



GENERAL PURPOSES COMMITTEE

Date: Thursday, 13 January 2022

Time: 6.00pm

Location: Council Chamber, Daneshill House, Danestrete

Contact: Ian Gourlay 01438) 242703

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Members: Councillors: M McKay (Chair), D Bainbridge, R Broom, A Brown, T Callaghan, J Hanafin, L Harrington, G Lawrence CC, A McGuinness, L Martin-Haugh, M Notley, C Parris, L Rossati and G Snell.

AGENDA

PART I

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 27 FEBRUARY 2020

To approve as a correct record the Minutes of the meeting of the General Purposes Committee held on 27 February 2020.

Pages 3 – 10

3. GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES

To consider the review of the Council's Gambling Act 2005 Statement of Principles.

Pages 11 – 100

4. URGENT PART I BUSINESS

To consider any Part I business accepted by the Chair as urgent.

5. EXCLUSION OF PRESS AND PUBLIC

To consider the following motions –

1. That under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in Paragraphs 1 – 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to Information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

6. URGENT PART II BUSINESS

To consider any Part II business accepted by the Chair as urgent.

Agenda Published 5 January 2022

STEVENAGE BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE MINUTES

Date: Thursday, 27 February 2020

Time: 10.00am

Place: Autun Room, Daneshill House, Danestrete

Present: Councillors: Laurie Chester (Chair), Doug Bainbridge, Sandra Barr, Michael Downing, John Lloyd and Maureen McKay.

Start / End Start Time: 10.00am
Time: End Time: 12.18pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Jim Brown, Liz Harrington, Richard Henry, Jody Hanafin, Graham Lawrence, Andy McGuinness, Loraine Rossati and Graham Snell.

There were no declarations of interest.

2 MINUTES - 30 JANUARY 2020

It was **RESOLVED** that the Minutes of the meeting of the Committee held on 30 January 2020 be approved as correct record and signed by the Chair.

3 PROCEDURE

The procedure for the meeting was noted by all parties.

4 URGENT PART I BUSINESS

None.

5 EXCLUSION OF PRESS AND PUBLIC

It was **RESOLVED:**

1. That, under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in Paragraphs 1 to 7 of Schedule 12A of the Act, as amended by SI 2006 No. 88.
2. That, having considered the reasons for the following items being in Part II, it be determined that maintaining the exemption from disclosure of the information contained therein outweighed the public interest in disclosure.

6 REVIEW OF AN APPLICATION FOR A DUAL (HACKNEY CARRIAGE / PRIVATE HIRE) DRIVER LICENCE - MR V.S.

The Senior Environmental Health and Licensing Manager presented a report to the Committee and informed Members that the purpose of the meeting was to consider whether the applicant (MR V.S.) was a fit and proper person to hold a Dual Driver's licence under section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 and what action, if any, should result from that determination.

The Senior Environmental Health and Licensing Manager advised the Committee that Mr V.S. had first obtained a dual hackney carriage/private hire driver licence with Stevenage Borough Council on 15 June 2012 and held it until 4 December 2015 when it was revoked without immediate effect by officers under delegated powers following consultation with the Chair of the General Purposes Committee. Following the lodgement of an appeal to the Magistrates' Court by Mr V.S., a meeting of the General Purposes Committee held on 6 May 2016 considered the circumstances of the revocation.

The Senior Environmental Health and Licensing Manager explained that the initial revocation of Mr V.S.' dual driver licence was the culmination of a review by licensing officers of the records of Spoken English Tests taken by first-time applicants for dual driver licences. A joint investigation by licensing officers and the Hertfordshire Shared Anti-Fraud Service (SAFS) had revealed a number of instances where a third party had fraudulently taken and passed the test on behalf of another applicant. Mr V.S. had been questioned as part of this investigation, which gathered evidence that, on the balance of probabilities, Mr V.S. had fraudulently undertaken and passed the spoken English test on behalf of his cousin on 30 August 2013.

The Senior Environmental Health and Licensing Manager stated that Mr V.S.' appeal to the Magistrates' Court against the decision to revoke his dual driver licence was abandoned following the General Purposes Committee meeting in May 2016. This followed receipt of a letter on 24 March 2016 from solicitors, acting on behalf of both Mr V.S. and his cousin, which stated that Mr V.S. was "prepared to accept that he undertook the English test for his cousin".

The Committee was informed that, in light of the evidence that had been obtained, SAFS subsequently mounted a criminal prosecution under the Fraud Act 2006 against Mr V.S. alleging that he had committed the offence of fraud by false representation. Mr V.S. was found guilty of fraud by false representation at Peterborough Crown Court on 16 December 2016 and was sentenced to four months imprisonment, suspended for one year, and ordered to complete 80 hours of community service.

The Licensing Officer reported that Mr V.S. had also held a dual hackney carriage/private hire driver licence with Uttlesford District Council. Upon being advised of Stevenage Borough Council's revocation of Mr V.S.'s licence, Uttlesford District Council had similarly revoked his licence with them.

The Senior Environmental Health and Licensing Manager considered that, although some three years had elapsed since Mr V.S.'s conviction, it remained a matter of concern that, in fraudulently assisting another driver to achieve a Spoken English Test pass, Mr V.S., by extension, exposed members of the travelling public, as well as the driver he assisted, to potential safety risks which could arise from the assisted driver's inability to communicate effectively with passengers.

The Committee noted that during the investigation Mr V.S. had failed to take the first opportunity to admit any fraudulent behaviour, having declined to answer questions on the matter during a formal interview under caution by officers on 16 December 2015. The letter received from his solicitors on 24 March 2016 indicated that he did in fact undertake a test on behalf of another candidate and the subsequent criminal conviction for fraud showed this to be the case beyond reasonable doubt.

In connection with his current application, the Senior Environmental Health and Licensing Manager commented that Mr V.S. had completed all necessary checks and tests and, as such, had been dealt with in the same way as a first-time applicant for a dual driver licence. These had included a criminal records check, which showed only the expected fraud conviction, as well as an enquiry with the Driver and Vehicle Licensing Agency regarding his driving record which had shown no endorsements.

The Chair invited the applicant and his representative to ask questions of the Senior Environmental Health and Licensing Manager.

In reply to a question, the Senior Environmental Health and Licensing Manager confirmed that there were no complaints from passengers regarding the conduct of Mr V.S. between 12 June 2012 and 4 December 2015, the time he held a dual hackney carriage/private hire driver licence.

In response to questions from Members of the Committee, the Senior Environmental Health and Licensing Manager replied:

- a total of 9 individuals were prosecuted in December 2016 in connection with the fraudulent taking of spoken English tests on behalf of others. Mr V.S. was the first of these individuals to re-apply for a licence. He was permitted to re-apply as, in accordance with the SBC Convictions Policy, 3 years had elapsed since his conviction for fraud;
- it was confirmed that a former member of staff in the SBC Licensing Team had been found to be complicit in the carrying out of the spoken English tests. That former Member of staff had also been prosecuted.
- It was apparent that there not been a careful check of the ID of applicants for spoken English tests at the time of the fraud. The procedures had since been tightened to ensure that a photo proof of ID check was now carried out by Licensing Officers prior to spoken English tests being taken.

The Chair invited the applicant, Mr V.S., and his representative to present his case.

The applicant stated that he had committed a regrettable act by taking the spoken English test on behalf of his cousin in 2013, and had been sentenced by

Peterborough Crown Court for that offence in 2016. Although he acknowledged that this had been a foolish act, he maintained it was an isolated incident, and that there had been no problems with him as a licensed taxi driver between 2012 and 2015.

The applicant advised that, since May 2016, he had been employed in a number of jobs. Many of these involved driving, including car recovery and working for Hertfordshire County Council in conveying vulnerable people to and from Day Centres and children to schools. There had been no complaints made against him during this time.

The applicant explained that he had commenced the process to re-apply for a dual hackney carriage/private hire driver licence with SBC and had passed all tests. If a licence was granted, he promised that he would be a respectable driver for the people of Stevenage.

The applicant's representative, an owner of a local transport company, advised that she had first met Mr V.S. in 2014 and had used him as a driver as part of a contract with Hertfordshire County Council providing school runs and care home journeys.

The applicant's representative had been aware of the various hearings and court cases involving Mr V.S. Once his taxi licence had been revoked in May 2016, she remained in touch with Mr V.S. and, aware that he had a Public Service Vehicle (PSV) category on his driving licence (as approved by the Traffic Commissioner), assisted him in his application to Hertfordshire County Council (HCC) to be one of her drivers providing contracted driving services, such as school runs and care home journeys. As part of the application process, Mr V.S. had disclosed his previous history, including his conviction for fraud. Based on the support of the applicant's representative, HCC had agreed to Mr V.S.'s application.

The applicant's representative considered that the definition of "fit and proper" was somewhat subjective. She would have no hesitation in placing people in a vehicle with Mr V.S., as his direct dealings with clients had shown him to be respectable, dedicated and compassionate, especially to vulnerable clients. Even if he was granted a dual hackney carriage/private hire driver licence with conditions, she would be content for him to continue to work for her company.

The Chair invited the Senior Environmental Health and Licensing Manager to ask questions of the applicant/applicant's representative.

In respect of the mention of PSV work, the applicant was asked what reaction he received from HCC when he disclosed his previous conviction. He replied that HCC had already heard about the conviction. He had answered the questions posed to him, and HCC had concluded that he was no threat to the travelling public and was a fit and proper person to drive for them. He clarified that the interview with HCC was via the telephone and not face-to-face.

The Senior Environmental Health and Licensing Manager asked if the applicant had any documentary evidence from HCC regarding their agreement to him being able to drive for them. The applicant's representative replied that a badge had been issued (with a 3 year validity) and a DBS check would have been completed. The applicant

did not present the badge to the Committee as evidence.

The Chair invited Members of the Committee to ask questions of the applicant/applicant's representative. The applicant responded as follows:

- he stated that he had acted in support of his cousin, who was a father of 6 and struggling for a living, and had failed the spoken English test on a previous occasion. He had accompanied him to the test, and he maintained that it was a spur of the moment (rather than pre-planned) decision to take the test on his behalf, with the complicity of a former Licensing Officer, who herself had received a 12 month suspended sentence for her actions;
- he had reflected deeply on his actions over the past 4/5 years, and assured the Committee that he had learnt his lesson, stating again that his previous and subsequent actions had been unblemished. He was now a grandfather and had a different focus on life.

The Chair invited both parties to make closing statements.

The Senior Environmental Health and Licensing Manager stated that the Committee was invited to determine the application made by Mr V.S. for the grant of a dual drivers licence and consider the following possible courses of action. Either:

- Grant his application for a dual drivers licence; or
- Grant his application for a dual drivers licence with the addition of any specific conditions the Committee feel were appropriate to the circumstances preceding his application; or
- Refuse his application for a dual drivers licence.

The Senior Environmental Health and Licensing Manager advised that Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 stated that a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence:

(a) unless they are satisfied

(i) that the applicant is a fit and proper person to hold a driver's licence;

(ii) that the applicant is not disqualified by reason of the applicant's immigration status from driving a private hire vehicle; or

(b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.

