

Caerphilly County Borough Council - Integrated Impact Assessment

This integrated impact assessment (IIA) has been designed to help support the Council in making informed and effective decisions whilst ensuring compliance with a range of relevant legislation, including:

- Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011
- Socio-economic Duty – Sections 1 to 3 of the Equality Act 2010
- Statutory Consultation v Doctrine of Legitimate Expectation and Gunning Principles
- Welsh Language (Wales) Measure 2011
- Well-being of Future Generations (Wales) Act 2015

PLEASE NOTE: Section 3 *Socio-economic Duty* only needs to be completed if proposals are of a strategic nature or when reviewing previous strategic decisions. See page 6 of the Preparing for the Commencement of the Socio-economic Duty Welsh Government Guidance.

| 1. Proposal Details | | | |
|---------------------|------------------|-------------------------------|----------|
| Lead Officer | Head of Service | Service Area & Department | Date |
| Jacqui Morgan | Robert Hartshorn | Public Protection / Licensing | 10.11.21 |

| Is this proposal a... (please tick relevant box) | | | | | | | | | | | |
|--|--------------------------|-----------------|--------------------------|----------|--------------------------|-----------|--------------------------|-------------|--------------------------|---------|--------------------------|
| Policy * | <input type="checkbox"/> | Strategy / Plan | <input type="checkbox"/> | Practice | <input type="checkbox"/> | Procedure | <input type="checkbox"/> | Restructure | <input type="checkbox"/> | Project | <input type="checkbox"/> |

What is the proposal to be assessed? *Provide brief details of the proposal and provide a link to any relevant report or documents.*

In accordance with the Gambling Act 2005, the Licensing Authority must prepare, consult upon and approve a Statement of Licensing Policy that must be reviewed every three years. The current Policy was approved by Council and published in January 2019. The policy must contain objectives regarding the following:-

- 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 Policy has been reviewed and a consultation exercise undertaken with relevant bodies, individuals, residents and businesses throughout the Borough who have been invited to comment. The revised policy will be considered by Members of the Licensing & Gambling Committee for comment prior to submission to Full Council on the 26th January 2022.

The existing policy can be found on the CCBC website at Statement-of-Licensing-Policy-Gambling-Act.aspx (caerphilly.gov.uk)

2. Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011

(The Public Sector Equality Duty requires the Council to have “due regard” to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between different groups; and foster good relations between different groups). Please note that an individual may have more than one protected characteristic.

| <u>Protected Characteristics</u> | Does the proposal have any positive, negative or neutral impacts on the protected characteristics and how? | If there are negative impacts how will these be mitigated? | What evidence has been used to support this view? |
|--|--|--|---|
| Age (<i>people of all ages</i>) | <p>The policy and statutory objectives specifically aim to protect under 18's from negative impacts of gambling with the following objective -:</p> <ul style="list-style-type: none"> Protecting children and other vulnerable persons from being harmed or exploited by gambling. | n/a | The policy specifically aims to protect young and vulnerable people from gambling harms or exploitation and includes a number of protections to achieve this. |
| Disability (<i>people with disabilities/ long term conditions</i>) | A/A | | A/A |
| Gender Reassignment (<i>anybody who's gender identity or gender expression is different to the sex they were assigned at birth</i>) | n/a | | |

| | | | |
|---|---|---|--|
| Marriage or Civil Partnership (<i>people who are married or in a civil partnership</i>) | n/a | | |
| Pregnancy and Maternity (<i>women who are pregnant and/or on maternity leave</i>) | n/a | | |
| Race (<i>people from black, Asian and minority ethnic communities and different racial backgrounds</i>) | n/a | | |
| <u>Protected Characteristics</u> | Does the proposal have any positive, negative or neutral impacts on the protected characteristics and how? | If there are negative impacts how will these be mitigated? | What evidence has been used to support this view? |
| Religion or Belief (<i>people with different religions and beliefs including people with no beliefs</i>) | n/a | | |
| Sex (<i>women and men, girls and boys and those who self-identify their gender</i>) | n/a | | |
| Sexual Orientation (<i>lesbian, gay, bisexual, heterosexual</i>) | n/a | | |

