

Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)

Part One Screening Record 2020

A. Summary Sheet on Accountability and Actions

Name of proposed service change
Gambling Act 2005 Policy Statement 2022 to 2025

Name of lead officer carrying out the screening
Mandy Beever

Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?	✓	
Proceed to Part Two Full Report?		✓

If completion of a Part One assessment is an appropriate and proportionate action at this stage, please use the boxes below and sign off as indicated. If a Part Two report is required, please move on to full report stage.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality and social inclusion considerations

There have not been any significant changes to the revised policy. This should not be perceived as a negative; rather it demonstrates that the fundamental principles that were established in the 2016 – 2019 policy and continued within the 2019 – 2022 policy are sound and remain relevant.

Across all nine national Protected Characteristic groupings and our tenth grouping in Shropshire of social inclusion, ahead of any specific feedback from the formal consultation, the impact is predicted to be ‘low positive’. The impact in reality is anticipated as being neutral – neither positive nor negative – with no anticipated need to take specific actions to mitigate or enhance the impact. The assessment seeks to take into account children and young people who are looked after by Shropshire Council and the families of children in need when considering the ‘age’ group as well as adults with care and support needs, e.g. adults with learning disabilities and their carers, when considering the ‘disability’ group.

The changes to the policy do not breach any individual or group’s human rights; the policy sets out processes and procedures that aim to protect human rights, in particular those rights that relate to a right to a fair trial, no punishment without law and right to respect for private and family life. If the policy were not followed, there is a risk that human rights may be breached.

There will be ongoing efforts to engage with people in the Protected Characteristic groupings, particularly where low levels of responses to consultation have been received.

Actions to review and monitor the impact of the service change in terms of equality and social inclusion considerations

The policy will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of review all relevant stakeholders will again be consulted. Any gambling industry representative may request a review of the policy at any time. This is made clear in the policy itself. In addition, the Council's 'local area profile' will continue to develop over time and will be influenced by information and intelligence gathered from key partners and other stakeholders. This links into our strategic equality action to proactively collect equality data, as well as our organisation objective to make decisions based on current data and intelligence. As a result, the local area profile will be the subject of additional review and revision outside the wider policy review process.

There will be ongoing dialogue with all stakeholders and, in particular, with gambling industry representatives through direct contact with the Licensing Team. This will provide the opportunity for stakeholders to provide feedback on any matter. A dedicated telephone number and email address is and will continue to be generally publicised on the Council's website for all stakeholders, including members of the public, to provide feedback on the impact of the changes made to the policy. All feedback will be recorded either on the Idox system (or any subsequent replacement system) used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager. This approach is likely to advance equality of opportunity and foster good relations on an ongoing basis.

With respect to 'age' and 'disability' groups and 'social inclusion', in particular around the Council's safeguarding responsibilities, there will be ongoing dialogue with the Shropshire Safeguarding Children Board and the Keeping Adults Safe in Shropshire Board. In addition, dialogue with West Mercia Police and those service areas within the Council that have particular responsibilities for the care of children, young people and adults with care and support needs, i.e. currently Children Services and Adult Services, will occur as a result of the increasing role that officers from these services play in the licensing processes.

Ongoing consideration will be given to the definition of 'vulnerable', as it relates specifically to gambling, through working with the Council's Feedback and Insight Team and taking account of the outcomes of the Local Government Association supported research, being led by Westminster and Manchester Councils, which aims to assess and map area vulnerability to gambling related harm. As and when the outcomes of this research are made available, together with other emerging information, trends and risks, the Council will have to consider the implications for the definition of 'vulnerable' and also the impact on its 'local area profile' and policy statement accordingly.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing Act Sub-Committee, with issues brought before these Committees as appropriate.

Associated ESIIAs

ESIIAs directly linked to the Gambling Act 2005 Policy Statement

- Gambling Act 2005 Policy Statement 2019 to 2022 (June 2018)

- Gambling Act 2005 Policy Statement 2016 to 2019 (February 2016)

ESIIAs linked by general association demonstrating the approach adopted over time to address equality and social inclusion as it relates to licensing matters

- Licensing Act 2003 Statement of Licensing Policy 2019 – 2024 and associated 'Premises Licence Applications – Completing the Operating Schedule and Plan of the Premises Guidance' (October/November 2018)
- Hackney Carriage and Private Hire Licensing Policy 2019 – 2023 (March 2019)
- Proposed Removal of the Existing Five Hackney Carriage Zones (November 2018)
- Equality Act 2010 – Shropshire Council List of Designated Wheelchair Accessible Vehicles (June 2018)
- Amendment to the Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 (March 2018)
- Street Trading Policy 2018 to 2023 (November 2017)
- Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 (January 2015)

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change and health and well-being considerations

There are currently no direct climate change implications relating to this service/policy change; however, this will be kept under review by the Strategic Licensing Committee in their ongoing oversight role in relation to the administration and enforcement of the Gambling Act 2005.