The Senior Environmental Health and Licensing Manager commented that the decision to support or reject the application for grant of the dual drivers licence

should be based on whether, as a result of evidence presented to the Committee, there were serious concerns about the fitness and propriety of Mr V.S.

The Senior Environmental Health and Licensing Manager explained that there was no legal definition of a 'fit and proper person'. It was left to the discretion of the licensing authority as to what criteria, if any, it asked an applicant to meet in order to satisfy the Council that the applicant met the fit and proper person requirement. The frequently adopted common-sense test of fitness and propriety was predicated on the application of the following question to the case:

“Would you, as a member of the Committee charged with the ability to grant a private hire driver’s licence, allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

The Senior Environmental Health and Licensing Manager confirmed that Mr V.S. had a right of appeal to the Magistrates’ Court against any decision made by the General Purposes Committee.

The applicant’s representative made a closing statement on his behalf. She stated that should the Committee wish to grant a licence with conditions, in order to feel more secure, then the applicant would be prepared to accept such conditions. They could include supervision and surveillance conditions, which she would be happy to support and monitor should a licence be granted.

All parties, with the exception of the legal advisor to the Committee and Committee Clerks, withdrew from the meeting and the Committee considered its decision. Following full deliberations, the Licensing Officers and applicant/applicant’s representative came back into the meeting to be advised of the Committee’s decision.

Having considered the matter carefully and taking into account all the relevant factors, it was **RESOLVED** that the application by Mr V.S. for a Dual Hackney Carriage/Private Hire Driver Licence be refused.

In reaching this decision, and on the evidence provided at the hearing, the Committee considered that:

- In accordance with Paragraph 5.3.1 of the Licensing Officer’s report in respect of the SBC Convictions Policy regarding Dishonesty, drivers of hackney carriage and private hire vehicles are expected to be persons of trust. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include especially vulnerable people. For these reasons, a serious view is taken of any convictions involving dishonesty, with fraud being one of the specific offences;
- In accordance with the SBC Convictions Policy, and under the Rehabilitation of Offenders Act 1974, a fraud conviction is never spent;
- As a result of Mr V.S.’s conviction, he was prepared to allow the potential for

another person to present a danger to passengers by virtue of him undertaking the spoken English test on behalf of a third party;

- Mr V.S. made no admission of guilt to the proposed allegation of fraud prior to the matter being presented to the Crown Court; and
- The nature of Mr V.S.'s fraud offence was such as to undermine public confidence in SBC and bring into disrepute the licensing procedures for all taxi drivers.

The Committee, having applied the SBC Convictions Policy, therefore concluded that Mr V.S. is not a fit and proper person to hold a Dual Hackney Carriage/Private Hire Driver Licence.

7 URGENT PART II BUSINESS

None.

CHAIR

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Meeting General Purposes Committee
Portfolio Area Communities, Community Safety and Equalities
Date 13 January 2022



GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES

NON KEY DECISION

Authors Christine Walker-Wells | 2247
Lead Officers Maurice Clay | 2175
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.

2 RECOMMENDATIONS

- 2.1 That the General Purposes Committee agrees the proposed Stevenage Borough Council Gambling Act Statement of Principles 2022-2025 (attached at Appendix A).
- 2.2 That the General Purposes Committee recommend the Stevenage Borough Council draft Statement of Principles to the Executive, for onward recommendation to Council.

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.
- 3.4 The Act 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.
- 3.5 The Policy 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.
- 3.6 The current Statement was adopted by full Council in June 2019 and must now be reviewed and, where necessary, revised.

Proposed changes

- 3.7 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 (April 2021, updated May 2021).
- 3.8 The draft policy can be found at Appendix A; all significant additions or variations from the 2019-2022 policy have been highlighted in yellow. There are no changes to the intent or direction in the proposed 2022-2025 policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision making.

- 3.9 To accompany the revised Statement of Principles, a local area profile was undertaken. The local area profile aims to summarise existing national research relating to gambling related harm, and identify potential risks relating to vulnerable groups and/or geographical areas within Stevenage. The local area profile can be seen in Appendix B.
- 3.10 The local area profile has identified that Bedwell ward reveals potential risks as this area has a number of gambling premises (due to the Town Centre being part of Bedwell) and also being an area of high deprivation in the Borough.
- 3.11 There is no evidence to identify that gambling is causing harm to children or vulnerable adults in Bedwell or elsewhere in the Borough of Stevenage.
- 3.12 The Statement includes new sections on Applications (A4), Authorisations under the Act (A5), the Gambling Commission (A6), Protecting children and other vulnerable persons from being harmed or exploited by Gambling (B3.12-20), Environmental considerations (C3), Public Health and Gambling (C4).

Consultation

- 3.13 In preparing the Policy, the licensing authority must publish any proposed policy 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.
- 3.14 To comply with this requirement, the licensing authority published the draft Policy 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 Policy were sent a consultation email or letter directing them to the consultation page. Responses were received from Power Leisure Bookmakers, Betting & Gaming Council and POhWER (a charity and membership organisation that provides information, advice, support and advocacy to people who experience disability, vulnerability, distress and social exclusion).

3.15 Power Leisure Bookmakers Response can be seen in Appendix C. Comments relate to content in Part B (3.12-20), Part C (4.6) and (6.2).

- 3.16 We strongly disagree with the commentary included in the draft policy. Comments relating to child sexual exploitation and the imposition of additional obligations on operators fail to consider the extensive social responsibility provisions now contained in the governing legislation.

Licensing Authority's comments: Upon review of the Guidance to Licensing Authorities (published April 2021 and updated May 2021), the Licensing Authority's policy statement sets out how the licensing authority will deal with local concerns and issues. Part 6 outlines parameters for the Licensing Authority policy statement. The guidance acknowledges other regulatory regimes and requires an avoidance of duplication of regulatory obligations in the statement be a commitment by the Licensing Authority. Certain premises that are licensed gambling premises can admit children (persons under the age of 18), such as pubs and clubs with gaming machine permits, bingo premises and unlicensed family entertainment centres. As such, the statement of principles brings awareness to Licence Holders and Applicants of the risks of child sexual exploitation and measures that can be employed to identify issues in a timely manner. Paragraph B3.16 will be amended to read 'Applicants and Licence Holders of relevant premises (pubs and clubs with gaming machines, bingo premises and unlicensed family entertainment centres) are encouraged ...'

- 3.17 Part B comments (3.12-20) – 'safeguarding against child sexual exploitation (CSE) ... has no direct relevance to the Gambling Licensing Objectives. Of particular concern, is the inclusion of the statement: "*The Council expects applicants to demonstrate the measures they will take to safeguard CSE in the local risk assessment.*" This is not only stretching an operator's responsibility beyond the scope of the licensing objectives but has no relevance when considering children are not permitted to enter a betting premises.

Licensing Authority's comments: The draft statement explicitly requires consideration of CSE in any local risk assessment (B3.20). CSE is an emerging risk within any area and there is a responsibility on all businesses to consider this as part of their safeguarding responsibilities. On further examination of the gambling licensing objectives, it is suggested that this requirement (at B3.20) be removed, as businesses have a responsibility to act lawfully and react accordingly when CSE becomes apparent during the course Licence Holders day-to-day operation.

- 3.18 Power Leisure Bookmakers also oppose the inclusion of the control measure: '*regular patrols of the premises, including external areas and*

the immediate proximity, to identify any vulnerable persons'. This not only extends an operator's responsibility away from gambling, but now outside their premises which is far beyond their obligations under the licensing objective and policing of the high streets are not within the powers of a licensee.

Licensing Authority's comments: This is a possible control measure that can be adopted by applicants and licence holders. The measure is not an explicit requirement but a suggested suitable control measure at B3.14 and B3.16. No changes to these paragraphs are required.

- 3.19 Public Health & Gambling; use of data in a local area profile be based on local, up to date evidence.

Licensing Authority's comments: Agreed; the local area profile is referenced to assist with this.

- 3.20 Premises 'ready for gambling'; Other than the right to occupy, there is no legal reason preventing someone from applying for a premises licence and we therefore suggest that this section is amended to reflect this.

Licensing Authority's comments: Provisional applications are required where the business does not have the right to occupy the premises and/or does not have an operating licence from the Gambling Commission which allow the applicant to carry out the proposed activity. Paragraph C6.2 shall read; 'Premises licence applications will be considered upon application. Where applicants do not have the right to occupy and/or does not have an operating licence issued by the Gambling Commission, the applicant will be advised to submit a provisional statement instead'.

- 3.21 **Gosschalks, on behalf of the Betting and Gaming Council response can be seen in Appendix D. Comments have been received for Part B (1.2, 3.9, 3.12-3.20) and Part C (7.10).**

- 3.22 Any reference to "promotion" or "promote" when used in the context of an applicant's duty should be removed (Paragraph B1.2)

Licensing Authority's comments; Agreed; remove 'promote' and replace with 'meet'. As such, Part B will also be retitled 'Meeting the Licensing Objectives'.

- 3.23 There is no requirement (or ability within the prescribed application forms) for an applicant to suggest/propose conditions (Paragraph 3.9)

... The measures suggested within paragraph 3.9 (policies, procedures and mitigation measures to address risks identified by the risk assessment) are dealt with via the risk assessment rather than by way of licence conditions as the risk assessment is a dynamic document which (in accordance with SR (social responsibility) code provision 10.1.2) must be reviewed if there is a significant change in local circumstances.

Licensing Authority's comments; Thank you for the clarification, as such, paragraph B3.9 will read 'The licensing authority may consider any of the measures detailed below as suitable methods to protect persons (children or vulnerable persons) from harm or at risk of being exploited by gambling. The business' local risk assessment in accordance with SR code provision 10.1.2, will consider these controls and any subsequent controls that have equal or better effect ...

- 3.24 Paragraphs B3.12 to B3.20 ... detail the licensing authority's expectations and requirements with regard to safeguarding. These paragraphs should be redrafted to ensure that these expectations are proportionate and relevant to what is proposed by an applicant ... It cannot, however, be proportionate or effectively a condition of the grant of a licence that applicants/operators regularly patrol external areas to identify vulnerable persons, monitor persons as they leave or train all staff in any adult only premises in CSE indicators.

Licensing Authority's comments: Further review of this section has been undertaken subsequent to comments from Power Leisure Bookmakers and as such paragraph 3.17 will be altered to read 'The Council anticipates ...' rather than 'The Council expects ...'

- 3.25 POhWER comments can be seen in Appendix E. The responses are queries and questions submitted for clarity; these will be responded to separately and do not affect the Statement of Principles

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 policy that differs in content and/or extent from the document proposed here. An alternative policy has not been considered as the one proposed achieves an effective balance

between ensuring the promotion of the licensing objectives and avoiding being overly prescriptive or prohibitive to applicants and licence holders.

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 policy, places no additional financial burden on the Council as all costs are recovered through fees.

Legal Implications

- 5.2 The Licensing Authority has a statutory duty to produce a Statement of Principles under the Gambling Act 2005. Inadequate implementation of the Act would cause considerable difficulty to businesses and residents.

Community Safety Implications

- 5.3 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.