3. Socio-economic Duty (Strategic Decisions Only)

(The Socio-economic Duty gives us an opportunity to do things differently and put tackling inequality genuinely at the heart of key decision making. Socio-economic disadvantage means living on a low income compared to others in Wales, with little or no accumulated wealth, leading to greater material deprivation, restricting the ability to access basic goods and services)

Please consider these additional vulnerable groups and the impact your proposal may or may not have on them:

- Single parents and vulnerable families
- People with low literacy/numeracy
- Pensioners
- Looked after children
- Homeless people
- Carers
- Armed Forces Community
- Students
- Single adult households
- People misusing substances
- People who have experienced the asylum system
- People of all ages leaving a care setting
- People living in the most deprived areas in Wales (WIMD)
- People involved in the criminal justice system

| <u>Socio-economic Disadvantage</u> | Does the proposal have any positive, negative or neutral impacts on the following and how? | If there are negative impacts how will these be mitigated? | What evidence has been used to support this view? |
|---|---|---|--|
| Low Income / Income Poverty <i>(cannot afford to maintain regular payments such as bills, food, clothing, transport etc.)</i> | | | |
| <u>Socio-economic Disadvantage</u> | Does the proposal have any positive, negative or neutral impacts on the following and how? | If there are negative impacts how will these be mitigated? | What evidence has been used to support this view? |
| Low and/or No Wealth <i>(enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provisions for the future)</i> | | | |
| Material Deprivation <i>(unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, hobbies etc.)</i> | | | |
| Area Deprivation <i>(where you live (rural areas), where you work (accessibility of public transport)</i> | | | |

| | | | |
|--|--|--|--|
| | | | |
| Socio-economic Background <i>(social class i.e. parents education, employment and income)</i> | | | |
| Socio-economic Disadvantage <i>(What cumulative impact will the proposal have on people or groups because of their protected characteristic(s) or vulnerability or because they are already disadvantaged)</i> | | | |

4. Corporate Plan – Council’s Well-being Objectives

(How does your proposal deliver against any/all of the Council’s Well-being Objectives? Which in turn support the national well-being goals for Wales as outlined in the Well-being of Future Generations (Wales) Act 2015. Are there any impacts (positive, negative or neutral? If there are negative impacts how have these been mitigated?) [Well-being Objectives](#)

| | |
|--|--|
| <p>Objective 1 - Improve education opportunities for all</p> | <p>n/a</p> |
| <p>Objective 2 - Enabling employment</p> | <p>Gambling establishments provide employment opportunities within the county borough.</p> |
| <p>Objective 3 - Address the availability, condition and sustainability of homes throughout the county borough and provide advice, assistance or support to help improve people’s well-being</p> | <p>n/a</p> |
| <p>Objective 4 - Promote a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and minimises the adverse impact on the environment</p> | <p>n/a</p> |
| <p>Objective 5 - Creating a county borough that supports healthy lifestyle in accordance with the Sustainable Development principle with in the Well-being of Future Generations (Wales) Act 2015</p> | <p>The licensing objectives are key pillars to protection from the harms associated with gambling.</p> <p>The Council recognises that the licensing function is only one means of promoting delivery of the three licensing objectives and should not therefore be seen as a means for solving any or all problems associated with gambling within the community. The Council continues to work in partnership with neighbouring authorities, Heddli Gwent Police, Public Health, the Safer Caerphilly County Borough Community Safety Partnership, local businesses, local people and those involved in child protection to promote the licensing objectives as outlined above.</p> |
| <p>Objective 6 - Support citizens to remain independent and improve their well-being</p> | <p>n/a</p> |





4a. Links to any other relevant Council Policy

(How does your proposal deliver against any other relevant Council Policy?)

The Council expects that in granting an authorisation the holder of that authorisation will take all reasonable and practical steps to prevent and eliminate unlawful discrimination and to promote equality of opportunity and good relations within and between staff, customers and visitors.

