



3 September 2018

Dear Sir/Madam

A meeting of the Alcohol and Entertainments Licensing Committee will be held on Tuesday 11 September 2018 in the New Council Chamber, Town Hall, Beeston at 10.00am.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors:	E H Atherton	W J Longdon (Vice Chair)
	D A Burnett BEM (Chair)	R D MacRae
	T A Cullen	M E Plackett
	M J Crow	K E Rigby
	R H Darby	P D Simpson
	P Lally	A G W A Stockwell

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

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The Committee is asked to confirm as a correct record the minutes of the meeting held on 19 June 2018.

4. REVIEW OF STATEMENT OF LICENSING POLICY PAGES 2 - 30

To recommend approval of the Council's draft revised licensing statement for statutory consultation. A copy of the statement is circulated separately with this agenda.

5. REVIEW OF STATEMENT OF GAMBLING PRINCIPLES PAGES 31 - 47

To see approval of the Council's draft revised statement for statutory consultation. A copy of the statement is circulated separately with this agenda.

ALCOHOL AND ENTERTAINMENTS LICENSING COMMITTEE

19 JUNE 2018

Present: Councillor D A Burnett BEM, Chair

Councillors: E H Atherton M E Plackett
W J Longdon K E Rigby
R MacRae P D Simpson

Apologies for absence were received from Councillors T A Cullen and M J Crow.

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES

The minutes of the meeting held on 28 November 2017 were confirmed and signed.

3. REVIEW OF STATEMENT OF LICENSING POLICY

The Committee considered the Review of Statement of Licensing Policy. It was noted that Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy every five years. The policy had been updated to reflect a number of legislative changes and revisions made by the Home Office.

RESOLVED that the draft Statement of Licensing Policy be approved for the purposes of statutory consultation.

4. REVIEW OF STATEMENT OF GAMBLING PRINCIPLES

The Committee considered the draft revised Statement of Principles for statutory consultation. Section 349 of the Gambling Act 2005 requires licensing authorities to prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Gambling Act 2005. The Statement of Principles lasts for a maximum of three years but can be reviewed and revised by the authority at any time.

RESOLVED that the draft of the revised Statement of Principles be approved for the purposes of statutory consultation.

Report of the Chief Executive

REVIEW OF LICENSING ACT 2003 STATEMENT OF LICENSING POLICY 2019-2024

1. Purpose of report

To advise members of the response to the consultation on the Council's draft revised Licensing Act 2003 Statement of Licensing Policy for 2019-2024.

2. Detail

Members approved the content of the draft Statement of Licensing Policy on 19 June 2018 for statutory consultation between 22 June 2018 and 17 August 2018.

A number of comments have been received following the consultation and a schedule of the comments and the proposed response together with any proposed amendments to the policy is attached at appendix 1.

The Equality Impact Assessment which accompanied the report on the draft Statement of Licensing Policy is attached at appendix 2

Members are asked to approve the proposed amendments and recommend that the policy be approved by Full Council on 19 December 2018.

The Council is required to publish the revised policy by 7 January 2019 and implement on 7 January 2019.

Recommendation

The Committee is asked to RECOMMEND to Full Council that the Statement of Licensing Policy be approved for publication by 7 January 2019 and implementation on 7 January 2019 by Full Council on 19 December 2018.

Background papers

Nil

**Alcohol And Entertainment Committee
11 September 2018
Alcohol Policy Representation Response**

Representation	Comment	Action Recommended
<p>06.08.2018 <u>Andrew Ludlow</u> <u>Secretary Nottingham CAMRA</u></p> <p><u>Licensing Act 2003 Statement of Licensing Policy 2019-2024</u> At the last committee meeting the proposed Broxtowe Council Statement of Licensing Policy for the next four years was considered. A number of points were made and I have been asked to forward the following observations:</p>	<p>Policy is for 5 years</p>	<p>No action required.</p>
<p>1. Under 4.3 the point is made that 'licensing policies are not currently required to address Public Health concerns'. The paragraph however then goes on to outline a whole series of public health concerns without making any mentions of the positive effects that pubs have on local communities. Not only do pubs provide the only environment where alcohol consumption is monitored (unlike supermarkets) but they also help treat the growing social problem of loneliness. This is backed up by recent research from the University of Oxford (*1) and the government even have a Government Minister (Tracey Crouch MP) for loneliness. I would suggest that this and other paragraphs needs rewriting to show a more balanced approach and not simply</p>	<p>Para 1.3 recognises the benefits of licensed premises and whilst health is not a licensing objective, the Director of Public Health is the nominated person responsible for responding to applications on behalf of public health teams.</p> <p>The policy concerns the sale of alcohol both in on licensed and off licensed premises.</p> <p>The House of Lords Select Committee also noted: Conclusion / Recommendation 22: Promotion of health and well-being is a necessary and desirable objective for an alcohol strategy, but we accept that it is not appropriate as a licensing objective.</p>	<p>Noted. No action</p>

<p>reflect the anti-alcohol lobby.</p> <p>In the last few days further research has been published that actually shows the benefit of moderate drinking reduces the risk of dementia (*2)</p> <p>*1 <i>'Functional benefits of (modest) alcohol consumption'</i> *2 <i>Published in the British Medical Journal (BMJ) the data showed abstinence in midlife was associated with a 45% higher risk of dementia compared with people who consumed between one and 14 units of alcohol per week</i></p>	<p>Government response</p> <p>The Government is committed to working with public health organisations and professionals, in particular Public Health England, to support local areas to tackle the public health harms associated with excessive alcohol consumption. Public health teams have an important role to play in the licensing system, and that is why they have a statutory role as a responsible authority under the 2003 Act.</p> <p>The general tenor of the policy is not anti-alcohol and it is not proposed to rewrite any part of the policy with respect to this comment.</p>	
<p>2. Under 7.21 the authority is indicating that although the 'consumption of alcohol' is not a licensed activity it intends effectively making it so in the case of gardens and outside areas. This seems a clear case of exceeding the intentions of legislation and seems an unreasonably imposition. The Local Authority already has powers under the Noise Act 1996 to deal with noisy neighbours.</p>	<p>It is an established fact of law that on sales relate to the licensed area. If a premises does not have the authorisation to sell alcohol for consumption off the premises, drink in a beer garden would be breaking the law.</p> <p>The issue is not the consumption of alcohol but the permission to sell alcohol for that purpose.</p> <p>The Noise Act 1996 has no relevance to this.</p>	<p>Noted. No action</p>
<p>3. Whilst it is accepted that the Authority has to take into account Crime & Disorder obligations it is felt that social wellbeing of the local citizens should also be a factor in any policy (*3). There has been a growth recently of micro-pubs and these are providing a much need community service as increasingly the larger pubs have sought to capture the more lucrative market (Food, entertainment and Sports).</p>	<p>Wellbeing is not a licensing objective and cannot therefore be taken into account when considering applications.</p> <p>The principle of micro pubs is welcomed and the Council has granted licences for a number of them in the past few years. However, many of the premises will require planning permission due to change of use or location. In many cases due to location, planning will grant limited</p>	<p>Noted. No action.</p>