BACKGROUND DOCUMENTS

- BD1 Gambling Act 2005
- BD2 Gambling Act 2005 (Licensing Authorities Policy Statement) (England and Wales) Regulations 2006
- BD3 Guidance for Local Authorities, (Gambling Commission, 1 April 2021, updated 13 May 2021)
- BD4 Gambling Act 2005; Stevenage Borough Council Statement of Policy 2019-2022

APPENDICES

- A Gambling Act 2005 draft Statement of Principles 2022-2025.
- B Local Area Profile.
- C Consultation response from Power Leisure Bookmakers Limited.
- D Consultation response from Gosschalks on behalf of Betting and Gaming Council.
- E Consultation response from POhWER.

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APPENDIX A

Gambling Act 2005

Draft Statement of Principles 2022-25

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PART A – INTRODUCTION

A1. Stevenage Borough

A1.1 Stevenage Borough Council is situated in the County of Hertfordshire, which contains ten District Councils in total. Stevenage was designated as Britain’s first new town in 1946 and the Council area has a population estimated at 88104 (2018), making it the smallest in the County by population. In terms of area it is also the smallest, covering approximately 20 square miles and is surrounded by the districts of North Hertfordshire and East Hertfordshire. A map of the Council area is attached as Appendix 1.

A1.2 Set in the attractive countryside of north Hertfordshire, Stevenage is an urban authority, enjoying the amenities of a well-planned new town, together with a history dating back to Roman times. The town is divided into distinct land use areas, the town centre, Old Town and railway station are the core of the town. They are surrounded by individual residential neighbourhoods containing around 38,000 homes. Local neighbourhood centres provide shops and community facilities for residents. There are two main employment areas, one to the west of the town centre at Gunnels Wood and one to the north-east at Pin Green.

A1.3 There are a range of leisure facilities, retail parks and supermarkets. Open spaces and play areas are well spread throughout the town. Wide roads and a cycle and pedestrian network link all parts of the town. Stevenage’s railway station is on the East Coast Main Line. There are long distance rail links between London and the north. Commuter services connect the town to Kings Cross, Cambridge and Peterborough as well as nearby towns including Hitchin, Letchworth and Welwyn Garden City. The town is connected to Junctions 7 and 8 of the A1(M) which links London, the midlands and the north. The A602 connects Stevenage to Hitchin and Ware while the nearby A505 provides connections between Luton Airport and Cambridgeshire. The urban road network of Stevenage comprises three main north-south routes and four main east-west routes.

A1.4 Licensing authorities are required by the Gambling Act 2005 (the Act) to publish a statement of the principles that they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

A1.5 Stevenage Borough Council consulted widely upon this statement before finalising and publishing it. A list of those persons consulted is provided in Appendix 2. Our consultation took place between [date] and [date] 2022 and was carried out in accordance the Cabinet Office guidance on consultation principles (published March 2018) which is available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles_1_.pdf

[Number] comments were received during the consultation period.

A1.6 The policy, following consultation, went to Executive Committee on [date] 2022 and then to Full Council on [date] 2022, at which date it received approval. This version will be published by [date] 2022, and will take effect from [date] 2022.

A1.7 Should you have any comments as regards this policy statement please send them by e-mail or letter to the following contact:

Licensing Team, Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, SG1 1HN licensing@stevenage.gov.uk

A1.8 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

A2. The Licensing Objectives

A2.1 In exercising most of their functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act which are:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;**
- b) Ensuring that gambling is conducted in a fair and open way;**
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling**

A2.2 It should be noted that the Gambling Commission (“the Commission”) has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

A2.3 This licensing authority is aware that, as per Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority’s statement of principles

A2.4 Part B of this Policy sets out in more detail how this authority will support the attainment of the licensing objectives.

A3. Declaration

A3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Act, the guidance issued by the Commission (5th edition March 2015), and any responses from those consulted on the statement.

A4. Each application determined on its own merits

A4.1 It is important to note that this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as the Council will consider each on its own individual merits and in accordance with the requirements of the Act.

A5. Authorisations under the Act

A5.1 The Act provides for three categories of licence; operating licences, personal licences and premises licences. The Council will be responsible for the determination and issuing of premises licences. The responsibility for operating and personal licences rests with the Gambling Commission.

A5.2 Premises licences issued by the Council cover the following types of premises:

- casinos
- bingo premises
- betting premises
- track betting
- adult gaming centres (AGC)
- family entertainment centres (FEC)

A5.3 The Council will be responsible for the determination and issuing of five categories of permit:

- unlicensed family entertainment centre (uFEC) gaming machine permits
- (alcohol) licensed premises gaming machine permits
- prize gaming permits
- club gaming permits
- club gaming machine permits

A5.4 The Council will be responsible for the determination and issuing of two categories of temporary authorisations:

- temporary use notices (TUN)
- occasional use notices (OUN)

A5.6 The Council will be responsible for the determination and registration of applications for small society lotteries.

A6. The Gambling Commission

A6.1 The Commission regulates gambling in the public interest. It does so by keeping crime out of gambling, by ensuring that gambling is conducted in a fair and open way and by protecting children and vulnerable people.

A6.2 The Commission:

- provides independent advice to the Government about the way gambling is carried out, the effects of gambling, and the regulation of gambling generally
- issues guidance pursuant to section 25 of the Act about the way licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.
- issues Codes of Practice pursuant to section 24 of the Act about the way in which facilities for gambling are provided, which may also include provisions about the advertising of gambling facilities.

A7. Responsible Authorities

A7.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

A7.2 In accordance with the Commission's Guidance for local authorities, this authority designates the Hertfordshire Safeguarding Children Board for this purpose.

A7.3 Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the Council will not generally take into account representations that are deemed to be irrelevant, such as:

- There are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account)
- The premises are likely to be a fire risk (because public safety is not a licensing objective)
- The location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives)
- The premises will cause crowds to congregate in one area causing noise and nuisance (because other powers are generally available to deal with these issues. It should be noted that, unlike the Licensing Act 2003, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. Any

nuisance associated with gambling premises should be tackled under other relevant laws).

A7.4 The contact details of all the Responsible Authorities under the Act for applications in respect of premises within the Borough of Stevenage are included as Appendix 3. This information is also available via the Council's website at: www.stevenage.gov.uk.

A8. Interested parties

A8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:

- 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
- c) Represents persons who satisfy paragraph (a) or (b)”

A8.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are: Each case will be decided upon its own merits. This authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Commission's Guidance for local authorities at 8.9 to 8.17. It will also consider the Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

A8.3 Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or MP represent the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

A8.4 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing team by e-mail at licensing@stevenage.gov.uk or 01438 242242.

A8.5 In the absence of any regulations to the contrary, representations should ideally:

- be made in writing (letter, fax or e-mail);

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- be in black ink on single sides of A4 paper;
- indicate the name and address of the person or organisation making the representation;
- indicate the premises to which the representation relates;
- Indicate the proximity of the premises to the person making the representation. A sketch map or plan may be helpful to show this;
- Clearly set out the reasons for making the representation, and which objective it refers to.

A9. Exchange of Information

A9.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act. Those persons or bodies are listed in Schedule 6(1) as:

- a constable or police force
- an enforcement officer
- a licensing authority
- HMRC
- the First Tier Tribunal
- the Secretary of State.

A9.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 or General Data Protection Regulation will not be contravened. The licensing authority will also have regard to any Guidance issued by the Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

A9.3 Details of applications and representations which are referred to a Licensing Committee for determination will be published in reports that are made publicly available. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is asked to do so and is satisfied that it is appropriate to do so.

A9.4 The authority will ensure that the information on the returns is accurate and sent to the Commission within agreed timescales.

A9.5 We recognise the need to share information with other agencies about our inspections and compliance activities. The Council has various policies relating to information governance, which will be considered when deciding what information to share and the process for doing so.

A9.6 Information can be accessed by data subjects via a number of routes including a Freedom of Information Request or Subject Access Request.

A10. Enforcement

A10.1 Licensing authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

A10.2 This licensing authority's principles are that it will be guided by the Commission's Guidance for local authorities, and will endeavour to be;

- **Proportionate:** regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

A10.3 In accordance with the Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

A10.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Commission, in particular at Part 36
- The council's local area profile
- The principles set out in this statement of licensing policy

A10.5 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Act. When undertaking test purchasing activities, the licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions

of an operator on their broader estate, test purchasing may be deemed to be an appropriate course of action.

A10.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions that it authorises. The Commission is the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines or concerns about online or remote gambling will not be dealt with by the licensing authority but will be notified to the Commission.

A10.7 This licensing authority will also keep itself informed of developments as regards the work of the Office for Product Safety and Standards in its consideration of the regulatory functions of local authorities, in particular, with regard to the Regulators' Code (April 2014) which provides a regulatory framework that supports compliance and growth while enabling resources to be focused where they are most needed. We will make available our enforcement and compliance protocols and written agreements upon request.

A10.8 Bearing in mind the principle of transparency, the Council has adopted an Enforcement Policy which sets out the Council's approach to securing compliance with regulatory requirements and applies to all our regulatory functions, including gambling. The Policy is available on the Council's website.

A11. Licensing Authority functions

A11.1 The Licensing Authority has delegated some of its functions to the Licensing Committee and to officers. An explanation of these arrangements is shown in Appendix 5.

A11.2 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines

- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Commission via operating licences.

PART B – PROMOTION OF THE LICENSING OBJECTIVES

B1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

B1.1 The Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The licensing authority will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commission's Guidance, codes of practice and this policy statement.

B1.2 The licensing authority will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective.

B1.3 Examples of the specific steps the licensing authority may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

B2. Ensuring that gambling is conducted in a fair and open way

B2.1 The Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks.

B2.2 The licensing authority will notify the Commission of any concerns about misleading advertising, the absence of required game rules, or any other matters as set out in the Commission's Licence Conditions and Code of Practice.

B2.3 Examples of the specific steps the licensing authority may take to address this area can be found in the section covering specific premises in Part C, and in relation to permits and notices in Part D of this statement.

B3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

B3.1 Protection of Children: Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.

B3.2 Section 45 of the Act provides the definition for child and young person:

Meaning of "child" and "young person"

1) In this Act "child" means an individual who is less than 16 years old.

2) In this Act "young person" means an individual who is not a child but who is less than 18 years old.

B3.3 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

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- casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18;
- bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
- family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18;
- clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
- All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

B3.4 The licensing authority will have regard to any code of practice which the Commission issues as regards this licensing objective in relation to specific premises.

B3.5 The licensing authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. These measures may include supervision of entrances / machines, segregation of areas, etc. Examples of the specific steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

B3.6 Where gambling premises are located in sensitive areas where young and/or vulnerable persons may be present, for example near schools, this licensing authority will consider imposing restrictions on advertising the gambling facilities on such premises where it is considered relevant and reasonably consistent with the Licensing Objectives.

B3.7 Protection of vulnerable people: It is difficult to define the term “vulnerable person”. The Commission, in its Guidance to Local Authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people:

“who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”

B3.8 The Commission’s Code of Practice clearly describes the policies and procedures that operators should put in place regarding:

- combating problem gambling
- access to gambling by children and young persons
- information on how to gamble responsibly and help for problem gamblers

- customer interaction
- self-exclusion
- employment of children and young persons

B3.9 The licensing authority may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet
- training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons
- self-exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters and leaflets with GamCare Helpline and website displayed in prominent locations
- external advertising to be positioned or designed not to entice passers-by.

