

Meeting	Executive
Portfolio Area	Communities, Community Safety and Equalities
Date	9 February 2022

GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES

NON KEY DECISION

Authors	Maurice Clay 2175
Lead Officers	Zayd Al-Jawad 2257
Contact Officer	Christine Walker-Wells 2247

1 PURPOSE

- 1.1 To consider the Council’s draft Statement of Principles as required under the Gambling Act 2005.
- 1.2 To note that the draft Statement of Principles was considered by the Council’s General Purposes Committee at their meeting on 13 January 2022.

2 RECOMMENDATIONS

- 2.1 That the Executive notes the report and agrees the proposed Stevenage Borough Council Gambling Act Statement of Principles 2022-2025 (attached at appendix A).
- 2.2 That the Executive recommends the Stevenage Borough Council draft Statement of Principles to Council for adoption.

3 BACKGROUND

- 3.1 The Council is the licensing authority for the purposes of the Gambling Act and consequently is under a duty to prepare a Statement of Gambling Principles that it proposes to apply in exercising its functions under the Act.
- 3.2 The Statement of Principles sets out the general approach the Council will take when carrying out its regulatory role under the Act and promoting the three 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.
- 3.3 The Act was conceived as ‘light touch’ legislation, covering a wide range of licensable activities such as adult gaming centres and betting premises. It specifies that Local Authorities should “aim to permit” gambling, provided it is in accordance with the Code of Practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with the Statement of Principles. The effect of this duty is that Licensing Authorities must approach their functions in a way that seeks to regulate gambling by using their powers to promote the licensing objectives rather than by setting out to prevent it altogether.
- 3.4 The Statement seeks to strike a balance between the interests of licence holders, applicants and residents in the promotion of the licensing objectives defined by the Act. Additionally, it outlines the licensing authority’s expectations of licence holders in promoting the licensing objectives, whilst advising on the licensing authority’s obligations under the Act, including its interpretation of the Act and/or Statutory Guidance where necessary. The Statement is designed to offer appropriate protection for residents and a streamlined approach to regulation that eases unnecessary burdens on businesses.
- 3.5 The current Statement was adopted by full Council in June 2019 and must now be reviewed and, where necessary, revised.

Proposed changes

- 3.6 A limited number of additions and amendments to the extant Statement of Principles were consulted upon, to reflect the update in the Guidance published by the Gambling Commission (5th Edition, September 2015).

- 3.7 The draft Statement can be found at Appendix A; all significant additions or variations from the 2019-2022 Statement have been highlighted in grey. There are no changes to the intent or direction in the proposed 2022-2025 Statement, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision making.
- 3.8 The most substantive changes in the new Statement are intended to meet the Commission's most recent guidance and are as follows:
- Additional sections under Part A to highlight our approach to applications received, authorisations under the Act, and an explanation of the role of the Gambling Commission (paragraphs A4-A6).
 - The statement has emphasised the importance of safeguarding (at paragraphs B3.12-20).
 - The statement has emphasised the importance of good environmental management (paragraph C3.1-3.2).
 - Paragraph C4 discusses gambling as a public health issue and the Licensing Authority's ongoing intention to work with the public health team.

Consultation

- 3.9 In preparing the Statement, the licensing authority must publish any proposed document before giving it effect and must consult with:
- the chief officer of police for the licensing authority's area;
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - one or more 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 this Act.
- 3.10 To comply with this requirement, the licensing authority published the draft Statement on a dedicated webpage on the Council's website with details of the consultation period and an explanation of how to make a representation. The page was available between 15 November 2021 and 19 December 2021. All organisations listed in Appendix 2 of the Statement were sent a consultation email or letter directing them to the consultation page. Responses were received from three parties; Power Leisure Bookmakers Limited, Gosschalks on behalf of the Betting and Gaming Council and PoHWER (People of Hertfordshire Want Equal Rights), an advocacy and support charity for people who experience disability, vulnerability, distress and social exclusion.

- 3.11 Both Power Leisure Bookmakers Limited and Gosschalks on behalf of the Betting and Gaming Council commented upon new paragraphs B3.12.to B3.20 of the draft policy relating to the additional Licensing Authority expectations for the protection of persons (children and vulnerable adults). The draft Statement of Principles has been adjusted in accordance with the solutions agreed by General Purposes Committee.
- 3.12 Gosschalks, on behalf of the Betting and Gaming Council noted that the requirement under Gambling Act 2005 is that applications are reasonably consistent with the licensing objectives. There is no duty to *promote* the licensing objectives on any body save for the Gambling Commission and that references to 'promote' and 'promotion' should be replaced. They also highlighted that there is no opportunity for a licensed premises or applicant to suggest or propose licence conditions. The Licensing Authority has agreed with this evaluation and has suggested a change to the draft policy wording.
- 3.13 Further comments from Power Leisure Bookmakers Limited related to concern that national data would be used in the local area review and applications relating to premises ready for gambling and the use of provisional applications. These queries have been addressed by General Purposes Committee.
- 3.14 A response was also received from PoHWER containing queries and questions from the organisation on the background to the policy review. These do not affect the content or substance of the Statement of Principles but have been responded to.

