

## Report of the Chief Executive

**REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES**1. Purpose of report

To seek approval of the Council's draft revised Gambling Act 2005 Statement of Principles for statutory consultation.

2. Background

Section 349 of the Gambling Act 2005 (the Act) requires licensing authorities to prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Act. The Statement of Principles must be reviewed every three years. The previous statutory three-year period began on 31 January 2019. Consequently, the authority must review, adopt and publish a new Statement of Principles by 31 January 2022.

Considerable work has been undertaken by inter-authority groups to produce core documents common to the districts which reflect the statutory guidance. The draft revised Statement of Principles reflects the co-operation between the Nottinghamshire authorities

The Act obliges the licensing authority to consult widely on the revision of its licensing statement and, to enable that to be done effectively, the Council has established a list of consultees comprised of representatives of the various groups and bodies whose views will be sought. There are also a number of statutory consultees outlined in the Act. A link to the approved draft will be circulated to all of those so identified.

There are no fundamental changes to legislation and no substantive changes to the current Statement of Principles. A list of the proposed amendments is attached at appendix 1. Appendix 2 shows a proposed timescale for consideration of the document and its adoption in time for the revised policy to be implemented. An Equality Impact Assessment is attached at appendix 3. A copy of Broxtowe's proposed draft Statement of Principles is attached at appendix 4 and a copy will be placed on the Council's website as part of the consultation process.

**Recommendation**

**The committee is asked to RESOLVE that the draft of the revised Statement of Principles be approved for the purposes of statutory consultation.**

Background papers

Nil

## APPENDIX 1

**Proposed Changes to Statement of Principles**

|                     |  |
|---------------------|--|
| <b>Front Cover;</b> | Change to date of document<br>Change to date of publication  |
| <b>Page 6:</b>      | 1.8. Date of consultation amended<br><br>1.9 Link to local area profile to Council's website profile updated   |
| <b>Page 9:</b>      | 1.17 Data Protection Act added<br>1.17 The following information added.<br>The Gambling Act also allows the exchange of information with persons or bodies for them to exercise their functions under the Act which are listed in Schedule 6 (1).<br>The Council details its approach to the protection of and access for information on the Council's website<br><br>1.18 Link to Equality and Diversity policy updated |
| <b>Page 10:</b>     | 2,8 Gambling Harms link updated.   |
| <b>Page 17:</b>     | 4.14 Safeguarding Children now partnership not board   |
| <b>Page 27</b>      | 6.9 Reference to the Regulators Code added.  |
| <b>Page 30:</b>     | List of consultees updated   |

## APPENDIX 2

**TIMESCALE FOR ADOPTION OF REVISED STATEMENT OF PRINCIPLES**

|   |                   |
|---|-------------------|
| Draft statement presented to Alcohol and Entertainment Committee for approval                 | 28 September 2021 |
| 4 week consultation commences   | 30 September 2021 |
| 4 Week consultation finishes  | 29 October 2021   |
| Consideration of consultation responses and amendment of draft statement as necessary.        | 30 October 2021   |
| Revised Statement of Principles presented to Alcohol and Entertainment Committee for approval | 16 November 2021  |
| Adoption of Statement of Principles by Council  | 15 December 2021  |
| Publish Statement of Principles and place on website  | 3 January 2022    |
| Implementation  | 31 January 2022   |