B3.10 It is a requirement of the Commission's Licence Conditions and Codes of Practice (LCCP), under Section 3, that licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.

B3.11 The LCCP say that licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling.

B3.12 The Council strongly believes that all licensed premises have a responsibility to ensure that safeguarding is a key priority for all businesses in respect of staff, customers and any person in the vicinity of the premises.

B3.13 All business owners and management should sufficiently understand safeguarding matters including, but not limited to:

- gangs and knife crime
- county lines
- modern day slavery
- child sexual exploitation
- supply, distribution or taking of illegal substances

to enable them to spot warning signs of any safeguarding matter and know who to report it to. Information and training materials can be found on the websites of Hertfordshire County Council and Hertfordshire Police.

B3.14 Applicants and licence holders are encouraged to ensure that suitable management controls are in place to address potential safeguarding concerns. Measures could include, but would not be limited to:

- awareness training for staff, including indicators to look out for;
- regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable persons;
- close monitoring of patrons as they leave the premises;
- recording and reporting concerns to the police;
- implementing suitable safeguarding policies and procedures

B3.15 The Council acknowledges that child sexual exploitation awareness (CSE) should be applied more broadly than licensed premises, particularly as children are not permitted access to most gambling premises. Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.

B3.16 Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE. Measures may include, but are not limited to:

- awareness training for staff;
- regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;
- close monitoring of patrons as they leave the premises;
- recording and reporting concerns to the police.

B3.17 The Council expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to:

- developing relationships between a child and an older person
- children in the company of a group of older persons
- children regularly attending premises and meeting with several different older persons, particularly where older persons may be facilitating gambling for children
- children outside of licensed premises developing relationships with an older person, particularly an older person facilitating gambling for children
- children leaving the locality of the premises with older persons, particularly with a group of older persons
- children looking uncomfortable in the company of, or leaving with, older persons, particularly groups of older persons

B3.18 Whilst the Council does not wish to create the impression that all contact between children and older persons is inappropriate, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise those risks.

B3.19 The Hertfordshire Safeguarding Children Board (HSCB) have a dual role in respect of preventing CSE within licensed premises. The HSCB is a responsible authority under the Act having been nominated by the Council to undertake this function. The HSCB also monitors compliance with the statutory requirements under section 11 of the Children Act 2004 to safeguard and promote the welfare of children. Applicants are encouraged to visit the HSCB website for advice www.hertssafeguarding.org.uk

B3.20 The Council expects applicants to demonstrate the measures they will take to safeguard against CSE in their local risk assessment.

PART C – PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

C1. General Principles

C1.1 The Act contains three licensing objectives. In this revision of its Statement of Policy, the Licensing Authority seeks to assist applicants by setting out the considerations we will apply when determining applications under the Act.

C1.2 The Council will issue premises licences to allow premises to be used for certain types of gambling. These are:

- a) casino premises,
- b) bingo premises,
- c) betting premises including tracks and premises used by betting intermediaries,
- d) adult gaming centre premises, or
- e) family entertainment centre premises.

C1.3 Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions, which the Secretary of State has detailed in regulations. The Council will exclude default conditions and attach others, where were considered appropriate due to evidence of a risk to the licensing objectives. Paragraph C9.1 below clarifies the position with respect to mandatory and default conditions.

C1.4 The Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice.

C2. Decision making

C2.1 When making decisions about premises licences the Council is under a statutory duty by virtue of s.153 of the Act to aim to permit the use of premises for gambling in so far it is considered to be:

- in accordance with any relevant code of practice issued by the Commission;
- in accordance with any relevant guidance issued by the Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with our Statement.

C2.2 The licensing authority will not accept moral objections to gambling as a valid reason to reject applications for premises licences (except with regard to any 'no casino resolution' - see section on Casinos). Issues of nuisance, planning permission and building regulation are not issues that can be taken into account when considering an application for a premises licence.

C2.3 The licensing authority will not consider whether there is demand for gambling as valid criteria when deciding whether to grant or reject applications for premises licences. Each

application must be considered on its merits without regard for demand, reflecting the statutory 'aim to permit' principle outlined above.

C2.4 However, the authority will consider the location of a premises so far as it relates to the licensing objectives and whether there is need for condition(s) to mitigate risks in respect of gambling in a particular location.

C2.5 The Council's Scheme of Delegation is reproduced at Appendix 5. The General Purposes Committee has been established to deal with licensing issues and the determination of applications in certain cases, i.e. those where representations have been made or where premises licences require review. Uncontentious applications (i.e. those where no representations have been made) will be delegated to officers.

C2.6 Where representations are received the Council will consider whether they are vexatious, frivolous or if they would influence the Council's determination of the application.

C3. Environmental considerations

C3.1 Whilst the Council acknowledges that protection of the environment is not a licensing objective therefore not a relevant consideration in the decision-making process, it has declared a climate emergency and expects applicants to make every effort to protect the environment.

C3.2 Matters that applicants/licence holders could promote to protect the environment include, but are not limited to:

- avoiding single use plastic cups if providing drinks to customers
- avoiding the use of plastic pen for completing betting slips
- consideration of the building's carbon footprint
- company policies on environmental issues

C4. Public health and gambling

C4.1 The Council agrees with the Gambling Commission's position that gambling-related harm should be considered a public health issue.

C4.2 Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so without exhibiting any signs of problematic behaviour. There are however significant numbers of people who do experience significant harm as a result of their gambling and these people's problems are often undetected.

C4.3 For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse.

C4.4 There can also be considerable negative effects experienced by the wider group of people around a problem gambler. The health and wellbeing of partners, children, and friends can all be negatively affected.

C4.5 The Council considers that public health teams, whilst not a statutory responsible authority under the Act, can still assist the Council to address problem gambling-related harms in its district.

C4.6 The Council will therefore engage with the local public health team in the further development of this Statement of Principles and the Local Area Profile. The public health team should, where appropriate, be able to assist with matters including, but not limited to:

- identifying and interpreting health data and evidence to inform the review of the Statement and develop a locally tailored local area profile
- making decisions that benefit and protect the health and wellbeing of the district
- conducting a health impact assessment of gambling in the district or assessing any existing relevant data.

C5. Definition of “premises”

C5.1 Premises are defined in the Act as “any place”. Section 152 therefore prevents more than one premises licence applying to any place. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the authority will pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

C5.2 The Commission states in its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit. The Commission recognises that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence - with the machine entitlements that brings – and are not an artificially created part of what is readily identifiable as a single premises.”

C5.3 The licensing authority takes particular note of the Commission’s Guidance, which states that licensing authorities should pay attention in considering applications for multiple licences for a building, and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular this Authority is aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of

different premises is not compromised and that people do not 'drift' into a gambling area. The Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Additionally, the third licensing objective seeks to protect children from being harmed by gambling. In practice, this means not only preventing children from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, licence holders should configure premises so that they do not invite children to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

C5.4 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Does the premises have a separate registration for business rates?
- Is the neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

C5.5 Clearly, there will be specific issues that the Authority will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would be prohibited under the Act.

C5.6 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

C5.7 The Commission's relevant access provisions for each premises type are reproduced below:

C5.7.1 **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

C5.7.2 **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

C5.7.3 Betting Shops

- Access must be from a street (as per Para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

C5.7.4 Tracks

- No customer should be able to access the premises directly from: -
 - a casino
 - an adult gaming centre

C5.7.5 Bingo Premises

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

C5.7.6 Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

C5.8 Part 7 of the Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

C6. Premises “ready for gambling”

C6.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

C6.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

C6.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

C6.4 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

C6.5 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58-7.65 of the Guidance.

C7. Location

C7.1 The Council will not consider demand issues with regard to the location of premises but will consider the potential impact of the location on the licensing objectives in its decision-making. In line with the Commission's Guidance to Licensing Authorities, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

C7.2 With regards to these licensing objectives it is the Council's policy, upon receipt of any relevant representation to look at specific location issues which include:

- the possible impact that a gambling premises may have on any sensitive premises that provide services to children, young people or vulnerable people; e.g. a school or vulnerable adult centre;
- the possible impact a gambling premises may have on a residential area where there is a high concentration of families with children;
- the nature and size of the gambling activities taking place;
- any levels of crime in the area.

C7.3 A local area profile will be produced by the authority and published on its website. This will highlight areas, if any, within the District which the licensing authority, in consultation with the responsible authorities and other partner agencies (in particular, the Public Health unit of Hertfordshire County Council), considers to present higher than normal risks for the location of a gambling premises. This may be due to large levels of vulnerable persons living in a particular locality, the proximity of a school, youth centre or medical facility, a high level of deprivation, or other factors which the authority believes should be taken into consideration.

C7.4 We expect operators, both when applying for new premises licences and when reviewing their existing premises, to take account of our local area profile within their own local risk assessments (described below), and to implement suitable and sufficient measures to mitigate

any risks identified which may arise as a result of the opening or continuation of trade at those premises.

C7.5 We will use the local area profile in assessing premises licence applications and the risk assessments supplied by the applicant or existing licence holders.

C7.6 The Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives before the location can be considered as inappropriate for a licensed premises. It is a requirement of the LCCP, under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

C7.7 The LCCP say that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

C7.8 This authority will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder.

C7.9 Local risk assessments should show how all vulnerable people, including people with gambling dependencies are protected.

C7.10 This authority would also strongly recommend that the following matters are considered by operators when making their risk assessment, and they have taken action, in the form of conditions, where the operators have not demonstrated that they are sufficiently mitigating the risks. This list is not exhaustive and other factors not in this list that are identified must be taken into consideration:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may reflect benefit payments;

- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Assessing staffing levels when a local college or similar establishment closes for the day, and the students begin to vacate the grounds;
- Proximity of machines to the entrance door ;
- Age verification policies including ‘Think 21’ and ‘Think 25’;
- Consideration of line of sight from the counter to gambling machines;
- Larger operators (e.g. William Hill, Coral, Ladbrokes, Betfred, and Paddy Power) are responsible for conducting/taking part in underage testing, the results of which are shared with the Gambling Commission. However, operators are urged to also make the results available to licensing authorities. Where the licensing authority receives intelligence in relation to failed ‘Think 21’ or similar test purchases, the licensing authority would encourage the consideration of additional tasking over the standard once a year visits as a means of assessing risk;
- Providing the licensing authority with details when a child or young person repeatedly attempts to gamble on their premises. This may provide the Licensing Authority with an opportunity to consider safeguarding concerns.
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area, street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

C7.11 The authority would expect a risk assessment to be tailored to each premises and not solely based on a ‘standard’ template. The Council would also expect that each assessment is completed by a suitably competent person.

C7.12 It will be the responsibility of the gambling operator to assign the assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The Commission has not produced any guidance on the competencies of assessors, however the Council would expect the assessor to understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area. The assessor should also be suitably experienced in assessing gambling related risk and identification of appropriate controls.

C7.13 The authority expects that local risk assessments are kept on the individual premises and are available for inspection.

C7.14 It should be noted that this policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.