<p>Micro-pubs provide local employment; tend to sell local beers (empowering local business) and are local community hubs providing a local refuge for those who wish to interact with other people.</p> <p>Our proposal is that micro-pub applications should be treated in a slightly different way with a more flexible approach to opening hours and use of outdoor areas. The Licensing Act 2003 allowed for a more relaxed approach to opening hours anticipating that this would encourage a more relaxed attitude to drinking. Whilst this has not always been achieved it would only seem reasonable to allow micro-pubs the option to open until midnight, where economically it make sense, as the majority of the users of micro-pubs live locally and this would encourage them to stay locally.</p> <p>The Authority and the Police have an abundance of powers to deal with unruly establishments and our recommendation is that where there may be some concerns that temporary approval should be granted and renewed on the basis of the pubs continuing good and proper management.</p> <p><i>*3 Friends on Tap – The Role of pubs at the heart of the community. Professor Robin Dunbar, Department of Experimental Psychology, University of Oxford. January 2016.</i></p>	<p>opening hours to protect public amenity and it is this that would normally dictate the opening hours.</p> <p>There is no scope or legal standing to consider such applications any differently to any other. As far as the Licensing Act 2003 is concerned, if an application receives no representations, it must be granted as applied for. However, if representations are received, the application is subject to a statutory process whether large or small', on or off sales, or of course late night refreshment.</p> <p>There is no legal facility to grant a temporary licence in the manner suggested.</p>	
<p>Insp 3540 Ruby Burrow County Operations</p>	<p>It is considered that the response has some merit. The proposed response will be considered by the</p>	<p>Noted. Action to be agreed by NALG</p>

<p>Nottinghamshire Police</p> <p>There is no mention of vulnerability within the policy. Whilst the awareness of and action taken to prevent vulnerability is not one of the 4 licensing objectives it is nonetheless obviously important. There are references to actions that venues should take that would reduce vulnerability eg the suggestion of providing a taxi call point – this is under the heading of reducing crime and disorder.</p> <p>Is there anything that could be put in to specifically address the issue of vulnerability – the link between excessive alcohol making people more likely to be vulnerable, a suggestion that venues have a responsibility for the wellbeing of their patrons, a suggestion that venues engage with any vulnerability training they are offered by responsible authorities, a suggestion they engage with schemes such as the “Ask Angela” scheme, provision of basic facilities to assist patrons in need such as phone chargers, bottles of water, a room where vulnerable people can wait to be collected by taxi or other transport.</p>	<p>Nottinghamshire Authority Licensing Group (NALG) on 6th September to agree common wording of the policy.</p> <p>Para 7.14 to be amended to include: Examples of recommended management practice for the protection of children and Vulnerable Adults Exclusion from the premises in certain circumstances. Implementation of a robust proof of age scheme. Training staff in their responsibility not to serve to a person when drunk Encouraging staff to attend vulnerability training Providing facilities to support vulnerable adults when assistance is required. (access to phone and/or charge, cold water, safe room away from others)</p>	<p>06.09.2018</p>
<p>Punch Taverns Response</p> <p>Punch is one of the UK's largest leased pub companies, with around 1300 pubs across the UK. From the spirit of our local community pubs, the energy of our lively city centre hot spots and sports bars, to the warmth and calm of our inviting country inns; our pubs are the heart of all we do.</p>	<p>General information</p>	<p>Noted. No response required.</p>

We are a business of people that love pubs! With a mixed estate of high quality leased, tenanted and retail pubs, our years of experience have enabled us to develop a leading proposition for those wishing to work with us and run a pub business of their own. We provide industry leading, tailored business support to our Publicans and develop market-leading, flexible agreements and retail concepts to suit all aspirations.

Under the ownership of Patron and May Capital, we have exciting plans to grow our business: longer term through potential acquisition opportunities and – in the here and now – by substantially investing in our teams, our pubs and Publicans.

Corporate Social Responsibility (CSR) is embedded across many elements of our business, from corporate fundraising to responsible retailing. We have dedicated teams in place to assist in ensuring that our premises operate to the highest standards. We strive to ensure that our pubs are not operating irresponsible drinks promotions or serving underage drinkers or those who are intoxicated.

The Punch Buying Club, our online ordering and communications portal, also has a section dedicated to Risk Management providing our Publicans with a wide range of downloadable educational tools, advice and pub-friendly materials, which can be used pub managers and team members.

As supporters of Drinkaware we do not condone irresponsible promotions and pricing of alcohol, and we

<p>have actively supported Drinkaware’s campaigns to help tackle binge drinking amongst 18 to 25 year olds. Responsible retailing forms a key part of our Publican training and we provide clear guidance on current legislation and best practice. We also support industry led initiatives to promote responsible retailing and are active members of industry trade bodies such as British Beer Pub Association (BBPA) and the British Institute of Innkeeping (BII).</p> <p>We are pleased to be able to contribute to this consultation, we have always prided ourselves with working with Local Authorities and Responsible authorities.</p> <p>We would like to make the following points some which are specific to the policy and referenced and some which are more general which we would ask be taken into account.</p>		
<p>1. Cumulative Impact Policy (CIP's)</p> <p>We note that that the Council is satisfied at the moment that a CIA is not necessary for the Borough. We support this stance. Cumulative impact policies can have the effect of dissuading operators from even attempting to get a licence. This unintentionally penalises operators considering smaller more novel applications (simply because of the prohibitive cost), often resulting in them looking to take their ideas elsewhere and thereby wasting a chance to develop a more rounded and vibrant economy in the CIP. For the same reason, such policies also promote ubiquity and stagnation as the only</p>	<p>The Council has no Cumulative Impact Policy at present. The comments are noted.</p>	<p>Comments noted. No response required.</p>

<p>operators willing to take on the risk and outlay of applying in cumulative impact zones are larger established chains with the financial backing to fight for a licence. Given the plight of the pub market 5 years ago and now the casual dining market, in part because their offers failed to change as the market developed around them, town centres, particularly those with CIPs, are struggling to attract operators and employment.</p>		
<p>2. Combined Strategies</p> <p>We are pleased to see a section on Strategic Links and other Regulatory regimes.</p> <p>Licensing policies works best when they reference, and indeed work with, other council strategic plans and policies. For instance, planning strategies and local cultural strategies often inform applicants for either new licences or variations to licences as to what the council are looking to do in terms of promoting culture, leisure use and night-time economy uses in a particular area. Often it can be difficult to find these documents online and therefore reference to them and indeed a general statement that the authority will take into account other strategies is both a pertinent and effective means of ensuring the local authority's medium and long-term plans are fully realised.</p>	<p>The comments are noted</p>	<p>No response required.</p>
<p>3. Other Relevant Legislation</p> <p>We are pleased to note that the Guidance issued under Section 182 of the Licensing Act has further emphasised the point that licensing should not duplicate other</p>	<p>A list of other relevant legislation is contained in the Statutory S182 Guidance to Licensing Authorities published by the Home Office. This document is</p>	<p>Noted. This will be discussed at NALG on 06.09.2018.</p>