Consideration by General Purposes Committee

- 3.15 The draft Statement of Principles was considered by the Council's General Purposes Committee at their meeting on 13 January 2022. Members' comments and questions centred on the proposed new Local Area Profile (LAP), and the following points were raised:
- it was confirmed that two of the three consultation responses were received from gambling industry operators, and that with the exception of the reply from PoHWER, no responses had been received from other stakeholders, such as national or local charities;
 - the LAP would be an evolving document, but would require strengthening once further work was undertaken on evidence gathering from various sources, including the Gambling Commission, Citizens Advice Bureau, the Police and Housing providers. HCC Public Health was keen to move forward with a collaborative approach to tackling gambling issues, which would include the establishment of a robust evidence base. It was hoped

that this would also cover child protection and any data relating to “hidden” gambling issues;

- the evidence base should also include any relevant data to be gleaned from local gambling operators, as well as from the online gambling industry;
- the Chair considered that it may require primary legislation to address the potential harmful risks associated with gambling, particularly amongst vulnerable groups;
- it was clarified that “ensuring that gambling was conducted in a fair and open way” was essentially to ensure that operators abided by legal stipulations and in accordance with the Gambling Commission’s Code of Practice;
- it was confirmed that the Licensing Team received very few complaints in respect of the gambling organisations/premises operating in the Borough. There would be routine inspections of premises by the Licensing Team and each would be risk-rated, meaning that there would be a more regular inspection regime for those premises rated towards the higher levels of the risk range. In terms of enforcement, this included a worst case scenario of licence revocation, but could also involve a requirement for improvements and restrictions of certain activity;
- in terms of the process for logging complaints, Members were advised that complaints could be registered through the Council’s website, and that gambling operators were required to display their licence at their premises (which included the contact details for the SBC Licensing Team);
- although the HCC Public Health Team was encouraging a collaborative approach towards tackling gambling issues, the Hertfordshire and Bedfordshire Local Authorities Licensing Managers met every 6-8 weeks to share feedback and good practice on licensing and gambling matters; and
- it was confirmed that the representation received from PoHWER contained a series of queries and questions which would be responded to separately and did not affect the Statement of Principles. However, Members felt that consideration should be given to inviting a representative(s) from a charitable organisation to a future meeting of the Committee in order to hear their views on gambling issues.

The Committee supported the Licensing Officer’s proposed amendments to the Statement of Principles in response to issues raised during the consultation process, as set out in Paragraphs 3.15 to 3.24 of the report.

- 3.16 During the meeting the Chair made reference to her recent attendance at Hertfordshire County Council’s Gambling Harms Topic Group, convened by

the Health Scrutiny Committee, where Members sought to address the following questions:

- What opportunities and barriers currently exist that can help or hinder the local authority to influence the reduction of gambling harms?
- What is the contribution of partners (other local authorities, NHS, police etc.) to reducing gambling harms?
- How effective is partnership working in Hertfordshire across organisations to tackle gambling harm?

The Chair reported that the Topic Group had provided a useful forum for councillors, experts and partners to explore the local circumstances and impacts of gambling harm, and crucially, to consider how to strengthen the evidence base and improve a countywide approach in prevention and support for future working.

3.17 The General Purposes Committee resolved:

- That the proposed Stevenage Borough Council Gambling Act Statement of Principles 2022 – 2025, as attached at Appendix A to the report, and with the inclusion of the amendments proposed by the Licensing Officer in response to issues raised during the consultation process set out in Paragraphs 3.15 to 3.24 of the report, be agreed.
- That the Executive be requested to agree the Stevenage Borough Council Gambling Act draft Statement of Principles for onward recommendation to Council.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

4.1 Section 349 of the Gambling Act 2005 requires licensing authorities to publish a statement of licensing principles every three years in accordance with prescribed requirements. The adoption of the statement of licensing principles is a non-executive function by virtue of the Act and Statutory Guidance and is reserved for Full Council.

4.2 The only alternative option would be to adopt a Statement that differs in content and/or extent from the document proposed here. An alternative Statement has not been considered as the one proposed achieves an effective balance between ensuring that the licensing objectives are met and avoiding being overly prescriptive or prohibitive to applicants and licence holders. Any wholly revised Statement would be subject to a further full consultation process.

5 IMPLICATIONS

Financial Implications

- 5.1 Local authorities have the ability to set their own local fees in connection with the Act on a cost recovery only basis, subject to centrally prescribed maximum amounts. The administration and enforcement of the Act, including the adoption of a Statement, places no additional financial burden on the Council as all costs are recovered through fees. Fees will be reviewed as part of the annual budget-setting process.

Legal Implications

- 5.2 The Licensing Authority has a statutory duty to produce a Statement of Principles under the Gambling Act 2005 and review it at least once every three years.

Equalities and Diversity Implications

- 5.3 The proposed Statement of Principles does not place any barriers or unique requirements on any person on the grounds of ethnicity, gender, religion, or any other protected characteristic. Officers work with all applicants and licence holders, where appropriate, to ensure that the Council's duty under the Equality Act 2010 is met. A brief form Equalities Impact Assessment is attached as Appendix B.

Community Safety Implications

- 5.4 The Act has a community safety implication arising from the licensing objectives. There are currently no local concerns regarding the impact of gambling on community safety, and it does not appear within the Council's community safety plan.

Environmental Implications

- 5.5 There are no environmental implications arising from this report.

Other Corporate Implications

- 5.6 It is recognised that the reduction of gambling harms requires a public health approach, prioritising of prevention and education, as well as treatment and support. In this connection the Licensing Authority will seek to forge links with the Healthy Stevenage Partnership with a view to delivering on these priorities for the Council's residents.

BACKGROUND DOCUMENTS

All documents that have been used in compiling this report, that may be available to the public, i.e. they do not contain exempt information, should be listed here:

- BD1 Gambling Act 2005
- BD2 Gambling Act 2005 (Licensing Authorities Policy Statement) (England and Wales) Regulations 2006
- BD3 Guidance for Local Authorities, 5th Edition (Gambling Commission, March 2015)
- BD4 Gambling Act 2005; Stevenage Borough Council Statement of Policy 2019-2022

APPENDICES

- A Gambling Act 2005 draft Statement of Principles 2022-2025
- B Equalities Impact Assessment