C7.15 This authority expects that local risk assessments and any supplementary information, such as plans, local statistical data, etc., would be presented to this authority as part of any application for a new or variation of a licence

C8. Planning

C8.1 The Commission's Guidance to Licensing Authorities states:

(Para. 7.58) –

In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them.

C8.2 This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

(Para. 7.65) – “

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

C9. Duplication with other regulatory regimes

C9.1 This licensing authority seeks to avoid any duplication with other statutory or regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions

which are not able to be met by licensees due to planning restrictions, should such a situation arise

C9.2 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

C10. Licensing objectives

C10.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Commission's Guidance and have set out our policy in Part B.

C11. Conditions

C11.1 The Secretary of State has set mandatory and default conditions and the Commission has set Licence Conditions and Codes of Practice on Operator's Licences which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the Council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.

C11.2 If the licensing authority is minded to impose conditions because there are regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.

C11.3 Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

C11.4 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas, etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

C11.5 This licensing authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in

order to pursue the licensing objectives. These matters are in accordance with the Commission's Guidance.

C11.6 This authority will also consider whether additional safeguards are necessary in premises where category C or above machines are on offer and children are admitted. Each premise will be considered individually and additional safeguards may include:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and,
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

C11.7 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

C11.8 It is noted that there are conditions that the licensing authority cannot attach to premises licences, which are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and,
- Conditions in relation to stakes, fees, winning or prizes.

C12. Door Supervisors

C12.1 The Commission advises in its Guidance for licensing authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require entrances to the premises are controlled by door supervisors in order to protect of children and vulnerable

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persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. The licensing authority is entitled, under those circumstances, to impose a premises licence condition to this effect.

C12.2 Where operators and licensing authorities decide that supervision of entrances/machines is appropriate for particular cases it will need to be decided whether these supervisors need to be SIA licensed or not. It will not be automatically assumed that they need to be, as the statutory requirements for different types of premises vary (as per Guidance, Part 33)

C13. Adult Gaming Centres

C13.1 An Adult Gaming Centre (AGC) is one of three types of amusement arcade. This type of arcade can provide higher pay-out gaming machines (Category B3 and B4) and access is restricted to persons who are aged 18 years or over.

C13.2 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

C13.3 This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

C14. Licensed Family Entertainment Centres

C14.1 A Licensed family entertainment centre (LFEC) is the second type of amusement arcade. This type of arcade can provide the lowest two categories of gaming machine (category C and D). Children can enter an LFEC but they can only gamble on category D machines. All category C machines must be located in a separate area, which can only be accessed by persons who are aged 18 years or over.

C14.2 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

C14.3 This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

C14.4 This licensing authority will, as per the Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

C15. Casinos

C15.1 The Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games. Casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.

C15.2 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

C16. Bingo premises

C16.1 A Bingo Hall is a place in which Bingo is played. There is no legal definition of Bingo but it is a game in which players mark off numbers on cards as the numbers are drawn randomly by the caller, the winner being the first person to mark off all the numbers on their card.

C16.2 The Commission's Guidance states at paragraph 18.5: "Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence." This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

C16.3 This authority notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

C16.4 The authority also notes the Guidance at paragraph 18.7 that children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

C17. Betting premises

C17.1 The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self-contained facilities at racecourses as well as the general betting premises licences that track operators will require.

C17.2 With regard to betting machines, Section 181 of the Act states:

"A condition of a betting premises licence may relate to –

- a) the number of machines used on the premises for the purpose of making or accepting bets;
- b) the nature of those machines;
- c) the circumstances in which those machines are made available for use."

C17.3 When considering whether to impose a condition on a licence the council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

C17.4 Where certain measures are not already addressed by the mandatory and default conditions and the Commission's Codes of Practice or by the applicant, the council may consider licence conditions to address such issues.

C18. Gaming machines in gambling premises

C18.1 The Social responsibility code provisions 9.1.1 and 9.1.2 deal with the provision of gaming machines in betting and bingo premises respectively.

C18.2 Both provisions state that:

Gaming machines may be made available for use on licensed betting/bingo premises only where there are also substantive facilities for non-remote betting/bingo, provided in reliance on this licence, available at the premises.

C18.3 In both cases the provisions require:

- facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times; and
- the license must ensure that the function along with the internal and/or external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purpose of providing betting/bingo facilities.

C19. Tracks

C19.1 There are no, or very few, opportunities for betting at tracks within the Borough. Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.

C19.2 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

C19.3 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

C19.4 This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas

- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

C19.5 Gaming machines - Where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

C19.6 Betting machines - This licensing authority will, as per Part 6 of the Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

C19.7 Applications and plans - The Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgment about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

C19.8 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

C19.9 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

C19.10 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

C19.11 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of betting facilities is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan

indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

C20. Travelling Fairs

C20.1 It will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

C20.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

C20.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

C21. Provisional Statements

C21. 1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

C21.2 Section 204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

C21.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

C21.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

C21.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application and in terms of

representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

C21.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage; or
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

C22. Reviews

C22.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of licensing policy.

C22.2 The licensing authority will consider whether the request is frivolous, vexatious, or whether it will cause it to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

C22.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence based on any reason, which is considered appropriate.

C22.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, which will publish notice of the application within 7 days of receipt.

C22.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

C22.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- add, remove or amend a licence condition imposed by the licensing authority;
- exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months; and
- Revoke the premises licence.

C22.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

C22.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

C22.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

PART D – PERMITS/TEMPORARY AND OCCASIONAL USE NOTICE

D1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

D1.1 An unlicensed family entertainment centre (FEC) is the third type of amusement arcade. The category of machine in this type of arcade is restricted to the lowest category D and children can enter and gamble.

D1.2 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

D1.3 The Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits....., licensing authorities will want to give weight to child protection issues." (24.8)

D1.4 Guidance further states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Licensing authorities might wish to consider asking applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- That staff are trained to have a full understanding of the maximum stakes and prizes. (24.9)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

D2. Statement of Principles – Permits on unlicensed FECs

D2.1 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- Appropriate measures/training for staff as regards suspected truant school children on the premises;

- Measures/training covering how staff would deal with unsupervised very young children being on the premises;
- Measures/training covering how staff would deal with children causing perceived problems on/around the premises.
- Demonstrate an awareness of local school holiday times and how to contact the local education office should truants be identified.

D2.2 This licensing authority will also expect, as per Commission Guidance, that applicants:

- Demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- Have no relevant convictions (those that are set out in Schedule 7 of the Act), and in addition that any management and staff who will be working at the unlicensed FEC have no relevant convictions; and
- Have staff that are trained to have a full understanding of the maximum stakes and prizes.

D2.3 Compliance with any relevant industry Code of Practice for FECs issued by BACTA or other trade associations may be taken by the licensing authority as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above.

D2.4 Applicants must submit with their application two copies of plans of the premises, to a scale of 1:100, showing the exits/entrances to the premises, location of gaming machines.

D2.5 The licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

D3. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

D3.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

D3.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the

Commission about the location and operation of the machine has been complied with);

- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises.

D3.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon: the licensing objectives; any guidance issued by the Commission issued under Section 25 of the Act, and any “such matters” considered relevant.

D3.4 This licensing authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling. Stevenage Borough Council will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

D3.5 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

D3.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions other than these cannot be attached.

D3.7 Notifications and applications for any number of machines will be dealt with by licensing authority officers.

D3.8 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.

D4. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

D4.1 The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

D4.2 This authority has not prepared a statement of principles. Should it decide to do so, details will be included in a revised version of the Statement.

D4.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Commission guidance.

D4.4 It should be noted that there are conditions in the Act by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

D5. Club Gaming and Club Machine Permits

D5.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

D5.2 This licensing authority acknowledges the following guidance from the Commission:

"The Act states that members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is restricted to that of a prescribed kind (currently bridge and whist). Members' club must be permanent in nature, but there is no need for a club to have an alcohol licence." Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

D5.3 The Guidance goes on to state that "licensing authorities may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- b) the applicant's premises are used wholly or mainly by children and/or young persons;
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;

- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) An objection has been lodged by the Commission or the police.”

D5.4 There is also a ‘fast-track’ procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Commission’s Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

D5.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

D6. Temporary Use Notices

D6.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Commission, would include hotels, conference centres and sporting venues.

D6.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

D6.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

D6.4 There are a number of statutory limits as regards temporary use notices. Discussion of the meaning of "premises" can be found in Part 7 of the Commission’s Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. The Act defines "premises" as including "any place".

D6.5 In considering whether a place falls within the definition of "a set of premises", the Council will look at, amongst other things, the ownership/occupation and control of the premises.

D6.6 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Commission's Guidance to Licensing Authorities.

D7. Occasional Use Notices

D7.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

D8. Small Society Lotteries

D8.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

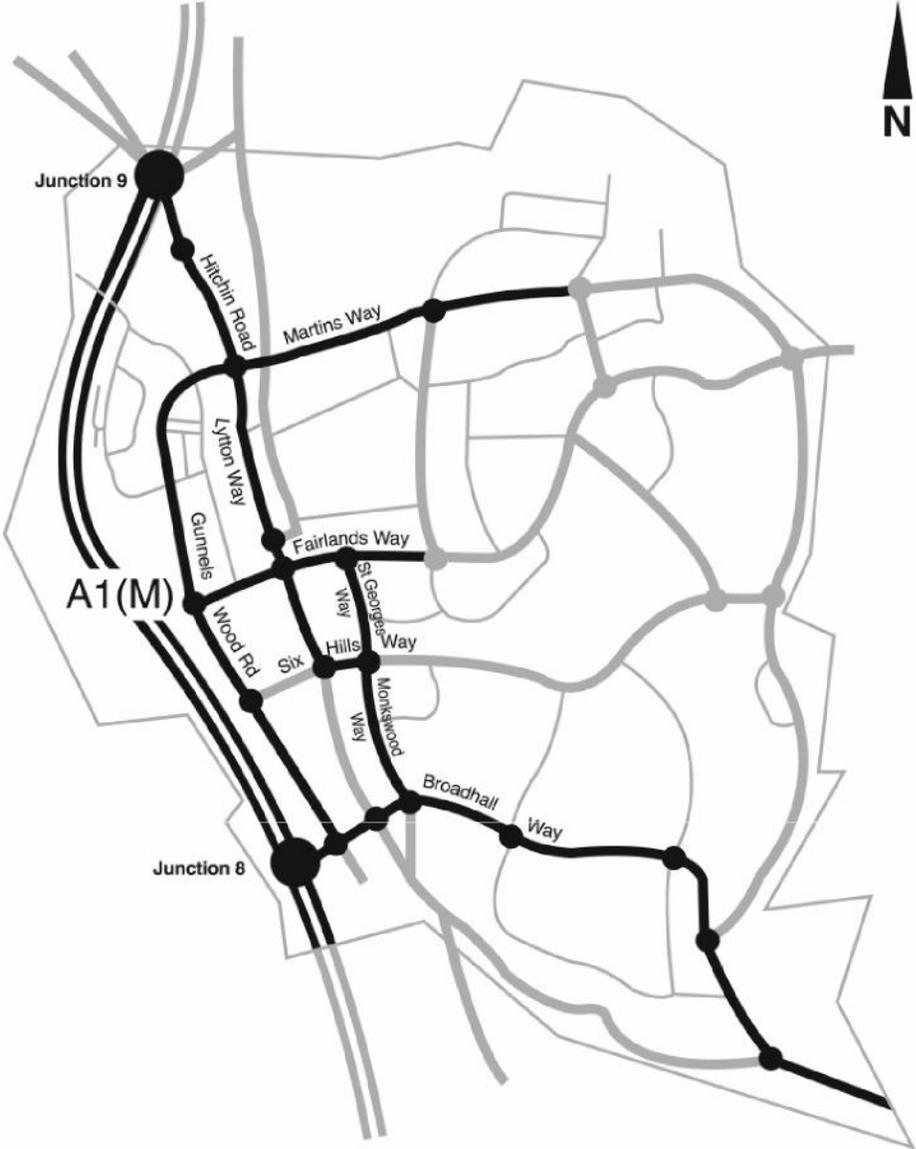
D8.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

D8.3 Charities and community groups should contact this licensing authority on **01438 242242** to seek further advice.