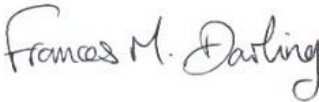

Of the ten Council Organisational Principles, the four listed below are a key focus in respect of delivering the objectives of the Gambling Act 2005 and the Council's Gambling Act 2005 Policy Statement. These Principles will drive the approach that the Council takes over the lifetime of the revised Policy and beyond and will be used to review and monitor the overall impacts.

- Put Shropshire back in the community
- Make digital the preferred way to work and transact
- Focus on outcomes for customers
- Make decisions based on current data and intelligence

In relation to health and well-being impacts, the Gambling Commission has emphasised the need to incorporate the work of Public Health colleagues to further support the greater need

to identify areas of concern and focus on gambling related harm. An initial informal consultation has been undertaken with Shropshire Council’s Public Health Team, including the Director of Public Health, and their response can be found within the associated Strategic Licensing Committee papers.


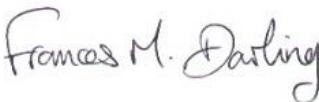
Scrutiny at Part One screening stage

People involved	Signatures	Date
Lead officer carrying out the screening Mandy Beever, Transactional and Licensing Team Manager		11 June 2021
Any internal support* Frances Darling – Head of Trading Standards and Licensing		22 June 2021
Any external support** Mrs Lois Dale, Rurality and Equalities Specialist		16 th June 2021

*This refers to other officers within the service area

**This refers either to support external to the service but within the Council, eg from the Rurality and Equalities Specialist, or support external to the Council, eg from a peer authority

Sign off at Part One screening stage

Name	Signatures	Date
Lead officer carrying out the screening Mandy Beever, Transactional and Licensing Team Manager		11 June 2021
Accountable officer’s name Frances Darling – Head of Trading Standards & Licensing		28 June 2021

*This may either be the Head of Service or the lead officer

B. Detailed Screening Assessment

Aims of the service change and description

The Council’s existing Gambling Act policy statement (‘the policy’) was adopted from the 31 January 2019 and ceases to have effect on 30 January 2022. The policy requires updating to take account of the latest guidance issued to licensing authorities by the Gambling Commission.

The Gambling Act 2005 requires that local authority Gambling Act Policy Statements give specific consideration to three key licensing objectives. The format and content of the Council’s policy aims to ensure these objectives are being met in order to:

- to ensure that safeguarding provisions in relation to children, young people and adults with care and support needs remain robust;
- provide ongoing practical clarity to existing and potential licence holders; and
- assist council officers to correctly apply the legal provisions of the Gambling Act 2005.

In particular:

- There is a need to set out the overarching principles that the Council intends to consider when exercising its functions under the Gambling Act, including those that the Council will specifically consider in relation to each of the three licensing objectives (see additional notes below).
- Nationally, there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focussing on problem gambling alone. In this respect, the policy needs to emphasise the Council's focus on protecting children and young people, particularly in relation to child exploitation, and also adults with care and support needs.
- Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. Whilst not compulsory, it is now recommended that the Council creates a 'local area profile' to inform its understanding of risk and to allow appropriate decisions to be made and steps taken to mitigate these risks. From April 2016, gambling establishment operators have been required to undertake 'local area risk assessments' before submitting a premises licence application or variation and will be expected to give due consideration to the information available in the Council's 'local area profile'.
- The Gambling Act singles out children, young people and vulnerable persons for special regulatory attention; consequently, the policy has a focus on protecting these particular groups. In considering this, specific attention has been given to adults with care and support needs.
- The application processes applicable to each different type of licence is clearly set out to ensure that the requirements that must be satisfied before an applicant can obtain and then retain any such licence are met.
- The premises licence review process is clearly set out to ensure all stakeholders understand when and how this process may be utilised in accordance with the provisions of the Act.
- The way in which the Council deals with the exchange of information is robustly addressed.
- The Council's overarching approach to inspection, compliance, enforcement and complaints is clearly set out and appropriate links made to the Council's Better Regulation and Enforcement Policy.

The policy also sets out how the Council intends to proactively promote the three Gambling Act licensing objectives, namely:

- 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.

