

Durham County Council Equality Impact Assessment

NB: The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have ‘due regard’ to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

Section One: Description and Screening

Service/Team or Section	Licensing Services, Community Protection Neighbourhoods and Climate Change
Lead Officer	Craig Rudman, Licensing Manager
Title	Gambling Act 2005 – Statutory Review of Statement of Principles (DCC Gambling Policy)
MTFP Reference (if relevant)	N/A
Cabinet Date (if relevant)	N/A
Start Date	Thursday 4 th July 2024
Review Date	04.07.2027

Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or inserted a web-link):

Background -Gambling

When the Gambling Act 2005 (the Act) came into force in late 2007, it brought in a new, comprehensive system for gambling regulation in Great Britain. For the first time, the vast majority of commercial gambling was brought together into a single regulatory framework. The Act established a dedicated regulator, at a national level, in the form of the Gambling Commission (the Commission). But it also recognised the potential local impact and importance of gambling. So it created many local regulators, whose job it is to manage gambling locally, in line with local circumstances. Those regulators are the 380 licensing authorities of England, Wales and Scotland.

The Act gives the council very broad discretion to manage local gambling provision, including discretion as to the level of fees set to cover the cost of administering the local system of regulation. It sets out some boundaries to that discretion, consistent with the recognition of gambling as a mainstream leisure activity.

It places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

The ‘aim to permit’ framework provides wide scope for licensing authorities to impose

conditions on a premises licence, reject, review or revoke premises licences where there is a potential conflict with the relevant codes of practice, relevant Guidance issued by the Commission, the licensing objectives or the licensing authorities own statement of policy.

Licence conditions are one method by which it is possible to mitigate risks associated with particular premises. The imposition of licence conditions might be prompted by local risk to the licensing objectives, for example the proximity of gambling premises to a school. However, licensing authorities may first wish to have proactive engagement with local operators to encourage them to effectively mitigate risks to the licensing objectives. Such engagement can facilitate an open and constructive partnership which, in turn, can improve compliance and reduce regulatory costs.

The statement of licensing policy (statement of policy) is a very important part of the architecture of local gambling regulation and it is expected that licensing authorities will use it to set out the local issues, priorities and risks that inform and underpin its approach to local regulation.

It provides the opportunity for licensing authorities to agree and set out how gambling is to be managed in different parts of the local authority area to deal with local risks and issues. It provides clarity of expectation for licensees and prospective licensees about how their businesses are likely to be treated in different localities. The existence of a clear and agreed statement of policy will provide greater scope for licensing authorities to work in partnership with local businesses, communities, and responsible authorities to identify and mitigate local risks to the licensing objectives.

Gambling Act 2005 - DCC Statement of Principles review 2021

To seek approval to undertake a public consultation following a statutory three yearly review of the current Durham County Councils 'Statement of Principles' in accordance with statutory requirements, enabling the Council to continue to make decisions when exercising its responsibilities under the Gambling Act 2005 including regulations which aim to protect children and addicts from gambling premises. From April 2016 every bookmaker, casino, arcade and bingo hall in the UK will have to carry out a risk assessment to consider how to protect children and those who consider themselves to have a problem with gambling. Licence holders must conduct a local risk assessment for each of their current premises. This applies to:

- adult gaming centres
- family entertainment centres
- non-remote betting
- non-remote bingo
- non-remote casinos
- remote betting intermediary (trading room only).

They are also be required to conduct or update a risk assessment when:

- applying for a new premises licence
- applying for a variation to a premises licence
- changes in the local environment or your own premises warrant a risk assessment to be conducted again.

The risk assessment should take into account the risks presented by the local landscape, such as the premises' exposure to particular vulnerable groups. An LA would be

expected to challenge an operator's risk assessment where it can be evidenced that there are local risks that the operator has failed to take into consideration. The aim of this requirement is to enable operators and LAs to engage in constructive dialogue at an early stage, reducing the likelihood of costly enforcement action at a later date.