APPENDICES

Appendix 1 – Map of Stevenage Borough Council area



Appendix 2 – Consultees

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

1) The Chief Officer of Police.

The authority has therefore consulted:

a) Hertfordshire Constabulary

2) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:

- a) British Amusement Catering Trade Association
- b) British Casino Association
- c) British Association of Leisure Parks, Piers and Attractions Ltd
- d) Business in Sport and Leisure
- e) British Beer and Pub Association
- f) Association of British Bookmakers
- g) The Bingo Association
- h) National Casino Forum
- i) Ladbrokes Coral Group
- j) Mecca Bingo Ltd
- k) William Hill Organisation Ltd
- l) Paddy Power Betfair
- m) Betfred
- n) Admiral Casino
- o) Future Machines Ltd

3) 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 the Gambling Act 2005. The authority has therefore consulted:

- a) Gambling Commission
- b) Licensing Authority

- c) Planning and Development, Stevenage Borough Council
- d) Hertfordshire Fire and Rescue Service
- e) Environmental Health
- f) HM Revenues and Customs
- g) Local Safeguarding Children Board
- h) Community Safety/Development Stevenage Borough Council
- i) Stevenage Town Centre Manager
- j) Stevenage Community Safety Partnership
- k) Clubs with club premises certificates under the Licensing Act 2003
- l) Premises with licences permitting the sale of alcohol on the premises under the Licensing Act 2003
- m) Stevenage PubWatch
- n) Existing Gambling Permit holders
- o) Residents and local media
- p) East and North Herts NHS Trust
- q) North Herts Council for Voluntary Services
- r) Stevenage Citizen's Advice Bureau
- s) Stevenage Community Trust
- t) North Hertfordshire College
- u) Hertfordshire Chamber of Commerce
- v) GamCare

Appendix 3 – Responsible Authorities

| Responsible Authority | Contact Details |
|---------------------------------------|---|
| Gambling Commission | Victoria Square House Tel: 0121 230 6500 Victoria Square Fax: 0121 233 1096 www.gamblingcommission.gov.uk |
| Licensing Authority | Licensing Team Tel: 01438 242259 Stevenage Borough Council Daneshill House Danestrete Stevenage Herts www.stevenage.gov.uk licensing@stevenage.gov.uk |
| Hertfordshire Constabulary | Licensing Team Tel: 01438 757367 Stevenage Police Station Fax: 01438 757373 Lytton Way |
| Hertfordshire Fire and Rescue Service | District Fire Safety Manager Tel: 01438 847352 Community Fire Safety Dept Longfields Lytton Road licensingactnorth.fire@hertscc.gov.uk |
| Planning | Development Control Manager Tel: 01438 242838 Stevenage Borough Council Daneshill House Danestrete plan.devcon@stevenage.gov.uk |
| Environmental Health | Environmental Health Manager Tel: 01438 242908 Stevenage Borough Council Daneshill House Danestrete envhealth@stevenage.gov.uk |

| | |
|-----------------------------|--|
| Safeguarding Children Board | Angela Hickin, Safeguarding Manager Tel: 01992 588285 Hertfordshire Safeguarding Children Board Room 173, County Hall |
| Customs & Excise | HM Revenue & Customs Tel: 0161 827 0333 Excise and Stamp Taxes Gambling Duties Team 4W Ralli Quays www.hmrc.gov.uk |

Appendix 4 – Summary of gaming machine categories and entitlements

| Category of machine | Maximum stake (from April 2019) | Maximum prize (from Jan 2014) |
|---------------------|---|---|
| A | Unlimited – No category A gaming machines are currently permitted | Unlimited – No category A gaming machines are currently permitted |
| B1 | £5 | £10,000 [±] |
| B2 | £2 | £500 |
| B3A | £2 | £500 |
| B3 | £2 | £500 |
| B4 | £2 | £400 |
| C | £1 | £100 |
| D – non-money prize | 30p | £8 |

| Category of machine | Maximum stake (from April 2019) | Maximum prize (from Jan 2014) |
|---|---------------------------------|--|
| D – non-money prize (crane grab machines only) | £1 | £50 |
| D – money prize | 10p | £5 |
| D – combined money and non-money prize | 10p | £8 (of which no more than £5 may be a money prize) |
| D – combined money and non-money prize (coin pusher or penny falls machines only) | 20p | £20 (of which no more than £10 may be a money prize) |

References

† With option of max £20,000 linked progressive jackpot on premises basis only

| Premises type | Machine category | | | | | | |
|---|------------------|--|----|----|----|---|---|
| | A | B1 | B2 | B3 | B4 | C | D |
| Large casino (machine/table ratio of 5-1 up to maximum) | | Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio) | | | | | |
| Small casino (machine/table ratio of 2-1 up to maximum) | | Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio) | | | | | |

| | | | |
|--|--|---|--|
| Pre-2005 Act casino (no machine/table ratio) | Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead | | |
| Betting premises and tracks occupied by pool betting | Maximum of 4 machines categories B2 to D (except B3A machines) | | |
| Bingo premises¹ | | Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** | No limit on category C or D machines |
| Adult gaming centre² | | Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** | No limit on category C or D machines |
| Licensed Family entertainment centre³ | | | No limit on category C or D machines |
| Family entertainment centre (with permit)³ | | | No limit on category D machines |
| Clubs or miners' welfare institute (with permits)⁴ | Maximum of 3 machines in categories B3A or B4 to D* | | |
| Qualifying alcohol-licensed premises | | | 1 or 2 machines of category C or D automatic upon notification |
| Qualifying alcohol-licensed premises (with licensed premises gaming machine permit) | | | Number of category C-D machines as specified on permit |

| | | | | | | |
|------------------------|--|--|--|--|--|------------------------------------|
| Travelling fair | | | | | | No limit on category D machines |
|------------------------|--|--|--|--|--|------------------------------------|

¹ Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight ([The Gambling Act 2005 \(Gaming Machines in Bingo Premises\) Order 2009 \(opens in new tab\)](#)) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

² Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

³ Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

⁴ Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

⁵ Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

Appendix 5 – Delegations

The licensing authority will delegate its functions under the Gambling Act 2005 as follows:

| Matter to be dealt with | Full Council | Licensing Committee | Officers |
|---|--------------|--|--|
| Final Approval of 3 year Gambling Statement of Principles | X | | |
| Policy not to permit Casinos | X | | |
| Application for premises licences | | Where representations have been received and not withdrawn | Where no representations received/ have been withdrawn |
| Application for a variation to a licence | | Where representations have been received and not withdrawn | Where no representations received/ have been withdrawn |
| Application for a transfer of a licence | | Where representations have been received from the Commission | Where no representations received from the Commission |
| Application for a provisional statement | | Where representations have been received and not withdrawn | Where no representations received/ have been withdrawn |
| Review of a premises licence | | X | |
| Application for club gaming/club machine permits | | Where objections have been made (and not withdrawn) | Where no objections made/ have been withdrawn |
| Cancellation of club gaming/club machine permits | | X | |
| Applications for other permits | | | X |
| Application for permits in alcohol licensed premises (for any number of machines) | | | X |

| | | | |
|--|--|--|---|
| Cancellation of licensed premises gaming machine | | | X |
|--|--|--|---|

| Matter to be dealt with | Full Council | Licensing Committee | Officers |
|---|---------------------|----------------------------|-----------------|
| Consideration of temporary use notice | | | X |
| Decision to give a counter notice to a temporary use notice | | | X |
| Determination as to whether a representation is relevant. | | | X |
| Fee Setting (within bands) | | | X |
| Small society lottery registration | | | X |

Appendix 6 – Glossary of Terms

| Term | Definition |
|------------------------------------|---|
| Act | Gambling Act 2005 |
| Adult Gaming Centres | Commercial premises offering a variety of games and gaming machines. Category B, C and D gaming machines available. |
| Betting Premises | Currently known as a betting office |
| Bingo Premises | A commercial club which promotes equal chance gaming in the form of cash or prize bingo. |
| Casino | A commercial gaming club whereby people are given an opportunity to participate in one or more casino games. Casino games are defined as a game of chance which is not equal chance gaming. |
| Club gaming permits | Members club (not commercial clubs) permits which authorise the establishment to provide gaming machines, equal chance gaming and games of chance. |
| Code of Practice | Any code of practice under section 24 of the Gambling Act 2005 |
| Default condition | A specified condition provided by regulations to be attached to a licence, unless excluded by Stevenage Borough Council |
| Family entertainment centres (FEC) | A centre with a variety of rides and games including amusement machines and skills games. Licensed FECs provide category C and D machines. Unlicensed FECs provide category D machines only, and are regulated through FEC gaming machine permits. |
| Gaming Machine | A game of chance machine which requires coins or tokens to be activated |
| Interested Party | Defined by the Act as a person who: <ul style="list-style-type: none"> 1) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; 2) Has business interests that might be affected by the authorised activities; |
| Licensing Authority | Stevenage Borough Council |
| Licensing Committee | This term shall include any duly constituted Licensing Sub-Committee. |

| | |
|----------------------|---|
| Licensing objectives | <p>There are 3 licensing objectives defined in the Gambling Act as:</p> <ol style="list-style-type: none"> 1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. 2) Ensuring that gambling is conducted in a fair and open way 3) Protecting children and other vulnerable persons from being harmed or exploited by gambling |
|----------------------|---|

| | |
|-----------------------|--|
| Mandatory Condition | A specified condition provided by regulations to be attached to the licence |
| Premises | Any place |
| Prize gaming permits | A permit issued to authorise the provision of facilities for gaming with prizes |
| Regulations | Regulations made under the Gambling Act 2005 |
| Responsible Authority | <p>Defined by the Act as:</p> <ol style="list-style-type: none"> 1) Licensing Authority 2) Gambling Commission 3) Police 4) Fire Service 5) Planning |
| Small Society Lottery | A lottery promoted on behalf of a non-commercial society that is registered by the licensing Authority |
| Temporary Use Notices | These allow use of a premises for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling |
| Tracks | Tracks are sites that include horse racecourses and dog tracks |
| Travelling Fair | A fair consisting wholly or principally of the provision of amusements, provided by people who travel from place to place providing fairs AND in a place which has been used for no more than 27 days in that calendar year |
| Vulnerable persons | This group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. |

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Local Area Review
as part of the
Gambling Statement of Principles
2022-2025

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1. Introduction

1.1 Background

The Gambling Act 2005 (the Act) is the primary legislation governing gambling activity in Great Britain. It consolidated and updated previous gambling legislation and, following its full implementation in 2007, brought together the vast majority of commercial gambling into a single regulatory framework. As well as establishing a dedicated national regulator (the Gambling Commission), the Act gave local regulators broad discretion to manage local gambling provision.