5. Well-being of Future Generations (Wales) Act 2015 – The Five Ways of Working (ICLIP)

(Also known as the sustainable development principles. The Act requires the Council to consider how any proposal improves the economic, social, environmental and cultural well-being of Wales using the five ways of working as a baseline)

| <u>Ways of Working</u> | How have you used the Sustainable Development Principles in forming the proposal? |
|---|--|
| <p>Long Term</p>  | <p>The policy is required to be reviewed and consulted upon every three years to ensure it is relevant and keeps up to date with societal behaviours and legislator changes.</p> |
| <p>Prevention</p>  | <p>There is an emphasis on prevention as the policy and the licensing process ensures that a number of checks and safeguards are in place before a licence is granted. There is also involvement particularly through the consultation process for applications allowing other agencies and the community to input into the decision making process.</p> |
| <p>Integration</p>  | <p>Under the Act and the policy interested Parties can make representations about licence applications, or apply for a review of an existing licence based on the three licensing objectives as detailed above.</p> <p>An Interested Party is someone who:-</p> <ul style="list-style-type: none"> (a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; (b) Has business interests that might be affected by the authorised activities; or <p>Represents persons in either of the two groups above.</p> <p>By consulting widely prior to this Policy Statement being published, the Council will take full account of local policies covering crime prevention, culture, transport, planning and tourism as part of an integrated strategy for the Council, Police and other agencies. Many of these strategies may not be directly related to the promotion of the three licensing objectives, but may indirectly impact upon them.</p> |
| <p>Collaboration</p>  | <p>When preparing the revised Statement, the Authority must have regard to legislative changes and the Guidance issued by the Gambling Commission. In addition the revised policy has been developed following collaboration with neighbouring authorities comprising the Gwent Licensing Forum, i.e. Torfaen, Monmouthshire, Blaenau Gwent and Newport. The collaboration addressed common themes affecting all authorities but did not address local issues or considerations particular to each authority.</p> |

Involvement



The Council recognises that the licensing function is only one means of promoting delivery of the three objectives and should not therefore be seen as a means for solving any or all problems associated with gambling within the community. The Council will therefore continue to work in partnership with neighbouring authorities, Heddlu Gwent Police, Public Health, the Safer Caerphilly County Borough Community Safety Partnership, local businesses, local people and those involved in child protection to promote the licensing objectives as outlined. In addition, the Council recognises its duty under Section 17 of the Crime and Disorder Act 1998, with regard to the prevention of crime and disorder.

The Council has consulted widely upon the Statement of licensing policy prior to finalising it for consideration by Members. Consultation has been conducted in line with the Act and the Gambling Commission’s Guidance. A list of those persons consulted is attached as Annex 1 of the policy document.

6. Well-being of Future Generations (Wales) Act 2015

| <u>Well-being Goals</u> | Does the proposal maximise our contribution to the Well-being Goal and how? |
|---|--|
| <p>A Prosperous Wales <i>An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work</i></p> | <p>Gambling establishments provide employment opportunities within the county borough.</p> <p>Section 153 of the Gambling Act 2005 requires that the Council when making decisions about premises licences and temporary use notices should aim to permit the use of premises for gambling insofar as it is:</p> <ul style="list-style-type: none"> • In accordance with any relevant code of practice issued by the Gambling Commission; • In accordance with any relevant guidance issued by the Gambling Commission; • Reasonably consistent with the licensing objectives; • In accordance with the Council’s Statement of Licensing Policy. |
| <p>A Resilient Wales <i>A nation which maintains and enhances a biodiverse natural environment healthy functioning ecosystems that support social, economic and ecological</i></p> | <p>N/A</p> |

| | |
|---|---|
| <p><i>resilience and the capacity to adapt to change (for climate change)</i></p> | |
| <p>A Healthier Wales <i>A society in which people’s physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood</i></p> | <p>The licensing objectives are key pillars to protection from the harms associated with gambling.</p> <p>The Council recognises that the licensing function is only one means of promoting delivery of the three licensing objectives and should not therefore be seen as a means for solving any or all problems associated with gambling within the community. The Council will therefore continue to work in partnership with neighbouring authorities, Heddlu Gwent Police, Public Health, the Safer Caerphilly County Borough Community Safety Partnership, local businesses, local people and those involved in child protection to promote the licensing objectives as outlined. In addition, the Council recognises its duty under Section 17 of the Crime and Disorder Act 1998, with regard to the prevention of crime and disorder.</p> |
| <p>A More Equal Wales <i>A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio-economic background and circumstances)</i></p> | <p>The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council’s Strategic Equality Plan</p> |