## APPENDIX 3

## Equality Impact Assessment

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief

- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping

a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

### EQUALITY IMPACT ASSESSMENT (EIA)

|  |   |                                  |                |
|--|---|----------------------------------|----------------|
| Directorate:   | Chief Executive's                                     | Lead officer responsible for EIA | Suzanne Hickey |
| Name of the policy or function to be assessed:   | Gambling Act 2005 Statement of Principles 2019 – 2021 |                                  |                |
| Names of the officers undertaking the assessment:  | John Miley  |                                  |                |
| Is this a new or an existing policy or function?   | Existing  |                                  |                |
| <p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>The aim of the Authority in this Statement is to address the impact of licensed premises in terms of crime and disorder arising from gambling and to ensure that their location and internal layout are appropriate with a view to protecting children and vulnerable persons. The Authority is committed to partnership with all stakeholders with a view to the promotion of this aim. The Authority recognises the impact that unregulated gambling may have on its community and</p> |   |                                  |                |

sustainability as a viable local economy and in delivering the gambling regime will, with regard to the principles set out in this Statement, seek to support its local economy and protect vulnerable people. In doing so it will consider each application on its own merits within the context of this Statement, the legislation and guidance and codes of practice issued by the Gambling Commission.

The authority must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005 (the Act) i.e.

- 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 licensing authority aims to permit the use of premises for gambling:

- In accordance with any relevant codes of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives and;
- In accordance with the Authority's Statement of Licensing Principles.

## **2. What outcomes do you want to achieve from the policy or function?**

The Statement of Principles is intended to define how applications are made and dealt with under the relevant legislation. It also sets out matters that applicants must consider when making such applications and gives clear guidance on matters to be considered by the licensing authority when determining the applications. It will inform interested parties of the principles that the Licensing Authority will consider when exercising its duties under the Gambling Act 2005. It will also assist in supporting the Council's objectives as set out in the Equality and Diversity Policy

## **3. Who is intended to benefit from the policy or function?**

Applicants, Responsible Authorities as defined in the Act, other stakeholders, the public and the licensing authority will benefit from the policy. In particular

councillors, as decision makers and representatives of their residents will understand the considerations required.

The Responsible Authorities are:

- (a) a licensing authority in England and Wales in whose area the premises is wholly or partly situated
- (b) the Gambling Commission
- (c) the chief officer of police or chief constable for the area in which the premises is wholly or partially situated
- (d) the fire and rescue authority for the same area
- (e) in England and Wales, the local planning authority, or in Scotland, the planning authority
- (f) the relevant authority as defined in s.6 of the Fire (Scotland) Act 2005
- (g) an authority which has functions in relation to pollution to the environment or harm to human health
- (h) anybody, designated in writing by the licensing authority, as competent to advise about the protection of children from harm
- (i) HM Revenue & Customs
- (j) any other person prescribed in regulations by the Secretary of State.

#### **4. Who are the main stakeholders in relation to the policy or function?**

Operators of gambling premises, holders of gambling permits, operators of gaming machines on licensed premises, Responsible Authorities (as defined in the Gambling Act 2005), the public and the licensing authority are all stakeholders in the policy. The Statement of Principles is statutorily reviewed every 3 years. The Statement of Principles review is widely consulted upon with all stakeholders.

#### **5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?**

Just under 0.5% of the population in the UK have been identified as 'problem gamblers' with a further 1.4% identified as being of low to moderate risk of problem gambling (Gambling Commission Survey June 2021) While these percentages are small, this amounts to around 250,000 problem gamblers in total and a further 750,000 'at risk'.

Statistics for the Gambling Commission contained within the NatCen “Gambling behavior in Great Britain” show overall, the highest participation rates in any form of gambling activity were among adults aged between 25 and 64 (between 60% and 62%), while the lowest rates were found among the youngest and oldest age groups; 46% of 16 to 24 year olds and 47% of those aged 75 and over had gambled in the past year. <https://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2016.pdf>

There are currently 16 premises in the Borough. 8 betting shops, 7 Adult Gaming Centres and 1 Bingo Premises. There have been no reported issues relating to any of the equality strands.

## **6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?**

Certain groups are more likely to experience problems with gambling including those on lower incomes or unemployed, those from Asian/Asian British and Black British backgrounds, homeless people and prisoners. (Problem gambling in Birmingham - A Rapid Assessment Report. Carl Packman, Research and Good Practice Manager, Toynbee Hall Karen Rowlingson, Professor of Social Policy, University of Birmingham May 2018)

Broxtowe's 'White' population is 92.74% and the 'White British' population is 89.51%. The largest black and minority ethnic (BME) groups in the borough are Indian and Chinese and these tend to belong in the younger age groups.