Who are the main stakeholders?

(e.g. general public, staff, members, specific clients/service users):

- The chief officer of police for the authority's area i.e. the Chief Constable of Durham Constabulary
- Persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- Persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- Gaming/gambling establishments and their customers

Screening

Is there any actual or potential negative or positive impact on the following protected characteristics?

Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No, ? = unsure	Positive Impact Indicate: Y = Yes, N = No, ? = unsure
Age	N	Y
Disability	N	Y
Marriage and civil partnership (workplace only)	N	Y
Pregnancy and maternity	N	Y
Race (ethnicity)	N	Y
Religion or Belief	N	Y
Sex (gender)	N	Y
Sexual orientation	N	Y
Transgender	N	Y

Please provide brief details of any potential negative and/or positive impact. Record full details and analysis of any negative impact in Sections 2 and 3 of this assessment.

The Act contains three licensing objectives, which underpin the functions of the

Gambling Commission and the local authority, acting in their capacity as the licensing authority. These objectives are central to the regulatory regime created by the Act and are:

- 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; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling;

The impact and outcome will have a positive impact across all equality groups and will not affect relations between different communities or groups. There are no specific targeted actions to promote equality. In conclusion, it is not necessary to conduct a full Impact Assessment.

How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to:

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

The statement of policy is the primary vehicle for setting out the licensing authority’s approach to regulation having taken into account local circumstances. It ensures that operators have sufficient awareness and understanding of the relevant licensing authority’s requirements and approach, including its’ view on local risks, to help them comply with local gambling regulation.

This legislation and the Council’s Gambling policy will help to ensure protection of vulnerable sectors of the community and improved health and mental wellbeing. It will aim to reduce incidence of addictive behaviours and therefore an increase in mental wellbeing

Evidence

What evidence do you have to support your findings?

Please **outline** your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.

Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential <u>negative</u> impact on some/all of the protected characteristics which will proceed to full assessment?	N

If you have answered **NO**, there is no need to proceed to a full assessment. Please complete the sign-off section below and pass the completed form to Mary Readman (Mary.Readman@Durham.gov.uk) Service Equality Rep for Neighbourhood Services.

If you have answered **YES** and the impact is, you need to carry out a full assessment by completing Sections 2 and 3 below.

If you are unsure of potential impact please contact the Policy & Performance Team on 03000 268152 or 03000 268151.

Sign Off

Lead officer sign off: Craig Rudman	Date: 04.07.2024
Service equality representative sign off:	Date:

Section Two: Data analysis and assessment of impact

Please provide details on impacts for people with different protected characteristics relevant to your screening findings. You need to decide if there is or likely to be a differential impact for some. Highlight the positives e.g. benefits for certain groups, advancing equality, as well as the negatives e.g. barriers for and/or exclusion of particular groups. Record the evidence you have used to support or explain your conclusions. Devise and record mitigating actions where necessary.

Protected Characteristic: Age		
What is the actual or potential impact on stakeholders?	Record of evidence to support or explain your conclusions on impact.	What further action or mitigation is required?

Protected Characteristic: Disability		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Marriage and civil partnership (workplace only)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Pregnancy and maternity		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Race (ethnicity)

What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Religion or belief

What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Sex (gender)

What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Sexual orientation

What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Transgender

What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Section Three: Conclusion and Review

Summary

Please provide a brief summary of your findings stating the main impacts, both positive and negative, across the protected characteristics.

Will this promote positive relationships between different communities?
If so how?

Action Plan

Action	Responsibility	Timescales for implementation	In which plan will the action appear?

Review

Are there any additional assessments that need to be undertaken? (Y/N)

When will this assessment be reviewed?
Please also insert this date at the front of the template

Sign Off

Lead officer sign off:

Date:

Service equality representative sign off:

Date:

Please return the completed form to Mary Readman (Mary.Readman@Durham.gov.uk)
- Service Equality Rep for Neighbourhood Services