<p>relevant legislation. However, in our experience policy does not always make it exactly clear what this means for applicants. For instance, it is often the case that references to nuisance are not necessarily references to public nuisance and indeed references to nuisance in general can conflict with enforcement powers of responsible authorities and others under other legislation. It would be helpful therefore if this matter could be clarified in the policy under a heading of "other relevant legislation".</p> <p>As an additional point, we note that reference in the guidance has been added to the Regulator's Code that came into force in April 2014. This is a critical document in that it sets out the obligations of regulators to those they regulate and therefore establishes how such relationships should work. We feel that these needs to be given reference within your policy in order that all parties understand that the terms of the Regulators Code will be enforced in all dealings between responsible authorities and premises licence holders.</p>	<p>updated on a regular basis and any such list is best placed there.</p> <p>There is no mention of the Regulators Code in this policy. However we do have a General Enforcement Statement.</p> <p>10 GENERAL ENFORCEMENT STATEMENT</p> <p>10.1 All decisions, determinations, inspections and enforcement action taken by the Authority will have regard to the relevant provisions of the Licensing Act 2003, national guidance, relevant codes of practice and the enforcement policy of the Council</p> <p>10.2 The Authority has established and maintains enforcement protocols with the local police and other relevant enforcement agencies.</p>	
<p>4. GDPR</p> <p>We note that the policy does not make reference to the GDPR. One of the most significant changes in recent times has been the change to data protection legislation introduced via GDPR. Whilst the obvious effects of this regulatory change relate to protecting personal data held</p>	<p>The detail of any requirement for CCTV is not a consideration for the Licensing Authority. This is a matter for the applicant to consider. If providing information through a condition on the premises licence was considered to be a breach of GDPR, then the</p>	<p>Noted. No action to be taken.</p>

<p>on behalf of individuals, such as social media, mailing lists, email data bases and various other forms of storage of someone else's data, there are other effects that need to be reflected in licensing policy.</p> <p>For instance, the requirement for CCTV at a premises licence is not only expensive to install, but we question the value of such systems in terms of crime prevention and detection, especially in smaller community pubs. However, it is now commonplace for police to demand CCTV in almost all premises and to insist upon complicated and demanding CCTV condition's to be added to premises licences. In addition, operators of CCTV systems have to consider the GDPR implications. In particular, anyone who stores data, including CCTV footage of individuals, which is classed as data for the purposes of GDPR, must be responsible for its safe collection, storage, usage and disposal. Handing over CCTV footage to Police officers in the active investigation of a criminal offence, such as a fight, would obviously be a legitimate reason for providing data. However, a condition with a general requirement to hand over CCTV at the behest licensing officer or police officer would arguably breach GDPR were it to be enforced. This means that there are numerous CCTV conditions on licences that would likely, were one to try and enforce them as they are written, cause an operator to breach GDPR.</p> <p>Similarly, club scan conditions need to be thought about in terms of GDPR and the obligations of the data holder. For instance, the time for which any data is stored and the purpose for storing that data needs to be made clear</p>	<p>applicant would have to take a view and justify any action to be taken. Likewise any request for such information would require the same consideration.</p> <p>Conditions are agreed between applicants and responsible authorities usually prior to an application being made. Such conditions are then included within the Operating Schedule as part of the application. The licence would be issued with the agreed conditions attached.</p> <p>It is not within the remit of licensing authorities to amend or alter conditions, nor is it within the ambit of the policy. There is a legislative process for such matters and premises licence holders are responsible for initiating the process by minor or full variation, depending upon the variation requested.</p>	
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<p>to people handing over their data. Again conditions that require such data to be handed over at the behest of an officer other than in investigating a criminal offence would in all likelihood breach GDPR.</p> <p>We feel therefore that this need to be addressed in the policy in order to ensure that conditions are updated to ensure compliance and that CCTV in particular is not being universally required where there is no real and pressing need for it.</p>		
<p>5. Conditions</p> <p>Whilst Punch Taverns recognise the importance of conditions on premises licences in certain circumstances, such as to prevent or to mitigate the potential risk of certain activities undermining the licensing objectives, we have a concern that more and more conditions are being placed on a licence that are then enforced as breaches of the licence in their own right.</p> <p>Licensing authorities are obliged to promote the 4 licensing objectives. Breaches of condition in and of themselves are an offence under Section 136 of the Licensing Act and on summary conviction can lead to an unlimited fine and/or up to 6 months in prison. It is important that this distinction is recognised in your policy and that breaches of condition in and of themselves are a matter for the Courts; whereas an undermining of the licensing objectives, which can happen with or without conditions being on the licence in any event, are the province of the licensing authority to deal with. We</p>	<p>There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory.</p> <p>Mandatory conditions are a legal requirement, subject to the activities of the licence.</p> <p>Imposed conditions are those which are placed on the licence following a hearing. The hearing may be for the grant, variation of a licence or review.</p> <p>Proposed are those which the applicant has included in his Operating Schedule as part of the application.</p> <p>If a licensee is not happy with the conditions, it is incumbent upon them to enter into a dialogue with the relevant responsible authority to resolve the matter, not to ignore the condition. Licensing authorities are in general happy to facilitate such a dialogue.</p> <p>At no point do licensing authorities put conditions on a licence of their own volition. This is not an officer</p>	<p>Noted. No action taken.</p>

<p>would suggest that this distinction is made in your policy as it will re-enforce the message both for responsible authorities and for operators who hold premises licences in your area.</p> <p>Punch has always been happy to work with licensing authorities in relation to conditions being imposed on a licence where they are necessary and proportionate to achieve an identifiable aim. However, we are concerned with the prevalence of standard conditions being used across all licences within any particular class, This has taken over from a proper analysis of the need for such conditions in the first place.</p> <p>In particular, we have seen a rise in conditions being imposed upon premises licences by responsible authorities, irrespective of the nature of the application being made. For instance, a variation to the plans attached to a licence to effect a simple alteration in layout and where there is no change in licensable activities, increase in customer area, or removal of internal lobbies, for instance, sometimes result in officers seeking to ride on the back of that application to impose conditions that are in no way relevant to it. The case of Taylor v Manchester City Council makes is clear that any conditions imposed on a premises licence when it is varied must relate to that application itself and should not stray into other areas that are not part of the application. It is important again that this is referenced in policy in order to prevent unnecessary hearings and often additional expense to applicants seeking to make simple changes to their licence but are then held to ransom by responsible authorities who know that</p>	<p>decision!</p> <p>Each licensed premises is unique and will be considered in its' own right. Whilst breaches of condition are ultimately matters for the court, a stepped approach to compliance would normally be the way forward with the enforcement process. Undermining the Licensing Objectives can occur in many ways and the licensing authority is keen to support good management of premises. In fact this is reinforced throughout the policy.</p> <p>Much of this area of response is general in nature and the practices described within are not those seen across Nottinghamshire or indeed in Broxtowe.</p> <p>The policy is clear in its view of the status of conditions (see 7.17-19).</p> <p>It is the role of licensing officers to inspect licensed premises and to ensure that conditions are complied with. If an operator is unhappy with the terms of the licence, he/she should apply to vary. There is no justification for non-compliance. Licensees have a legal duty to operate within the terms of that licence.</p> <p>Compliance is what will free up resources for enforcement.</p>	
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operators are unlikely to challenge their right to impose such conditions where the cost would be sent the matter to a hearing.