Intended audiences and target groups for the service change

- Persons who wish to apply for gambling licences and permits
- Persons who hold existing licences and permits, including those that are the subject of review
- The Council, in its capacity as the licensing authority, including licensing officers and members of the relevant licensing committees
- Shropshire's Safeguarding Children Board
- Keeping Adults Safe in Shropshire Board (KASiS)
- The Gambling Commission
- Licensing consultants, solicitors and barristers advising and/or representing applicants and licence/permit holders
- Magistrates and judges hearing appeals against Council decisions
- Members of the public who access gambling premises and activities
- Other local authorities, particularly those that border the Shropshire Council area
- Shropshire Voluntary and Community Sector Assembly (VCSA)
- Police forces, in particular West Mercia Police
- West Mercia Police and Crime Commissioner
- Shropshire Clinical Commissioning Group
- Local NHS Trusts
- Shropshire Council Public Health
- Public Health England

The above list is not intended to be exhaustive or in order of priority and will be added to and amended as and when appropriate.

Evidence used for screening of the service change

- Legal requirement contained in the Gambling Act 2005 that the policy can only last for a maximum period of three years and then it must be reviewed, consulted upon, approved and re-published by the Council.
- The emphasis on the safeguarding role that local authorities have, which has strong links to all licensing regimes, including those applicable to gambling.
- The Council's drive to increase the robustness of safeguarding practices, particularly with respect to children and adults with care and support needs.
- The Gambling Act 2005
- The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006 No. 636)
- Shropshire Council's Gambling Policy Statement (effective 31 January 2019)
<https://shropshire.gov.uk/media/12775/gambling-act-2005-policy-statement-2019-to-2022-final.pdf>

- Guidance to Licensing Authorities published by the Gambling Commission
<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>
- Statement of gambling licensing policy – A Councillors Guide, March 2018 published by the Gambling Commission
<https://www.gamblingcommission.gov.uk/PDF/quick-guides/Councillors-guide.pdf>
- Gambling Regulation Councillor Handbook (England and Wales) June 2015 published by the Local Government Association
<https://www.local.gov.uk/sites/default/files/documents/L15-230%20Councillor%20handbook%20-%20gambling%20regulation%20FINAL.pdf>
- Gambling Regulation Councillor Handbook (England and Wales) Updated Guidance 2018 published by the Local Government Association
https://www.local.gov.uk/sites/default/files/documents/10.18%20Gambling%20regulation%20councillor%20handbook_v06_WEB_1.pdf
- The Council's own Local Area Profile – Gambling Premises, which will form part of the actual policy document.
- Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? July 15
- Exploring area-based vulnerability to gambling-related harm: Developing the gambling related harm risk index (2016)
- Updated Gambling Commission Guidance April 2021
<https://beta.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Specific consultation and engagement with intended audiences and target groups for the service change

Informal engagement ahead of the formal consultation process has been undertaken, which involved a number of key internal and external stakeholders, including Public Health representatives and gambling industry representatives in order to produce the existing policy.

Officers are currently of the opinion that there will be no need for significant changes. However, Officers will maintain ongoing dialogue with the Gambling Commission and other key stakeholders to ensure any changes that become necessary are captured and addressed accordingly during the lifetime of the policy.

The Local Area Profile has been refreshed and is incorporated into the draft Gambling Act 2005 Policy Statement 2022 to 2025; it may be found at **Appendix B** of the draft policy. The profile maps local areas of concern, including actual and future emerging evidence-based risks that may impact on the licensing of gambling premises and activities. Operators are encouraged to use the profile to help inform them of specific risks prior to submitting licence applications.

The Gambling Commission has emphasised the need to incorporate the work of Public Health colleagues to further support the greater need to identify areas of concern and focus on gambling related harm. An initial informal consultation has been undertaken with Shropshire Council's Public Health Team, including the Director of Public Health, and their response can be found at **Appendix 3** of the report presented to the Strategic Licensing Committee (SLC) on 9 July 2021.

It is anticipated that the formal consultation process will involve a variety of communication mechanisms including publishing full details on the ‘Get involved’ web page of the Council’s website, together with a press release on the Council’s news web page that will also be distributed through corporate and service social media platforms. Direct emails will be sent to key stakeholders alerting them to the consultation on the Council’s website.

Following the formal consultation process, an analysis of the responses received will be undertaken and the results collated for the SLC to consider. A revised policy document, with relevant tracked changes, will be made available to the SLC in time to ensure the revised policy is in force by 31 January 2022.

A full list of the organisations formally consulted will be included in the ESIIA for the final report to full Council after the formal consultation has concluded.

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

Protected Characteristic groups and other groups in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive or negative impact <i>Part One ESIIA required</i>
Age (please include children, young people, people of working age, older people, young people leaving care. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)			<i>This could increase over time to medium positive in relation to safeguarding of vulnerable groups</i>	✓ (positive)
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)			<i>This could increase over time to medium positive in relation to safeguarding of vulnerable groups</i>	✓ (positive)
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓ (positive)
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓ (positive)
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓ (positive)
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				✓ (positive)

<p>Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)</p>				<p>✓ (positive)</p>
<p>Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)</p>				<p>✓ (positive)</p>
<p>Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)</p>				<p>✓ (positive)</p>
<p>Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families, people for whom there are safeguarding concerns; and people you consider to be vulnerable)</p>			<p><i>This could increase over time to medium positive in relation to safeguarding of vulnerable groups</i></p>	<p>✓ (positive)</p>

Identification of likely impact of the service change in terms of other considerations including climate change and health and well being

It is recognised nationally that there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focussing on problem gambling alone. In this respect, the revised policy statement emphasises the Council’s focus on protecting children and young people, particularly in relation to child exploitation, and also young people and adults with care and support needs.

