

Part A

Report to: Licensing Committee

Date of meeting: Thursday, 30 September 2021

Report author: Licensing Manager

Title: Gambling Act 2005 Statement of Principles 2022 - 2025

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 6th January 2022.

1.2 Only minor amendments are suggested to the existing policy.

1.3 A public consultation on the proposed policy was carried out between 14th July 2021 and the 25th August 2021.

1.4 Members are being asked to approve the Gambling Act 2005 Statement of Principles 2022 – 2025 that will take effect from 6th January 2022.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Not implementing the policy	The policy would expire and there would be no framework for dealing with applications made under the Act. As a result the council would not be able to effectively regulate gambling premises in the Borough.	Ensure policy is properly implemented by 6 th January 2022.	Treat	2
Legal challenge	Negative perception of council and its	Carry out consultation in	Treat	2

from failure to properly consult	licensing functions, and challenge through the Courts	accordance with the Government's published principles of consultation		
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3.0 Recommendations

- 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 6th January 2022 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.

Further information:

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Report approved by: Justine Hoy, Head of Community Protection

4.0 Detailed proposal

4.1 Background

- 4.2 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.
- 4.3 The existing statement of principles is due to expire on 6th January 2022. The council is required to update its statement of principles before the current one expires.
- 4.4 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”.

4.5 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	Issued in 2018	Issued in 2021	Applications Received (within last 3 years)
Adult Gaming Centre	1	1	0
Betting Shop	19	17 (-2)	6 (all transfers)
Bingo	1	1	0
Club Gaming Permit	0	0	0
Club Machine Permit	9	6 (-3)	3
Gaming Machines (up to 2 machines)	27	27	2
Gaming Machines (3 or more machines)	15	15	1
Small Society Lotteries	79	69 (-10)	4
Track Betting	0	0	0
Totals	151	136	16

As can be seen the numbers of licences within Watford are generally very low and have decreased during the last three years.

4.6 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 6th January 2022 upon the expiry of the current policy.

4.7 Consultation

4.8 A public consultation was carried out between 14th July 2021 and the 25th August 2021.

4.9 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 and their agents
- (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 displayed at the Town Hall from 15 July 2021. Letters and emails were sent to licence and permit holders and their agents on 15 July 2021.

4.10 Consultation Responses

4.11 Three consultation responses were received and these are shown in Appendix 2. None of these responses suggested any amendments to the revised statement of principles.

4.12 Responses were received from:

- Hertfordshire constabulary;
- Watford Environmental Health; and
- Hertfordshire Safeguarding Adults Board.

4.13 Officers would suggest that the lack of responses to the consultation does not reflect on the quality of the consultation but is a result of:

- The proposed changes only being very minor with little or no impact on existing licence holders or other stakeholders;
- The previous policy having been fit for purpose meaning that there had not been any negative impacts from the operation of the policy from either a licence holder or stakeholder perspective.

4.14 Officers are therefore proposing no amendments to the draft document approved for consultation by the Licensing Committee on 8th July 2021 which is attached at appendix 1.

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that there are no direct financial implications in this report.

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Group Head of Democracy and Governance comments that the legal implications are contained within the report.

Appendices

- *Appendix 1 Gambling Act 2005 Statement of Principles 2022-2025*
- *Appendix 2 Consultation responses*

Background papers

- No papers were used in the preparation of this report.