We submit that the imposition of large numbers of conditions on a premises licence is self-defeating. Premises licences form one part of a significant number of regulatory requirements that must be observed by publicans and this is often forgotten by regulators who often only think in terms of their one area of expertise. This means that they often do not see the wood for the trees. Policies that set out an expectation of long operating schedules or worse, require officers to object to applications unless the applicant applies their standard conditions, place an unnecessary burden on operators without necessarily helping to promote the licensing objectives. The City of London licensing authority, for instance, will only impose conditions if deemed absolutely necessary. It is not unusual to see licences with only a handful of conditions.

The reason for this is that they expect operators to promote the licensing objectives, not go through the motions of complying with conditions because they have to. Also, licences grandfathered in 2005 would, likely have few or no conditions on them. We have seen no evidence to suggest such premises have undermined the licensing objectives more than "conditioned licences."

We would challenge any authority to suggest that this approach leads to more issues with licence holders undermining the objectives. If anything this clarity of approach means that operators are freed up to adapt their businesses as the demands of the market change, freeing up officers from having to undertake lengthy

<p>inspections of licences and then having to send out enforcement letters relating to conditions that are breached in the observation without any real evidence that the breaches themselves undermine the objectives. This in turn frees up resources for enforcement against poorly behaving premises and dealing with unlicensed operators.</p>		
<p>6. Minor Variations</p> <p>We note your reference to minor variation but feel this can be expanded.</p> <p>The use of minor variations is a very useful tool and we feel that your policy should reflect this. Minor variations are there to ensure that cost and time is saved where appropriate for applicants seeking to make changes to their licence that would not undermine the objectives. We feel it would assist if you set out in your policy those applications that would fall ordinarily within the minor variation class. We would propose these are as follows:-</p> <ul style="list-style-type: none"> • Changes to layout that do not increase the customer area (beyond a de-minimis increase of, we would suggest, 10%). • Amendment and removal of conditions in agreement with responsible authorities. • Changes to opening times to allow for earlier opening for premises for non-licensable activities, i.e. to permit premises to open to serve coffee and/or breakfast. • Removal of conditions that are no longer relevant to the operation of the premises or are redundant following imposition of new law, such as the 	<p>It would not be appropriate to set out what would fall within the “minor variation” process in such a specific manner. Each application will be dealt with on its own merit. Applicants would normally consult with the licensing authority prior to submitting a minor variation request.</p> <p>There is greater detail in the S182 guidance in para’s 8.54-61.</p> <p>It is not the remit of this policy to replicate the content of the statutory guidance which is a publicly available document.</p>	<p>Noted. No action taken.</p>

<p>Regulatory Reform (Fire Safety) Order 2005.</p>		
<p>7. Prevention of Crime and Disorder</p> <p>The prevention of crime and disorder is one of the 4 licensing objectives and clearly a major pillar of licensing legislation. However, we have become increasingly concerned that licensed premises are sometimes being unfairly held to a higher standard when it comes to prevention of crime and disorder than other public premises. For instance, when Police present evidence of crime and disorder in relation to a licensed premises, they will often include references to any crime that is associated not just with the premises in terms of its operation as a licensed premises but generally. For instance, the Police will often include reference to all calls where those calls have referenced the premises as a local landmark which can include anything from criminal activity from people who have not been customers of the premises, offences in relation to taxis, or general disturbance and noise nuisance in a town centre where it cannot be said to be relevant to the premises.</p> <p>Premises licence holders will also often find reference to offences that are not relevant to the licensing objectives themselves. So, for instance, robberies at residential premises above a licensed premises are sometimes included. We feel it is important that the council recognise in their policy that these are matters that are not relevant to the prevention of crime and disorder licensing objective and that the licensing authority's expectation is that they will only be presented with evidence where it directly relates to the licensable</p>	<p>This is a police matter and not within the remit of the licensing authority to resolve.</p> <p>Any evidence given at licensing hearings will be scrutinised within the hearing process.</p>	<p>Noted. No action taken.</p>

<p>activities being provided within the premises themselves.</p>		
<p>8. Prevention of Public Nuisance</p> <p>The prevention of public nuisance licensing objective is to be widely interpreted, as set out in the Statutory Guidance. However, we often come across conditions imposed on licences, as well as the investigation of complaints that do not relate to public nuisance. For instance, conditions that refer to 'nuisance', rather than 'public nuisance', set a significantly higher barrier- one that was not intended by the Licensing Legislation. We also see this in terms of enforcement action where often enforcement officers will allege that a nuisance, often a private nuisance, has occurred and demand action under the terms of the premises licence. Clearly this is beyond that which was intended by Parliament and therefore we suggest that your policy reflects the need for public nuisance to be demonstrated and for conditions relating to nuisance to relate to public nuisance rather than any wider definition. In particular, we suggest that expressly stating that private nuisance is not a licensing objective would assist in all parties understanding what is and is not the remit of licensing legislation.</p>	<p>The licensing authority supports the good management of licensed premises in maintaining and raising standards across the licensed estate.</p> <p>This may involve liaising with other responsible authorities whose remit may be private nuisance.</p> <p>The matter of public nuisance is explained in detail in the S182 Guidance and in terms of the Licensing Act 2003 retains its broad common law meaning. The Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It would not therefore be appropriate to make a statement regarding private nuisance as requested.</p>	<p>Noted No Action taken</p>
<p>9. On and Off-Sales</p> <p>With respect to 7.21 of your draft policy we do not agree. We contend that such a sale is an on-sale. If one considers the nature of the offence of selling alcohol</p>	<p>Regrettably the respondee is wrong in law.</p> <p>S8.36 of the Statutory S182 guidance reflects the content of the policy.</p>	<p>Noted. No action taken.</p>

without the appropriate licence, it is clear that the intention is that the person making the sale is the one who would be charged with the offence, rather than, say, the purchaser. Therefore, in selling a drink in an open container for immediate consumption, it cannot be argued that the publican has made anything other than an on-sale. It is inconceivable that the law intended that should this person step outside the premises, or indeed take that drink away with him, that this would somehow transform that on-sale to an off-sale. The terms 'on' and 'off' sales originate from the Licensing Act 1964. Analysis of the legislation (by reference to off-sales) demonstrates that all off-sales had to be intended to be sold for consumption away from not only the licensed premises but any land associated with that premises or land immediately adjoining it for them to be considered an off sale. The intention was to ensure that in a situation where a seller makes an on-sale, that on-sale does not become an off-sale simply by means of it being consumed in the immediate environment of the premises, such as an unlicensed garden or on the pavement outside the pub.