| <u>Well-being Goals</u> | Does the proposal maximise our contribution to the Well-being Goal and how? |
|---|---|
| <p>A Wales of Cohesive Communities <i>Attractive, viable, safe and well-connected communities</i></p> | N/A |
| <p>A Wales of Vibrant Culture and Thriving Welsh Language <i>A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation</i></p> | <p>Gambling can be a form of recreation and there are safeguards within the legislation and the policy to ensure it is operated in line with the three licensing objectives.</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, and • Protecting children and other vulnerable persons from being harmed or exploited by gambling. |
| <p>A Globally Responsible Wales <i>A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being</i></p> | N/A |

7. Welsh Language (Wales) Measure 2011 and Welsh Language Standards

(The Welsh Language Measure 2011 and the Welsh Language Standards require the Council to have 'due regard' for the positive or negative impact a proposal may have on opportunities to use the Welsh language and ensuring the Welsh language is treated no less favourably than the English language) [insert link to WL Commissioners Policy Making Standards Guidance](#)



| Requirement | Does the proposal have any positive, negative or neutral impacts on the following and how? | If there are negative impacts how will these be mitigated? | What evidence has been used to support this view? <i>e.g the WESP, TAN20, LDP, Pupil Level Annual School Census</i> |
|---|--|--|--|
| Links with Welsh Government's Cymraeg 2050 Strategy and CCBC's Five Year Welsh Language Strategy 2017-2022 and the Language Profile | Positive Policy is bilingual | | |
| Compliance with the Welsh Language Standards . <i>Specifically Standards 88 - 93</i> | Positive Policy is bilingual | | |
| Opportunities to promote the Welsh language <i>e.g. status, use of Welsh language services, use of Welsh in everyday life in work / community</i> | Positive Policy is bilingual | | |
| Opportunities for persons to use the Welsh language <i>e.g. staff, residents and visitors</i> | Neutral impact. | | |
| Treating the Welsh language no less favourably than the English language | Positive Policy is bilingual | | |

7a. Having considered the impacts above, how has the proposal been developed so that there are positive effects, or increased positive effects on (a) opportunities for persons to use the Welsh language, and b) treating the Welsh language no less favourably than the English language.

The policy is completely bilingual and so the Welsh language has been treated no less favourably than the English language.

8. Data and Information

(What data or other evidence has been used to inform the development of the proposal? Evidence may include the outcome of previous consultations, existing databases, pilot projects, review of customer complaints and compliments and or other service user feedback, national and regional data, academic publications and consultants' reports etc.)

| Data/evidence <i>(Please provide link to report if appropriate)</i> | Key relevant findings | How has the data/evidence informed this proposal? |
|--|-----------------------|---|
| <p>The policy has been in existence since 2007 when the Gambling Act 2005 was implemented. The policy has been reviewed every three years since then with consultation with relevant stakeholders, responsible authorities (RA's) and licensees each time.</p> <p>The draft policy for 2022 is generally unchanged from the previous version other than revised dates and contact details for RA's. The main change is an addition of annex 7 to the policy which gives details of all licensing conditions.</p> <p>There are three types of conditions. Mandatory conditions that legislation dictates must be applied, default conditions which are applied unless an applicant asks for them to be removed and a pool of model conditions that may be utilised by the applicant to demonstrate compliance with the licensing objectives or an RA in order to ensure compliance etc.</p> | | <p>The changes as a result of this review merely provide information on licensing conditions in one part of the policy with additional information in order to increase understanding and assist relevant parties.</p> <p>The model pool of conditions can be selected as required and appropriate and standardised wording aids consistency in the sector.</p> |

Were there any gaps identified in the evidence and data used to develop this proposal and how will these gaps be filled?

Details of further consultation can be included in Section 9.