At the time of the last census, 50.6% of the population was female and 49.4% male.

The Licensing Authority, Nottinghamshire Police and the Nottinghamshire Authorities Licensing Group (NALG) have worked with representatives of the Gambling Commission and Nottinghamshire county NHS in developing this Statement of Principles to address the impact of licensed premises with a view to protecting children and vulnerable persons.

## **7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?**

The Statement of Gambling principles is widely consulted upon every three

years. This is a statutory requirement. Previous consultees included:

Poppleston Allen Licensing Solicitors

Fraser Brown Solicitors

John Gaunt Solicitors

British Beer and Pub Association

Association of British Bookmakers

British Amusement Catering Trade Association.

The Bingo Association

Nottinghamshire Police (CJ) Liquor Licensing

Nottinghamshire Fire and Rescue Service

Nottinghamshire Social Services

Gamcare

Gamblers Anonymous

Novomatic Ltd (Luxury Leisure)

Working Mens Club & Institute Union

Mecca Bingo

Equalised Club

Stapleford Conservative Club

Nottinghamshire Safeguarding Children Board

Nottinghamshire Safeguarding Adults Board

Gambling Commission

- In 2012 there were no responses.
- In 2015 the only response to the consultation was a trade response dealing with application matters.
- In 2018 there were two responses

Should any response from the 2022- 24 consultation indicate concerns, the matter will be reported to the Alcohol and Entertainments Committee for consideration and resolution.

**8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?**

**In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:**

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

The policy does not target or exclude any particular body. However a number of issues of vulnerability and safeguarding are addressed in the statement. See Para 4.15. There are a number of measures aimed at ensuring that no underage activities take place. There are also measures in place to support vulnerable people who may gamble more than they want to, gamble beyond their means or are unable to make informed decisions due to alcohol, drugs or mental impairment.

Applicants are required to submit a local risk assessment with applications to consider the above relevant matters identified in the statement and ensuring that they support the Licensing objectives.

- 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.

- **Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

The revised policy will apply equally across all groups and communities in the borough.

- **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

There are no barriers in respect of the policy being accessed and utilised by any equality group or community. The policy is available for all to use. However safeguards are in place to support vulnerable persons and prevent under age gambling.

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

The implementation of the Gambling Act 2005 and the Statement of Principles engendered a close working relationship with all stakeholders across the County. Safeguarding and vulnerability issues have been and continue to be dealt with by NALG

• **What further evidence is needed to understand the impact on equality?**

Should any evidence arise as a result of the comprehensive consultation process or indeed become apparent during the life of the statement, it will be considered and if necessary acted upon. There are no barriers to revisiting the statement and revising if necessary throughout the three year period.

**9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?**

**Age:**

One of the Licensing Objectives is “Protecting children and other vulnerable persons from being harmed or exploited by gambling.” We will consult with the Nottinghamshire Safeguarding Children Board and continue to liaise with them throughout the life of the statement through the Nottinghamshire Authorities Licensing Group (NALG).

There are a number of measures in place in the statement that operators may use to protect children from harm, not only from gambling but the wider child protection issues.

**Disability:**

No adverse impact has been identified through previous consultations, premises visits and on-going monitoring

**Gender Reassignment:**

No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.

**Marriage and Civil Partnership:**

No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.

**Pregnancy and Maternity:**

No adverse impact has been identified through previous consultations,

premises visits and on-going monitoring.

**Race:**

No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.

**Religion and Belief:**

No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.

**Sex:**

No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.

**Sexual Orientation:**

No adverse impact has been identified through previous consultations, premises visits and on-going monitoring.

**Head of Service:**

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

**Signature of Head of Service: Suzanne Hickey**