As such, we feel that this needs to be clarified in the policy. We would propose a statement along the following lines:-

"On and off-sales are defined by reference to the intention of the seller at the time of sale. A sale in an open container for immediate consumption at the premises is an on-sale. This extends to where the person who has purchased the drink at the bar and then consumes it either in a pub garden or on the pavement immediately outside the premises or an area which has historically been used in the local vicinity.

There is no distinction in the Licensing Act 2003 relating to sales of alcohol in open or closed containers. For consumption to take place OFF the licensed premises, there must be the authorisation for off-sales. In the same manner consumption ON the licensed premises must have authorisation for on-sales. If the outside area of the premises is not covered by the premises licence for the sale of alcohol ON the premises, it cannot legally be used unless there is also authorisation to sell OFF the premises.

<p>An off-sale is a sale designed for consumption away from the premises and its immediate environs. This will usually be in a sealed container such as a bottle or can and the seller when selling that drink had no intention for the purchaser to remain at the premises to consume it".</p>		
<p>10. Planning and Building Control</p> <p>We feel it is a useful guide for applicants and responsible authorities to have a statement in your policy that reflects the fact that licensing and planning are entirely separate regimes albeit there is overlap in terms of the licensing objectives and planning's 'amenity' remit. In practical terms this means that neither planning nor licensing should need to be obtained first, so long as the applicant understands that both regimes need to be complied with.</p> <p>We would also urge you to clarify in your policy that where conditions are stipulated on a planning permission, such as restriction on hours or activities, these do not need to be repeated in the premises licence, unless there is good reason to do so. Often conditions relating to extract systems, closing times of external areas, etc. appear on both permissions and on occasion they do not even mirror the other. This leads to additional and unnecessary expense for licence holders should such conditions need to be amended.</p> <p>Paragraph 1.19 of the Guidance makes it clear that overlap between regimes should be avoided where possible.</p> <p>Agent of Change</p>	<p>Whilst planning and licensing are two separate regimes, it is incumbent upon the applicant or licensee to operate within the least permissive permission or be subject to potential enforcement action.</p> <p>4.2 of the policy states "The granting of a licence, certificate or provisional statement will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes. However there will be overlapping issues of interest e.g. disturbance, which will remain material considerations for planning purposes as well as being relevant in terms of the licensing objectives. Applicants should also ensure that they have due regard to any planning restrictions on the use of premises when applying for licence/certification to avoid any possible enforcement action."</p> <p>As has been previously noted, conditions are included on a licence where agreed, volunteered or imposed and should only be added where necessary. The policy is clear on that.</p> <p>These are matters which should be agreed and resolved as a part of the application process.</p>	<p>Noted No action taken.</p>

<p>Whilst we recognise that the principle is currently being debated in terms of planning, it is equally as important in licensing. We recommend that the licensing policy expressly recognises that developers of new residential developments need to protect their buyers from potential sources of noise disturbance, not expect existing licensed premises to have to adapt their offer to accommodate the new development. In particular, small pubs often rely on live or recorded music, provision of social events and other community based promotions, such as beer festivals, in order to survive and thrive.</p> <p>We have, unfortunately, seen a rise in complaints and reviews directed at existing premises that have often been at the heart of the community for over a century, from residents moving into new properties nearby. Whilst it is incumbent upon licence holders to promote the licensing objectives, it is iniquitous and arguably a breach of their Article 1, Protocol 1 human right to peaceful enjoyment of property, which includes their premises licence, to have their livelihood threatened and sometimes taken away because of poorly designed and constructed residential property built next door.</p>	<p>As each licence is determined on its own merit. It would be unwise to fetter the licensing authority's discretion in the policy.</p> <p>There is an agent of change bill currently being discussed in Parliament. Any reference to "Agent of Change" should be made when there is clarity of the legal status.</p>	
<p>11. List of responsible authorities</p> <p>We would ask that you please update the list of responsible authorities within your policy. It is helpful to licence holders to be able to find contact details, including phone numbers and email addresses, or a link to where such details can be found, as we often want to consult with officers prior to making applications. Without this information, and with council resources</p>	<p>The list of responsible authorities is set by statute and contained in the Licensing Act.</p> <p>The contact details of the responsible authorities are not held in the policy as they are subject to change. This negates the need to revisit the policy each time such a change takes place.</p>	<p>Noted. No action taken.</p>

<p>being directed toward generic call centres and help lines, it is becoming increasingly difficult to speak to the relevant officers.</p>		
<p>12. Tables and Chairs licences</p> <p>External areas, especially gardens and enclosed spaces laid out to tables and chairs, are often attractive in their own right, as well as promoting businesses. Where they are on council land, they can be useful sources of revenue for local authorities. We would ask that your policy refers to any tables and chairs policy in place, with links to where application forms can be found on the council website etc. Whilst not strictly related to the Licensing Act 2003, the council policy document is a useful guide to licence holders and the more information that can be provided about ancillary matters, the more likely it is that licence holders and applicants will use this resource.</p>	<p>Pavement licences are not within the remit of this licensing authority. This is a County Council matter and will apply to licensed and unlicensed premises.</p> <p>Such a matter is not within the remit of the policy.</p>	<p>Noted. No action taken</p>
<p>James Anderson, Poppleston Allen Solicitors.</p> <p>6.13 Public Health is not a licensing objective as the policy makes clear and so the council should attach less weight than to the four licensing objectives and be wary of bringing general information into individual applications when there are mandatory conditions in place.</p>	<p>Agreed</p>	<p>Noted. No action taken.</p>
<p>7.30 Whilst becoming increasingly unfashionable, "vertical drinking" establishments are not necessarily problematic if well run. They in the form of wet led pubs serve the community and are an important part of the</p>	<p>Noted.</p>	<p>Noted. No action taken.</p>

local economy and a diverse offer and cultural heritage		
Gill Oliver, Nottinghamshire County Council Senior Public Health and Commissioning Officer 4.3-4.7 Thank you for including these paragraphs on Public Health.	Noted	Noted. No action taken
7.34 Public Health supports Broxtowe's decision to adopt additional requirements for sexual entertainment venues.	Noted	Noted. No action taken
8.0 Public Health supports the measures to protect children.	Noted	Noted. No action taken