9. Consultation

(In some instances, there is a legal requirement to consult. In others, even where there is no legal obligation, there may be a legitimate expectation from people that a consultation will take place. Where it has been determined that consultation is required, [The Gunning Principles](#) must be adhered to. Consider the [Consultation and Engagement Framework](#). Please note that this may need to be updated as the proposal develops and to strengthen the assessment.

Briefly describe any recent or planned consultations paying particular attention to evidencing the Gunning Principles.

As required by statute relevant stakeholders have been consulted on the revised policy. Consultation took place between 8th October 2021 and 8th November 2021 via Microsoft forms and links to the revised policy on the CCBC website. Required consultees were emailed or written to by post to make them aware of the revisions and the link to the consultation itself.

The consultation questions were as follows

1. Do you feel that the proposed Statement of Licensing Policy is effective or ineffective in the way it deals with applications for premises licences for betting offices, adult gaming and family entertainment centres and when granting permits for gaming and gaming machines in clubs and pubs and small society lotteries?

2. Please give reasons for your answer and outline any changes to the policy that you feel would make it more effective.

At the end of the consultation period the authority received 2 responses.

As a result of the responses it is proposed information in relation to the National Gambling helpline number and website for Gamble Aware will be added to the information section within the council's policy.

The policy will also be considered by the Licensing & Gambling Committee on the 14th of December for comment prior to submission to Full Council on 26th January 2022.

10. Monitoring and Review

| | |
|--|--|
| How will the implementation and the impact of the proposal be monitored, including implementation of any amendments? | Any complaints, comments about the policy received will be considered and fed into the process at the next review. Any issues of a serious matter can be dealt with via a revision before the next review date if required . |
| What are the practical arrangements for monitoring? | All complaints about licensing matters are recorded and monitored. |
| How will the results of the monitoring be used to develop future proposals? | As above. |
| When is the proposal due to be reviewed? | Reviewed in winter 2024 ready for publication in January 2025 |
| Who is responsible for ensuring this happens? | Licensing Manager |

11. Recommendation and Reasoning

| | |
|--|---|
| <input checked="" type="checkbox"/> x | Implement proposal with no amendments |
| <input type="checkbox"/> | Implement proposal taking account of the mitigating actions outlined |
| <input type="checkbox"/> | Reject the proposal due to disproportionate impact on equality, poverty and socio-economic disadvantage |

Have you contacted relevant officers for advice and guidance?

Yes **X**

No

12. Reason(s) for Recommendation

(Provide below a summary of the Integrated Impact Assessment. This summary should be included in the "Summary of Integrated Impact Assessment" section of the Corporate Report Template. The Integrated Impact Assessment should be published alongside the Report proposal).

The changes to the policy as a result of this review are minor and merely provide information on licensing conditions in one part of the policy with additional information in order to increase understanding and assist relevant parties. The model pool of conditions can be selected as required and appropriate and standardised wording aids consistency in the sector. The UK Government is currently undertaking a review of the Gambling Act 2005 with a view to ensuring that the regulatory framework is fit for purpose within the digital age and can continue to meet its aims of protecting children and vulnerable people, prevent gambling related crime, and keep gambling fair and open. A White Paper is expected later this year which may result in legislative changes that will require a comprehensive review of the statement of principles in the near future. However, this will not avoid the statutory requirement to now review and publish a statement of principles for the next three-year period.

13. Version Control

(The IIA should be used in the early stages of the proposal development process. The IIA can be strengthened as time progresses to help shape the proposal. The Version Control section will act as an audit trail to evidence how the IIA has been developed over time)


| Version No. | Author | Brief description of the amendments/update | Revision Date |
|-------------|--------|--|---------------|
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Integrated Impact Assessment Author

| | |
|-------------------|---|
| Name: | Jacqui Morgan |
| Job Title: | Trading Standards, Licensing & Registrars Manager |
| Date: | 10.11.21 |

Head of Service Approval

| | |
|--------------|------------------|
| Name: | Robert Hartshorn |
|--------------|------------------|

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|-------------------|---|--------------|-----------------|
| Job Title: | Head of Public Protection, Community & leisure. | | |
| Signature: |  | Date: | 11.11.21 |