The Act has 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

These objectives influence the way the Gambling Commission and licensing authorities perform their functions, and the way gambling businesses carry out their activities.

Under S.349 of the Act, licensing authorities are required to publish a statement of licensing principles, commonly known as a policy statement. This statement, typically valid for a three year period, sets out the local approach to regulation and ensures operators have sufficient awareness and understanding of the licensing authorities requirements. The Gambling Commission encourages licensing authorities to produce a policy statement reflective of local issues, in order to identify and reduce risk to the licensing objectives. To assist this process, it is recommended that authorities produce a local area profile¹.

1.2 Aims and Limitations

This profile report aims to summarise existing national research relating to gambling related harm, and identify potential risks relating to vulnerable groups and/or geographical areas within Stevenage (see section 3.2 of this report for the list of groups). Data from various sources will be utilised to identify these risks, which should be considered throughout the application process. Findings should assist the local authority in meeting the licensing objectives and ensure specific needs of local communities are considered and vulnerable groups are protected.

Where groups have been identified as being 'at risk' of gambling related harm, datasets have been sought to explore their prevalence within Stevenage and/or Hertfordshire. In several areas, data could not be identified, or the data was not available at a local level. As a result, potential risks have not been explored. Where data could be identified, its currency could be questioned (e.g. the Census), or the data was not available at ward level.

2. The National Picture

The Gambling Commission’s national survey into gambling behaviour in 2020 shows that overall, 42% of adults (16+) said they had participated in at least one form of gambling in the previous four weeks. This represented a 5 percentage point decrease from the previous year (47% in 2019).

It is important to point out that the year to December 2020, which the data is based upon, is unique due to the impact of the COVID-19 pandemic. The various lockdown rules and restrictions throughout 2020 brought about significant consumer behavioural change and had a major impact on the gambling industry. Specifically:

- a decrease of in-person participation (down 9 percentage points to 26%) across football pools, bingo, betting on horse races, betting on other events and casino games
- an increase of online gambling participation to 24% (an increase of 3 percentage points)².

In recognition of the impact of COVID-19 it is useful to provide pre-pandemic figures for comparison. (see Figure 1) which shows an overall decline in gambling participation rates since 2016.

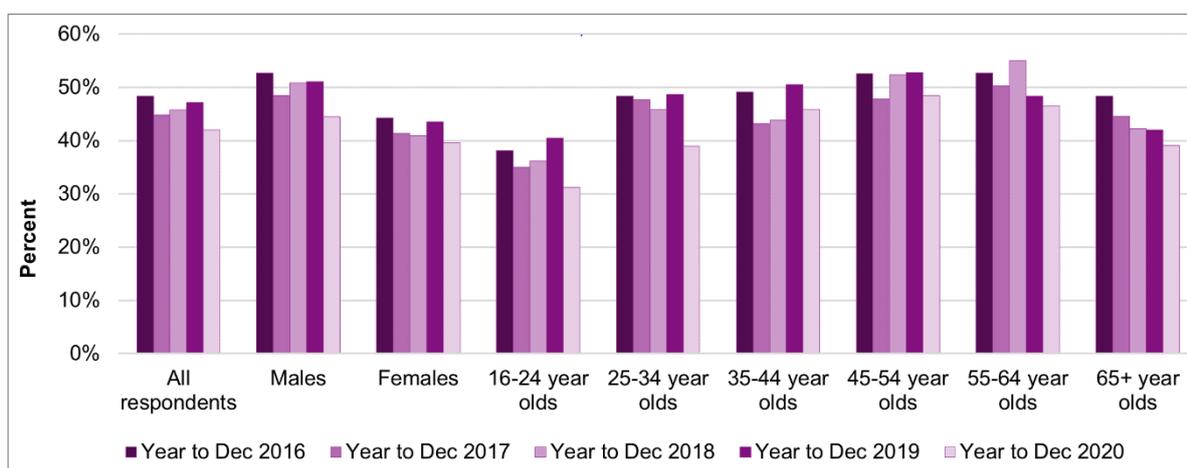


Fig. 1 – Gambling Behaviour 2016-2020 (Gambling Commission)

Despite a decline in numbers in recent years, the Gambling Commission reports that there were still more than 10,000 licensed gambling premises in Great Britain as of March 2020. By way of comparison, this is more than the number of stores (9,968) run by the eight largest supermarket chains in Britain (in terms of market share)³.

3. The Local Picture - Stevenage

Stevenage is 1 of 10 districts in the county of Hertfordshire in the East of England, and borders Greater London to the South, Cambridgeshire to the North, Essex to the East and Bedfordshire and Buckinghamshire to the West.

Stevenage is an urban borough covering 25.96sq km, and represents 1.58% of the total land area of the county of Hertfordshire. The borough is made up of 13 wards and has direct borders with the neighbouring districts of North Hertfordshire and East Hertfordshire.

79% of residents (2017) in Stevenage are satisfied with the area as a place to live.

The latest (mid-2020) estimate from the Office for National Statistics (ONS) puts the population of Stevenage at 88,104 (44,476 males and 43,628 females).

The number of occupied households in Stevenage was 34,898 in 2011 with 58.3% of residents owning their own home compared to an average of 63.4% for England.

The mean age of Stevenage residents is 38 years old (39 years in England) based on figures from the 2011 census. In Stevenage, latest (mid-2020) estimates show that 15.5% of the population is aged 65 years and over and 2.4% of the population is aged 85 years or over.

3.1 Gambling Premises

Licensing authorities, as defined in Section 2 of the Act, are responsible for licensing gambling premises⁴. For the purpose of this profile, licences currently in force across the borough have been categorised in two ways; those relating to 'high risk' premises and those relating to 'low risk' premises.

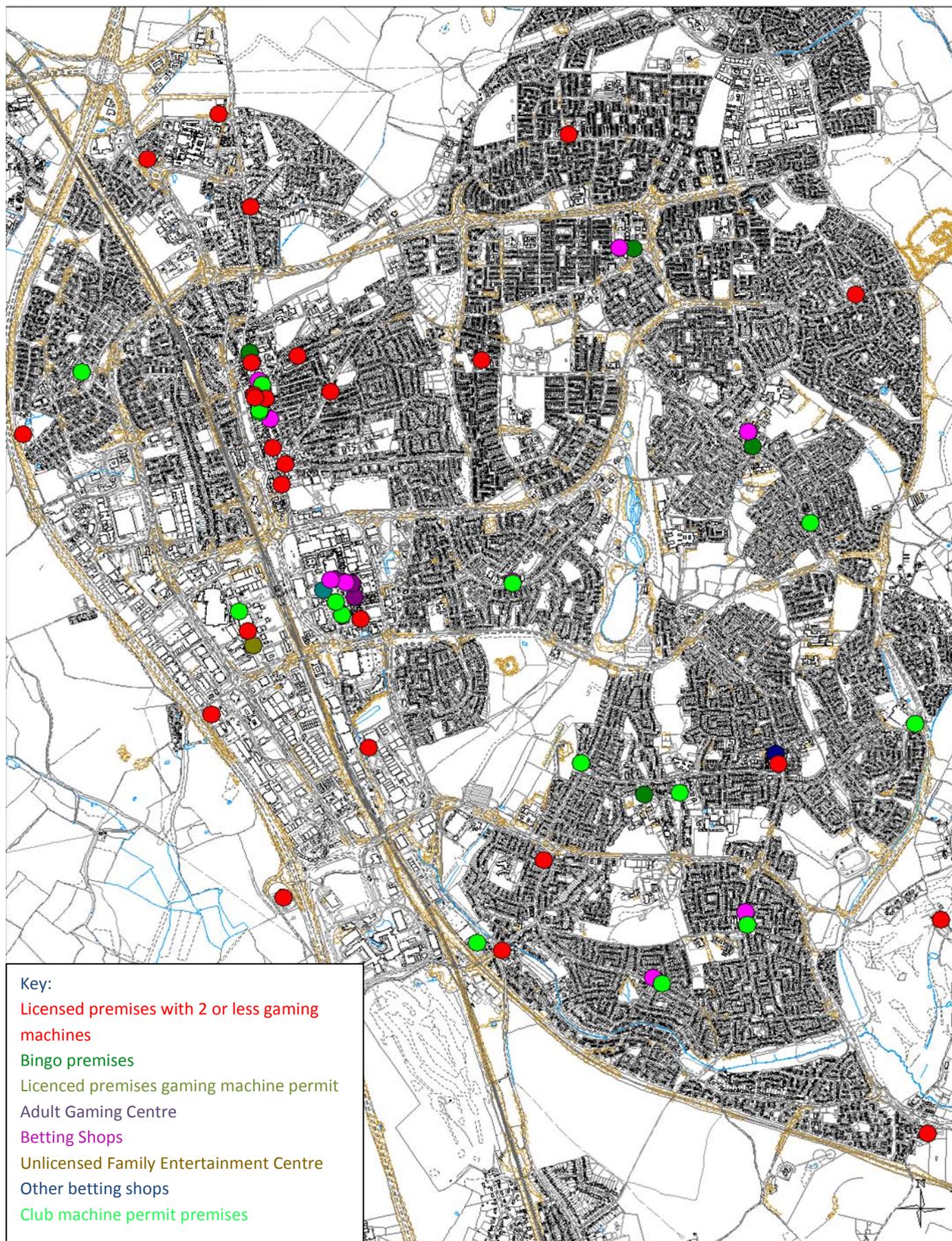
High risk premises include gaming centres, betting shops, bingo halls and premises with more than two gaming machines and/or machines with higher stakes and pay-outs. Low risk premises include those with two or less low stake gaming machines and unlicensed family entertainment centres.

Nationally, gambling premises tend to be found in more urban areas, town centre locations or around coastal areas. Gambling venues also cluster in certain areas within towns and cities⁵. A report by the University of Bristol in 2021 also found that as of November 2020, 21% of gambling premises were based within the most deprived decile of areas in the country, compared to just 2% in the least deprived decile⁶.

In total, 86 gambling permissions are currently granted across Stevenage. Twenty-eight permissions are small lotteries, which are registrations by non-commercial societies. Figure 2 maps the licensed gambling premises in Stevenage (not including small lotteries). There is a concentration of licensed gambling premises in the Town Centre (Danestrete) and at the High Street.

