public Health

Details of the consultation were placed on the council website and a public notice was placed in the Watford Observer on 27<sup>th</sup> July 2018.

5.3 The consultation questions are shown in Appendix 3.

5.4 Consultation Responses

5.5 Two consultation responses were received. These are shown in Appendix 7 and are supportive of the proposed changes to the policy.

The local Director of Public Health was supportive of the proposed changes when initially contacted but a formal consultation was not received.

5.6 Officers are proposing the following changes to the policy:

5.6.1 An updated Borough Profile (section 4.1)

5.6.2 To further promote the licensing objective relating to the protection of children and other vulnerable people from gambling, the council proposes to work with the local Director of Public Health, the police and other partners and agencies to develop a Local Area Profile, using health data and other data (sections 3.23 and 4.12). It is designed to assist premises licence holders and applicants with their local risk assessment. The local risk assessment details the measures premises licence holders will take to promote the licensing objectives.

5.6.3 Whilst Local Public Health Departments are not Responsible Authorities the licensing authority will seek advice from the local Public Health team in order to assess an application. This approach will be taken to assist the licensing authority in exercising its own functions as a responsible authority. (sections 3.24 and 5.2)

5.6.4 It is proposed to replace the current 19.11 of the policy with the following sections:

19.11 Notifications and applications for fewer than five machines shall be dealt with by the licensing authority's officers.

19.12 Applications for five or more machines will be referred to a licensing sub-committee of councillors, unless there are no representations and officers are satisfied that the licensing objectives will be promoted. In these situations notifications and applications will be dealt with by the licensing authority's officers.

5.7 Officers are proposing no changes to the following sections of the policy:

Section 6: The approach that the council takes when dealing with Interested

Parties and representations.

Section 7: The approach that the council takes when exchanging information with the Gambling Commission, the police and other partners.

Section 8: The approach that the council takes to enforcement.

Section 9: How the council deals with premises licences.

Section 10: How the council deals with Adult Gaming Centres.

Section 11: How the council deals with Licensed Family Entertainment Centres.

Section 12: The council's approach to casinos.

Section 13: How the council deals with bingo premises.

Section 14: How the council deals with betting premises.

Section 15: How the council deals with track betting.

Section 16: How the council deals with travelling fairs.

Section 17: How the council deals with premises licence reviews.

Section 18: How the council deals with Unlicensed Family Entertainment Centre gaming machine permits.

Section 20: How the council deals with Prize Gaming Permits.

Section 21: How the council deals with Club Gaming and Club Machine Permits.

Section 22: How the council deals with Temporary Use Notices.

Section 23: How the council deals with Occasional Use Notices.

Section 23: How the council deals with Small Society Lotteries.

## **6.0 Implications**

### **6.1 Financial**

6.1.1 The Shared Director of Finance comments that, as an update to existing policy,

there are expected to be no financial implications.

## 6.2 Legal Issues (Monitoring Officer)

- 6.2.1 The Head of Democracy and Governance comments that the Gambling Policy is legally required to be reviewed every three years and must be determined by Council. The other legal implications are contained in the policy and the report.

## 6.3 Equalities/Human Rights

- 6.3.1 An Equalities Impact Assessment of the revised policy has been carried out and is attached as Appendix 8. No changes to the Gambling Act 2005 Statement of Principles were needed as a result of the Assessment

## 6.4 Staffing

- 6.4.1 There are no staffing issues associated with this report

## 6.5 Accommodation

- 6.5.1 There are no accommodation issues associated with this report

## 6.6 Community Safety/Crime and Disorder

- 6.6.1 The policy itself does not impact on Community Safety, but as part of the processing function discussion will be held with applicants.

## 6.7 Sustainability

- 6.7.1 There are no sustainability issues associated with this report

## Appendices

- *Appendix 1 Current Gambling Act 2005 Statement of Principles 2016-2019*
- *Appendix 2 Proposed Gambling Act 2005 Statement of Principles 2019-2022*
- *Appendix 3 Consultation questions*
- *Appendix 4 Public Health and Gambling joint letter*
- *Appendix 5 Director of Public Health Presentation to Herts and Beds Chief Executives group*
- *Appendix 6 Gambling Commission Presentation to Herts and Beds Licensing Officers Group*
- *Appendix 7 Consultation Responses*
- *Appendix 8 Equalities Impact Assessment*



## **Background Papers**

No papers were used in the preparation of this report.