Equality Impact Assessment – Statement of Licensing Policy

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	D Gell
Name of the policy or function to be assessed:		Statement of Licensing Policy 2019-2014	
Names of the officers undertaking the assessment:		John Miley	
Is this a new or an existing policy or function?		Existing	
<p>1. What are the aims and objectives of the policy or function?</p> <p>This Policy Statement aims to establish sensible controls and appropriate guidance to encourage and further the efforts that are being made by the Council and its partners together with the licensed trade to help the Authority deal with issues that may arise from licensable activities.</p> <ol style="list-style-type: none"> 1. The sale by retail of alcohol 2. The supply of alcohol by or on behalf of a club to a member 3. The provision of regulated entertainment 4. The provision of late night refreshment <p>This will be achieved by:-</p> <ul style="list-style-type: none"> • Establishing and building upon best practice within the industry; • Recognising and facilitating the role of partners and stakeholders; • Encouraging self-regulation by licensees and managers; • Providing a clear basis for the determination of licence applications; and • Supporting related policies and strategies of the Borough Council. • An inspection and enforcement regime targeted at premises that present a high risk. <p>The Licensing Authority must carry out its functions under the Licensing Act 2003 with a view to supporting the four Licensing Objectives:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder; • Public safety; • The prevention of public nuisance; and • The protection of children from harm. 			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>The policy 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 also assist in supporting the Council's objectives as set out in the Equality and Diversity Policy</p> <p>The policy will integrate with other initiatives that will:</p> <ul style="list-style-type: none"> • Reduce crime and disorder • Encourage tourism, creating a vibrant licensed economy • Reduce alcohol misuse 			

- Ensure the safety of children and vulnerable adults in the licensed economy
- Ensure a fair and consistent approach to the consideration of applications and management of those premises granted a licence.

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

Applicants, Responsible Authorities, other stakeholders, public and the licensing authority will benefit from the policy. In particular, Councillors, ensuring that as decision makers and representatives of their residents, they understand the considerations required.

Responsible Authorities are:

- the relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
- the chief officer of police;
- the local fire and rescue authority;
- the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- the local authority with responsibility for environmental health;
- the local planning authority;
- a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- each local authority's Director of Public Health (DPH) in England⁴ and Local Health Boards (in Wales);
- the local weights and measures authority (trading standards); and
- Home Office Immigration Enforcement (on behalf of the Secretary of State).

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

Operators of licensed premises, Responsible Authorities, the public and the licensing authority are all stakeholders in the policy. The Policy is statutorily reviewed every 5 years. The policy 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?

According to research undertaken by the Joseph Rowntree Foundation, (Ethnicity and alcohol; – A review of the literature Hurcombe, Bailey & Goodman. Joseph Rowntree Foundation 2010) overall, most minority ethnic groups have higher rates of abstinence, and lower levels of frequent drinking and heavy drinking compared with the British population as a whole and to people from white backgrounds. However, there is considerable variation between and within different minority ethnic group populations in their drinking behaviours and frequent and heavy drinking can occur in some communities. The controls provided by the reviewed policy will affect all equality strands equally

There are 364 premises licensed by the authority of which 98 are licensed for off sales only. 17 premises hold Club premises certificates. There are 58 community premises which are licensed for entertainment only (no sale of alcohol).

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

See the research from the Joseph Rowntree Foundation referred to in 5 above.

The Licensing Authority working in partnership in particular with Nottinghamshire Police and their Licensing team follow a policy of early intervention when any issues arise. This has resulted so far, in no reviews of premises licences in the 15 years of the Licensing Act 2003.

Test purchasing for under age sales by Police and Trading Standards Officers has resulted in a limited number of fixed penalties being issued but no premises prosecuted for offences. Anecdotally there are few reports of under-age sales.

There are three Pubwatch schemes operating in the Borough supporting the aims and objectives of the policy.

Best Bar None also supports good management practice in licensed premises.

There have been no reported issues relating to any of the equality strands.

The House of Lords Select Committee on the Licensing Act 2003 in 2017 concluded that:

“We do not recommend adding as a licensing objective “compliance with the Equality Act 2010” or “securing accessibility for disabled persons”.

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

The Statement Of Licensing Policy is reviewed and widely consulted upon every 5 years. This is a statutory function of the Licensing Authority. Consultees are identified in the Licensing Act 2003 and the consultation process includes a number of other interest parties:

- All Broxtowe Borough Councillors
- All Parish/Town Councils within the borough
- All BBC Heads of Service
- CAMRA
- Association of Convenience Stores
- Local MPs
- APAS Alcohol Services
- Change Grow Live
- East Midland Ambulance Service
- Children and Adult Safeguarding Boards
- Licensing Solicitors
- Licensed Premises Operators
- Club Operators

Nottinghamshire Police
 Association of Licensed Multiple Retailers
 Health & Safety Executive
 Nottinghamshire Police
 Clerk to the Licensing Justices
 Principal Community Safety Officer
 Nottinghamshire Fire & Rescue Service
 Association of Town Centre Managers
 Trading Standards Service
 British Beer & Pub Association
 British Institute of Innkeeping
 NHS – Nottinghamshire County
 All Pubwatches
 Local Taxi Operators

There were no responses to the previous consultation in 2013

There will be a full consultation on the 2019-24 policy review and full use will be made of the Council’s website consultation process as well. Should any response from the current consultation indicate concerns, the matter will be reported the Alcohol and Entertainment Committee for consideration and resolution.

The policy will remain under review throughout its lifetime and may be subject to early review if required.

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 Council aims to ensure that services provided are relevant to the needs of all sections of the communities. The stated policies are not expected to adversely affect any of the protected equalities groups highlighted in this assessment. The Council is aware of the negative impact of alcohol on some specific groups (children, those with mental health issues, particular ethnic groups), therefore in some cases the reviewed policy may have a positive effect.

The policy does not target or exclude any particular body. However a number of issues of vulnerability and safeguarding are addressed in the statement. 7.14 and Section 8 identify matters in relation to safeguarding of children.

Whilst licensees are able to ban persons from their premises. They are under a duty not to discriminate on grounds of equality.

The policy at 7.30 actively encourages diversity in the licensed economy.

