

## Equality Impact Assessment Statement of Principles – Gambling Act 2005

<b>Service:</b>	<b>Section:</b>	<b>Assessment Author:</b>	<b>Date of Assessment:</b>
Public Protection	Licensing	Briony Appletree	09/11/2021

<b>Name of Policy to be Assessed:</b>	Statement of Principles – Gambling Act 2005
<b>New or Existing Policy</b>	Revision of existing policy

<b>1. Briefly describe the aims, objectives and purpose of the policy</b>	The primary aim of the Statement of Principles is to set out how the Council will administrate applications and conduct compliance checks for applications for licences, permits and other permissions under the Gambling Act 2005.
<b>2. Are there any associated objectives of the policy? Please explain.</b>	<ul style="list-style-type: none"> <li>• To ensure that the Council fulfils its duty to administrate applications for gambling licences and permits.</li> <li>• To outline how the Council will have regard to the Gambling Commission’s guidance in administrating applications and conducting compliance/enforcement.</li> <li>• To detail how the Council will consider applications, including consultation with relevant parties and determination procedures.</li> <li>• To outline the procedures for ensuring compliance with licences/permits, and for taking enforcement action where required.</li> <li>• To pass a ‘no Casino’ resolution (where relevant)</li> </ul>
<b>3. Who is intended to benefit from the policy, and in what way?</b>	The Statement of Principles intends to benefit both persons carrying on gambling businesses in the Winchester area, and person who are likely to be affected by the exercise of the Council’s functions under the Gambling Act 2005.
<b>4. What outcomes are wanted from this policy?</b>	The Statement of Principles supports the following Council Plan outcomes: Vibrant Local Economy, Living Well and Your Services, Your Voice.
<b>5. What factors could contribute/detract from the outcomes?</b>	<ul style="list-style-type: none"> <li>• Change in central Government policies or legislation</li> <li>• Changes to Gambling Commission guidance</li> <li>• Reduction or loss of local authority resources</li> </ul>
<b>6. Who are the key people in relation to the policy?</b>	Winchester City Council’s Licensing Team; Ward Members; Parish Councils; the Gambling Commission; gambling businesses within the Winchester district; residents of and visitors to the Winchester district (including customers of gambling establishments)
<b>7. Who implements the policy and who is responsible for the policy?</b>	The Statement of Principles is implemented by the Council’s Licensing Department. The Policy is, following public consultation, reviewed by the Licensing and Regulation Committee and then recommended for adoption by Full Council.

<b>8. Could the policy have differential impact on racial groups?</b>		<b>Yes / No</b>	<b>NO</b>
<b>What existing evidence (either presumed or otherwise) do you have for this?</b>	<p>The Statement of Principles has no adverse impact on racial groups. Data regarding applicants' or individuals' race/ethnicity is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's race/ethnicity, will be disregarded as irrelevant.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by which racial group the customer belongs to. As a protected characteristic, racial group is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>		
<b>9. Could the policy have differential impact due to gender?</b>		<b>Yes / No</b>	<b>NO</b>
<b>What existing evidence (either presumed or otherwise) do you have for this?</b>	<p>The Statement of Principles has no adverse impact on gender. Data regarding applicants' or individuals' gender is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's gender, will be disregarded as irrelevant.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's gender. As a protected characteristic, gender is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>		
<b>10. Could the policy have differential impact due to disability?</b>		<b>Yes / No</b>	<b>NO</b>
<b>What existing evidence (either presumed or otherwise) do you have for this?</b>	<p>The Statement of Principles has no adverse impact on disability. Data regarding applicants' disabilities is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's disability, will be disregarded as irrelevant.</p> <p>Suitability of gambling premises for access/use by disabled persons is dealt with under the Equality Act 2010 and not a relevant consideration in determining gambling applications.</p> <p>An individual may refer to their own disability in a representation with respect to an application, either in passing or as a reason for the proposals adversely affecting them. In determining applications, the Council shall have regard to the Public Sector Equality Duty and ensure consideration is given to relevance of the disability to one or more of the three licensing objectives.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's disability. As a protected characteristic, disability is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>		

<b>11. Could the policy have differential impact due to sexual orientation?</b>		<b>Yes / No</b>	<b>NO</b>
<b>What existing evidence (either presumed or otherwise) do you have for this?</b>	<p>The Statement of Principles has no adverse impact on sexual orientation. Data regarding applicants' or individuals' sexual orientation is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's sexual orientation, will be disregarded as irrelevant.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's sexual orientation. As a protected characteristic, sexual orientation is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>		
<b>12. Could the policy have differential impact due to age?</b>		<b>Yes / No</b>	<b>YES</b>
<b>What existing evidence (either presumed or otherwise) do you have for this?</b>	<p>Applications for licences and permits under the Gambling Act 2005 may not be made by a child (under 18 years old). Applicants are required to declare that they are over the relevant age at the time of making an application, and may be required to provide their date of birth for specific applications.</p> <p>Any application made by a child, where the legislation prohibits this, will be rejected.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's age, will be disregarded as irrelevant.</p> <p>Gambling activities permitted under licences/permits issued under the Gambling Act 2005 are largely restricted to those ages 18 years old and over. The policy details the legal requirements and expectations of licensees and permit holders to uphold the licensing objective 'protecting children and other vulnerable persons from being harmed or exploited by gambling.' These requirements and expectations are not beyond what would be considered reasonable by the Gambling Commission.</p> <p>Access by customers to gambling premises / activities may be limited or determined by a customer's age, in circumstances where they are below the legal age to participate in the gambling activities available at that premises. There is no upper age limit on gambling activities, and therefore a refusing a person access to gambling premises / activities on the grounds that they were 'too old' would not be sufficient grounds for refusal.</p>		
<b>13. Could the policy have differential impact due to religious belief(s)?</b>		<b>Yes / No</b>	<b>YES</b>
<b>What existing evidence (either presumed or otherwise) do you have for this?</b>	<p>Data regarding applicants' or individuals' religion is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's religion, will be disregarded as irrelevant.</p> <p>Representations received by or on behalf of religious persons or groups, where the representation cites religion as a reason for the representation, may be considered in the determination of a gambling application provided that it relates to one or more of the three licensing objectives.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's religion. As a protected characteristic, religion is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>		

<b>14. Could the adverse impacts identified in section 8-13 create the potential for the policy to discriminate against certain groups?</b>		<i>Yes / No</i>	<b>YES</b>
<b>What existing evidence (either presumed or otherwise) do you have for this?</b>	<p>In determining applications, the Council may not mitigate all concerns raised on the basis of disability, age or religion. For example, an application for a gambling premises may be granted despite representations received citing that it should not be granted due to its close proximity to a school or place of worship.</p> <p>It is essential that the Council clearly documents its decision-making process and reasons for making decisions, having regard to the Public Sector Equality Duty and considering both the representations and the applicant's proposals.</p>		

<b>15. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?</b>		<i>Yes / No</i>	<b>YES</b>
<b>What existing evidence (either presumed or otherwise) do you have for this?</b>	<p>The shall Council clearly document its decision-making process and reasons for making decisions, having regard to the Public Sector Equality Duty and considering both the representations and the applicant's proposals.</p>		

Signed (completing officer): BRIONY APPLETREE

Signed (lead officer): \_\_\_\_\_

<b>Please list team members and service areas involved in this assessment:</b>
Public Protection; Legal