The Gambling Commission has emphasised the need to incorporate the work of Public Health colleagues to further support the greater need to identify areas of concern and focus on gambling related harm. An initial informal consultation has been undertaken with Shropshire Councils Public Health Team, including the Director of Public Health, and their response can be found with the report going to the Strategic Licensing Committee on 9 July 2021.

There are additional potential impacts around gambling, for society as a whole, in terms of antisocial behaviour and crime and disorder. The Council is accordingly setting out within the policy how the Council intends to proactively promote the three Gambling Act licensing objectives, namely:

- 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

The Council’s ten Organisational Principles will also impact on the approach taken to implement and deliver the revised policy over its three-year lifetime. The following four Principles are of particular relevance:

- Put Shropshire back in the community
- Make digital the preferred way to work and transact
- Focus on outcomes for customers
- Make decisions based on current data and intelligence

Guidance Notes

1. Corporate and Service Area Policy and Practice on Equality and Social inclusion

This involves taking an equality and social inclusion approach in planning changes to services, policies or procedures, including those that may be required by Government.

The decisions that you make when you are planning a service change need to be recorded, to demonstrate that you have thought about the possible equality impacts on communities and to show openness and transparency in your decision-making processes.

This is where Equality and Social Inclusion Impact Assessments (ESIAs) come in. Where you carry out an ESIA in your service area, this provides an opportunity to show:

- What evidence you have drawn upon to help you to recommend a strategy or policy or a course of action to Cabinet;
- What target groups and audiences you have worked with to date;
- What actions you will take in order to mitigate any likely negative impact upon a group or groupings, and enhance any positive effects for a group or groupings; and
- What actions you are planning to review the impact of your planned service change.

The formal template is there not only to help the service area but also to act as a stand alone for a member of the public to read.

The approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

When you are not carrying out an ESIA, you still need to demonstrate that you have considered equality in your decision-making processes. It is up to you what format you choose.-You could use a checklist, an explanatory note, or a document setting out our expectations of standards of

behaviour, for contractors to read and sign. It may well not be something that is in the public domain like an ESIIA, but you should still be ready for it to be made available.

Both the approaches sit with a manager, and the manager has to make the call, and record the decision made on behalf of the Council. Help and guidance is also available via the Commissioning Support Team, either for data, or for policy advice from the Rurality and Equalities Specialist. Here are some examples to get you thinking.

Carry out an ESIIA:

- If you are building or reconfiguring a building;
- If you are planning to reduce or remove a service;
- If you are consulting on a policy or a strategy;
- If you are bringing in a change to a process or procedure that involves other stakeholders and the wider community as well as particular groupings

For example, there may be a planned change to a leisure facility. This gives you the chance to look at things like flexible changing room provision, which will maximise positive impacts for everyone. A specific grouping that would benefit would be people undergoing gender reassignment

Carry out an equality and social inclusion approach:

- If you are setting out how you expect a contractor to behave with regard to equality, where you are commissioning a service or product from them;
- If you are setting out the standards of behaviour we expect from people who work with vulnerable groupings, such as taxi drivers that we license;
- If you are planning consultation and engagement activity, where we need to collect equality data in ways that will be proportionate and non-intrusive as well as meaningful for the purposes of the consultation itself;
- If you are looking at services provided by others that help the community, where we need to demonstrate a community leadership approach

For example, you may be involved in commissioning a production to tour schools or appear at a local venue, whether a community hall or somewhere like Theatre Severn. The production company should be made aware of our equality policies and our expectation that they will seek to avoid promotion of potentially negative stereotypes. Specific groupings that could be affected include: Disability, Race, Religion and Belief, and Sexual Orientation. There is positive impact to be gained from positive portrayals and use of appropriate and respectful language in regard to these groupings in particular.

2. Legal Context

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

Service areas would ordinarily carry out a screening assessment, or Part One equality impact assessment. This enables energies to be focussed on review and monitoring and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

If the screening indicates that there are likely to be significant negative impacts for groupings within the community, the service area would need to carry out a full report, or Part Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion. Please contact the equality policy lead within the Council for more advice and guidance in this regard, as per details below.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 258528, or email lois.dale@shropshire.gov.uk.