<p>The policy also outlines measures and limitations in respect of “adult entertainment”</p>
<ul style="list-style-type: none"> • Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified? <p>The revised policy will apply equally across all groups and communities in the borough.</p>
<ul style="list-style-type: none"> • Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function? <p>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.</p>
<ul style="list-style-type: none"> • Could the policy or function promote or contribute to equality and good relations between different groups? If so, how? <p>The implementation of the Licensing Act and the Statement of Licensing Policy engendered a close working relationship with all stakeholders across the County. Safeguarding and vulnerability issues have been and continue to be dealt with by the Nottinghamshire Authorities Licensing Group (NALG). Work is ongoing in respect of CSE and vulnerability issues at licensed premises.</p>
<ul style="list-style-type: none"> • What further evidence is needed to understand the impact on equality? <p>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 five year period.</p>
<p>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?</p>
<p>Age:</p> <p>One of the licensing objectives is protection of children from harm. NALG will continue to work in partnership with Nottinghamshire Police and the County Safeguarding Boards to address the issues of CSE and vulnerability on Licensed premises. The statement of policy supports these initiatives.</p>
<p>Disability:</p> <p>No adverse impact has been identified. However businesses have a duty under national legislation to make reasonable adjustments for people with disabilities. Should there be any reported incidents or issues, the licensing team will liaise with planning to assist in resolving matters.</p>
<p>Gender Reassignment:</p> <p>No adverse impact has been identified through previous consultations, premises visits and on-going monitoring. Should any matters arise, the licensing team will liaise with the appropriate partners to resolve matters.</p>

Marriage and Civil Partnership: No adverse impact has been identified through previous consultations, premises visits and on-going monitoring. Should any matters arise, the licensing team will liaise with the appropriate partners to resolve matters.
Pregnancy and Maternity: No adverse impact has been identified through previous consultations, premises visits and on-going monitoring. Should any matters arise, the licensing team will liaise with the appropriate partners to resolve matters.
Race: No adverse impact has been identified through previous consultations, premises visits and on-going monitoring. Should any matters arise, the licensing team will liaise with the appropriate partners to resolve matters.
Religion and Belief: No adverse impact has been identified through previous consultations, premises visits and on-going monitoring. Should any matters arise, the licensing team will liaise with the appropriate partners to resolve matters.
Sex: No adverse impact has been identified through previous consultations, premises visits and on-going monitoring. The issue of adult entertainment is addressed in the statement. Should any matters arise, the licensing team will liaise with the appropriate partners to resolve matters.
Sexual Orientation: No adverse impact has been identified through previous consultations, premises visits and on-going monitoring. Should any matters arise, the licensing team will liaise with the appropriate partners to resolve matters.
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: D Gell

Report of the Chief Executive

**REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES
2019-2021**1. Purpose of report

To advise members of the response to the consultation on the Council's draft revised Gambling Act 2005 Statement of Principles for 2019-2021.

2. Detail

Members approved the content of the draft Statement of Principles on 19 June 2018 for statutory consultation between 22 June 2018 and 17 August 2018.

A number of comments have been received following the consultation and a schedule of the comments and the proposed response together with any proposed amendments to the Statement of Principles is attached at appendix 1.

The Equality Impact Assessment which accompanied the report on the draft Statement of Principles is attached at appendix 2

Members are asked to approve the proposed amendments and recommend that the Statement of Principles be approved by Full Council on 19 December 2018.

The Council is required to publish the Statement by 3 January 2019 and implement the policy on 31 January 2019.

Recommendation

The Committee is asked to RECOMMEND to Full Council that the Statement of Licensing Policy be approved for adoption for publication by 3 January 2019 and implementation on 31 January 2019 by Full Council on 19 December 2018.

Background papers

Nil

**Alcohol And Entertainment Committee
11 September 2018
Gambling Policy Representation Response**

Representation	Comment	Action Recommended
<p>Elizabeth Speed Group General Counsel Novomatic UK</p> <p>Thank you for the opportunity to make comments on the above consultation. On behalf of Luxury Leisure I make the following comments in relation to the consultation draft (the "Draft"):-</p>		
<p>1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the "Act") it is subject to the Regulators' Code. That code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things, understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. I cannot see a reference to the Regulators' Code in the current Draft and suggest that it is incorporated.</p>	<p>The reference to the Regulators' Code has been removed and the policy updated to reflect the Gambling Commissions Guidance to Licensing Authorities (GLA) updated September 2016.</p> <p>6.27 <i>For the purposes of their statement of policy, licensing authorities should confirm that they will act in accordance with the relevant legislation and Guidance from the Commission and will adopt the principles of better regulation (detailed at paragraph 5.27).</i></p> <p>5.27 <i>Under the Legislative and Regulatory Reform Act 2006, any person exercising a specified regulatory function has a legal duty to have regard to the statutory principles of good regulation⁶ in the exercise of the function. These provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate, and consistent and should be targeted only at cases in which action is needed. The Commission has regard to these principles in relation to</i></p>	<p>Noted. No action.</p>

	<p><i>its responsibilities and also has regard to the requirements of the Regulators' Code⁷. The purpose of the Code is to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.</i></p> <p>The Council's own policy states "The Legislative and Regulatory Reform Act 2006 (2006 Act) requires local authorities to have regard to the Principles of Good Regulation when exercising a specified regulatory function."</p> <p>It further goes on to reference the Regulators Code.</p> <p>It is thought that the reference to "principles of better regulation" reflects the advice of the Gambling Commission (GC) and future proofs the policy in terms of any legislative changes.</p>	
<p>2. Introduction and Scope: Para 1.3 – The Draft states that the aim of the SoP (Statement of Policy) 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”. Section 349 of the Act clearly sets out the purpose of SoPs – namely “.. a statement of the principles [the authority] propose to apply in exercising their function under this Act during [the three year] period”. This statutory requirement for SoPs is quite different to the stated aim in the Draft which I respectfully suggest be amended to avoid confusion and ensure compliance</p>	<p>Para 4.15 reflects the GLA.</p> <p>6.2 <i>The statement of policy acts as the primary vehicle for setting out the licensing authority's approach to regulation having taken into account local circumstances. For example, a licensing authority might identify the safeguarding of children as a key priority, in which case its statement would set out those policies, procedures and control measures it would expect licensees to follow to mitigate any risks relating to underage gambling.</i></p> <p>Further, in the GC Licensing Authority Bulletin published in January 2018, “safeguarding of the young and</p>	<p>Noted. No Action.</p>

with the Act.	<p>vulnerable” is noted as one of the objectives. The Bulletin also references a case study noting the policy of the Royal Borough Of Kensington and Chelsea stating:</p> <p><i>The Royal Borough of Kensington & Chelsea expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.</i></p> <p>It is considered that Para 1.13 is relevant and does not need amending.</p>	
3. Local Area Profile (LAP): Para 1.9 – It is not clear if this paragraph is the LAP itself or if the full LAP is to be found elsewhere. It would help if this could be clarified	The wording in the guidance could be clearer.	Noted. The wording will be amended in consultation with the Nottinghamshire Authorities Licensing Group (NALG) and a link to the Local Area Profile will be added.
4. Para 2.6 - There is no requirement in the LCCP (Local Conditions and Codes of Practice) or elsewhere for the Local Risk Assessment to be kept on the premises. The obligation is to produce it on request to the licensing authority (as is set out at para 2.4). This point also applies to other references in the Draft (e.g. para 3.9).	<p>It would be difficult for licensees to demonstrate compliance with the requirement to produce or share their risk assessment in line with the GC code provision requiring licensees to share their risk assessment at the request of the licensing authority, in particular when inspecting a premises.</p> <p>The GC advises on its website: We recommend they hold premises risks assessments on the premises.</p>	This will be discussed at the NALG meeting on 6 th September and the meeting updated with the proposed response.
5. Para 2.8 – It is not clear what point is being made	Whilst it is recognised that Public Health is not a	Noted. No action.

<p>with reference to public health. As is noted, legislators chose not to include health authorities as Responsible Authorities under the Act, nor to include the protection public health as a licensing objective. As such, the inclusion of this paragraph seems to be at odds with the Act and the requirements of the SoP. I would also note in passing that premises governed by the Act are already subject to the national smoking prohibitions and, in relation to AGCs, (Adult Gaming Centres) FECs (Family Entertainment Centres) and Betting premises, to alcohol prohibitions</p>	<p>licensing objective, the GC published a briefing paper in October 2017 “Gambling-related harm as a public health issue” outlining their position on the matter and makes recommendations for how this can be advanced at a local level. NALG entered into dialogue with the County’s Public Health Team a number of years ago as part of the licensing process. The team has drafted para 2.8 to reflect the GC concerns and give an overview of the issue.</p> <p>NALG considers this relevant information reflecting the issue and does not place obligations on the licensee or applicant outside the scope of the Act.</p>	
<p>6. Para 3.11 – while I agree that to be valid, a representation must relate to the premises in question and relate to the licensing objectives, I do not think it necessary to potentially complicate matters by also referring to the Commission’s Guidance etc. All matters under the Act are based on the licensing objectives.</p>	<p>The GLA quotes:</p> <p>7.53 Having determined that the representation is admissible, the licensing authority must consider its relevance. Only representations that relate to the licensing objectives or that raise issues under the licensing authority’s statement of policy, or the Commission’s Guidance or Codes of Practice, are likely to be relevant.</p> <p>Para 3.11 reflects the GC advice.</p>	<p>Noted. No action</p>
<p>7. Para 3.13 – there is no requirement to share a LRA (Local Risk Assessment) with anybody other than the authority (LCCP 10). As such a party wishing to make a representation would not have access to the LRA in order to assess whether they viewed it is “suitable or sufficient”. With respect, it is not for the Authority to seek to add to the operators’ obligations which are set out in legislation and LCCP. That would be inappropriate.</p>	<p>This does not add to the operators obligations. The LRA may be provided by applicants if they so desire to those persons who may wish to make representations. It will also inform the Licensing Authority decision to accept or make representation in their own right.</p> <p>NALG considers it appropriate to include the reference in Policy Two.</p>	<p>Noted. No action.</p>

<p>8. Licensing Objectives: Para 4.12 – the Licensing Objective in question is not “Protection of Children and Vulnerable Persons” as the heading sets out. Rather it is as set out in section 1c of the Act: i.e. “protecting children and other vulnerable persons <i>from being harmed or exploited by gambling [emphasis added]</i>”. This is one of the bedrocks of the Act, which legislation was finalised after months of debate. With respect, it is not for the Authority (or any other person) to recast its terms.</p>	<p>In view of the fact that it is the objective being referenced, it is appropriate that this be amended to reflect the objective.</p> <p>However, it should be noted that the phrase “protection of children and other vulnerable persons” is used on the GC website and the gambling codes of practice</p>	<p>Noted. Will amend</p>
<p>9. Para 4.15 – a similar point arises to that under 8 above. Again, I refer to the wording of the Act in relation to the harm that it expressly refers to as relevant under this Licensing Objective. While issues of, for example, child sexual exploitation are extremely important (and obligations about them will apply to operators of all businesses, including gambling premises), they are part of other regimes – both criminal and regulatory- and not one for SoPs under the Act. If that were not the case, there would be no limit on what could be included under this part of the SoP – things that are covered by other legislation and enforcement regimes.</p>	<p>The matters in Para 4.15 are advisory and will assist the applicant/licensee in putting in place policies and measures to address the vitally important issues.</p> <p>Para 4.15 notes that “Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.”</p> <p>This phrase and the measures outlined are referenced as good practice by the GC in the Licensing Authority Bulletin previously referred to.</p> <p>NALG considers it appropriate and relevant to include these measures.</p>	<p>Noted. No action</p>
<p>10. Para 4.13 – as you know, there are limited types of gambling in which children are expressly permitted to engage in by the Act. As such I suggest that this para be qualified to account for such legal activity.</p>	<p>Whilst there are limited types of gambling which children may legally engage in, it would not be appropriate to encourage children into gambling by aiming or advertising it in such a way as to make it attractive to them.</p>	<p>Noted. No Action</p>
<p>GAMCARE Hello, Thank you for your email, we appreciate your interest in</p>	<p>GamCare is the leading national provider of information, advice, support and free treatment for anyone affected by problem gambling. Gamcare interacts with all parties involved in Gambling.</p>	<p>The response is noted and appreciated. However no action is required.</p>

our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling

The response from Gamcare is a generic one and reflects the content of the draft policy and requires no further action. Many of the points raised are already included within the draft policy or form a part of the required risk assessment.

However it would not be appropriate to follow the advice below, contained in their response.

“We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#).”

The Licensing Authority is obliged to treat each application on its own merits and whilst an applicant may wish to include such a reference in their application, it will not affect the manner in which the application is considered.

<p>premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.</p> <ul style="list-style-type: none">• A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.• Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?• Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.• Consider whether the layout, lighting and fitting out of the premises have been designed so as		
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<p>not to attract children and other vulnerable persons who might be harmed or exploited by gambling.</p> <ul style="list-style-type: none">• Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so. <p>We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk</p>		
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APPENDIX 2

Equality Impact Assessment – Statement of Gambling Principles

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	D Gell
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>1. What are the aims and objectives of the policy or function?</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 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.</p> <p>The authority must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005 (the Act) i.e.</p> <ul style="list-style-type: none"> • 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. <p>The Licensing Authority aims to permit the use of premises for gambling:</p> <ul style="list-style-type: none"> • 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. 			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>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</p>			

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 1% of the population in the UK have been identified as 'problem gamblers' with a further 4% identified as being of low to moderate risk of problem gambling. While these percentages are small, this amounts to around 400,000 problem gamblers in total and a further 2 million 'at risk'. 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)

There are currently 10 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?

Availability and convenience are strongly associated with problem gambling. Electronic gaming machines (EGMs) that are located outside casinos and are widely dispersed throughout the community in bars, hotels and clubs can encourage impulsive gambling and are associated with the highest rates of problem gambling worldwide. This applies across all groups and the Statement of Principles is equally relevant to all. (Research on the Social Impacts of Gambling. Dr Gerda Reith, University of Glasgow with The Scottish Centre for Social Research (ScotCen) Scottish Executive Social Research 2006)

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. 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 2015 the only response to the consultation was a trade response dealing with application matters.

In 2012 there were no responses.

There will be a full consultation on the 2019-21 statement and full use will be made of the Council's website consultation process as well. Should any response from the current 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:

There are a number of measures relating to vulnerable persons outlined in the statement including staff training to spot vulnerable gamblers, self barring schemes and the provision of information, signposting to support services such as Gamcare and Gamblers Anonymous for those who may be in need of them.

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: D Gell