In the main, participation in all gambling activities is predominately online, with exception of National Lottery and other lottery draws, bingo & football pools. (year to December 2019)⁷

Figure 2: Licensed gambling premises in Stevenage



3.2 Problem Gambling and 'At Risk' Groups in Stevenage

Problem gambling is defined as 'gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits'⁸. In 2021, Public Health England published a review of the evidence on gambling harms. The report provided a comprehensive estimate of the economic burden of gambling on society to date; revealing that the harms associated with gambling cost at least £1.27 billion in 2019 to 2020 in England alone. This analysis includes the first estimate of the economic cost of suicide (£619.2 million) and provides an updated cost of homelessness associated with harmful gambling (£62.8 million)⁹.

In 2015-6, Geofutures' Gambling and Place Research Hub undertook research for Westminster and Manchester City Councils to explore the concept of area vulnerability to gambling related harm¹⁰.

The first phase of the research involved a detailed literature review aimed at identifying which groups in society are vulnerable to gambling related harm. The research found evidence to support suggestions that the following groups are more vulnerable:

- children, adolescents and young adults (including students)
- people with mental health issues, including those experiencing substance abuse issues (problem gambling is often 'co-morbid' with these substance addictions⁹)
- individuals from certain minority ethnic groups, such as Asian/Asian British, Black/ Black British and Chinese/other ethnicity
- the unemployed
- the homeless
- those with low intellectual functioning
- problem gamblers seeking treatment
- people with financially constrained circumstances
- those living in deprived areas.

In addition, the Gambling Act 2005 identifies children and vulnerable persons as requiring specific regulatory focus to prevent harm and exploitation. Vulnerability is likely to include; *"people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs"*¹¹.

The remainder of this report will set out the local picture in Stevenage in terms of some of the vulnerable groups listed.

3.2.1 Young People

Protecting children from being harmed or exploited by gambling is a licensing objective of the Act. There is also strong evidence that children, adolescents and young adults are vulnerable to the experience of gambling problems, or at risk of experiencing gambling problems¹⁰. Generally in the UK, the minimum legal age for gambling is 18. Exceptions to this include lotteries, scratch cards and football pools where the participant can be 16¹².

In Stevenage, it is estimated that 8544 people, or 9.7% of the population, are aged 10 to 17¹³. When considering potential risks to young people, the location of the town's schools and colleges are of particular note. There are 47 education establishments across Stevenage serving all neighbourhoods. North Herts College offers higher education with 2 campuses in Stevenage, at Monkswood Way & Fulton Close. Secondary schools are located off the High Street (Greenside School, Barclay Academy & Thomas Alleyne Academy) and there are no schools in the Town Centre; although a future school is planned in the redevelopment of Stevenage Town Centre.

3.2.2 Those who are unemployed

There is a consistent body of evidence showing those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment¹⁰.

The percentage of the working population within Stevenage that were unemployed between July 2020 and June 2021 was 4.3% compared to 5.0% for the UK.

The percentage of all people of working age claiming Universal Credit in September 2021 was 5%, high than the East of England at 4.2% and the same as the all-UK figure of 5%.

Employment deprivation is one of the seven domains that comprise the Index of Multiple Deprivation (IMD). It measures the proportion of the working-age population in an area involuntarily excluded from the labour market. The IMD is explored later in this profile.

A further consideration is the location of job centres as they are accessed by people who are likely to be unemployed, and considered to have a combination of very low income and large amount of personal disposable time. There is a Jobcentre Plus in Stevenage at The Forum, which serves the Borough population.

3.2.3 Those from certain ethnic backgrounds

Surveys have shown a consistent relationship between problem gambling and at-risk gambling and ethnicity. In all studies, problem gambling prevalence rates were higher among those from non-White ethnic backgrounds¹⁰.

In the 2011 Census, 16.9% of the Stevenage population was from an ethnic minority background (defined as non-white British). 93.0% of Stevenage households had English as their main language, 3.2% of households had no member with English as a main language. Saint Nicholas ward has the highest percentage of non-white ethnic minorities in Stevenage at 20.8%, with Manor ward having the lowest at 9.2%.

3.2.4 Those living in deprived areas

Evidence from a range of surveys has shown that those living in more deprived areas are more likely to experience problems with their gambling behaviour¹³. The Index of Multiple Deprivation (IMD) is a measure of relative deprivation for small areas in England, and ranks every small area from 1 (most deprived) to 32,844 (least deprived). These small areas are Lower-layer Super Output Areas (LSOAs). The IMD combines information from the following seven domains to produce an overall relative measure;

- Income Deprivation
- Employment Deprivation
- Education, Skills and Training Deprivation

- Health Deprivation and Disability
- Crime
- Barriers to Housing and Services
- Living Environment Deprivation

According to the 2019 English Index of Multiple Deprivation, Stevenage continues to be the most deprived authority in Hertfordshire, increasing its deprivation score by 5.8% and has dropped in the national ranking of lower tier authorities by 16 places.

Of the ten most deprived neighbourhoods in the county, two are in Stevenage - Bedwell now the second most deprived in the county, up from third in 2015, and Bandle Hill the eighth most deprived, down from sixth in 2015. Bedwell and Martins Wood are the fourth and third most deprived LSOAs (Lower Super Output Areas) in Stevenage. The map in Figure 3 has been colour coded to display the decile the neighbourhood falls into nationally (dark blue indicating relatively more deprived and pale green indicating relatively less deprived). Bedwell ward incorporates the Town Centre and Leisure Park, which together have a large concentration of licensed gambling premises.

The greatest contributors to the increase in deprivation between 2015 and 2019 across the town are health, crime, traffic accidents and housing affordability. Across Stevenage, whilst overall deprivation has increased, inequality across the town has decreased as a result of the least deprived areas performing poorly. Stevenage neighbourhoods have the greatest inequality in income and crime incidents, and least inequality in education and health.

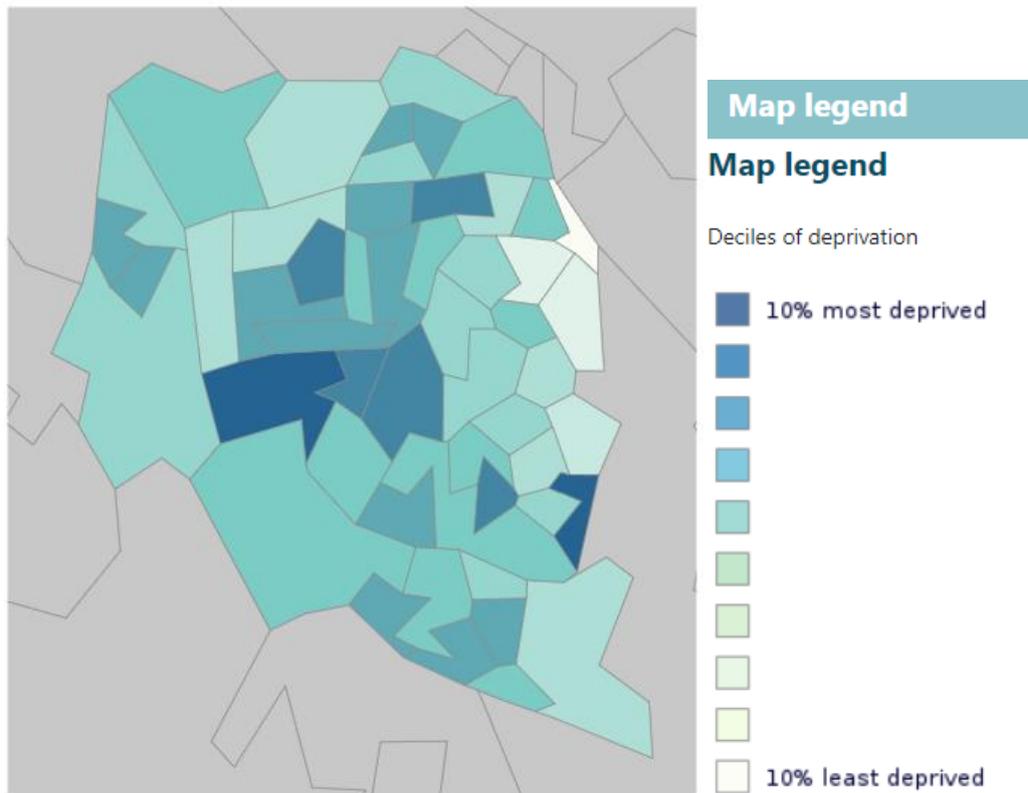


Fig. 3 Indices of Deprivation (IoD) 2019 Interactive Dashboard (Ministry of Housing, Communities and Local Government)

A further objective of the Act is preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime. Figure 4 shows the number of reported crimes in Hertfordshire between Nov 2021 and October 2021¹⁴. Stevenage and Dacorum have consistently reported more crime than other areas in the county. Unfortunately it has not been possible as part of this report to provide evidence of the links between local crime in Stevenage and gambling.

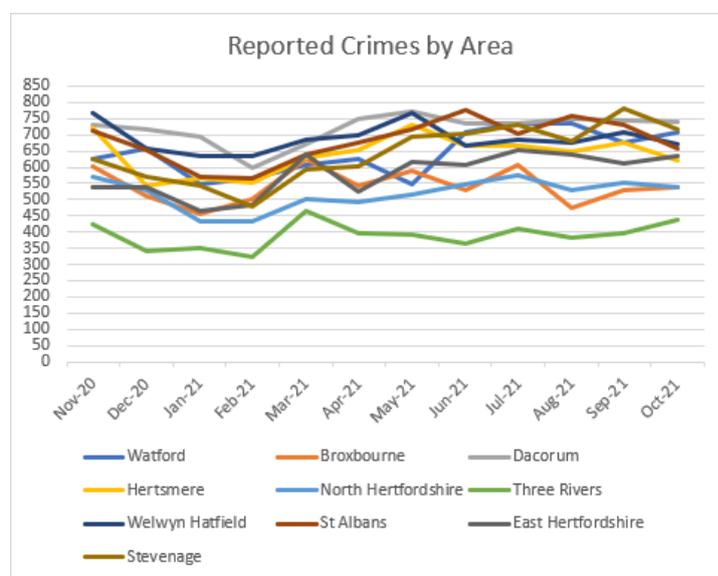


Fig. 4 Crime Rates in Hertfordshire (Jan – Dec 2021)

3.2.5 Those with substance abuse/misuse issues and existing problem gamblers

According to the latest Health Survey figures (England 2018), 2.7% of adults were considered low-risk gamblers, and a further 0.8% were classed as moderate-risk gamblers. Low-risk gamblers experience a low level of problems with few or no identified negative consequences. For moderate-risk; gamblers who experience a moderate level of problems leading to some negative consequences. The data shows that 0.5% of respondents were classified as problem gamblers (gamblers who gamble with negative consequences and a possible loss of control). This is stable compared to the 2016 England figure (0.7%).

There are two clinics/treatment centres for addiction in Stevenage; on Bessemer Drive (Alcohol clinic) and Norton Road (Drug & Alcohol Recovery Service). Both are outside of the Town Centre, sited within the Borough's industrial area.

It is not possible to identify how many people living in Stevenage have substance abuse problems and if any links can be established with existing problem gamblers. It is possible however to identify the number of Stevenage residents per 100,000 of the population of Hertfordshire who have died as an outcome of drug misuse between 2015 and 2019. Figure 5 shows that in 2017-19 Stevenage had a slightly lower number of deaths per 100,000 (4) compared with the rest of England (4.7)¹⁵.

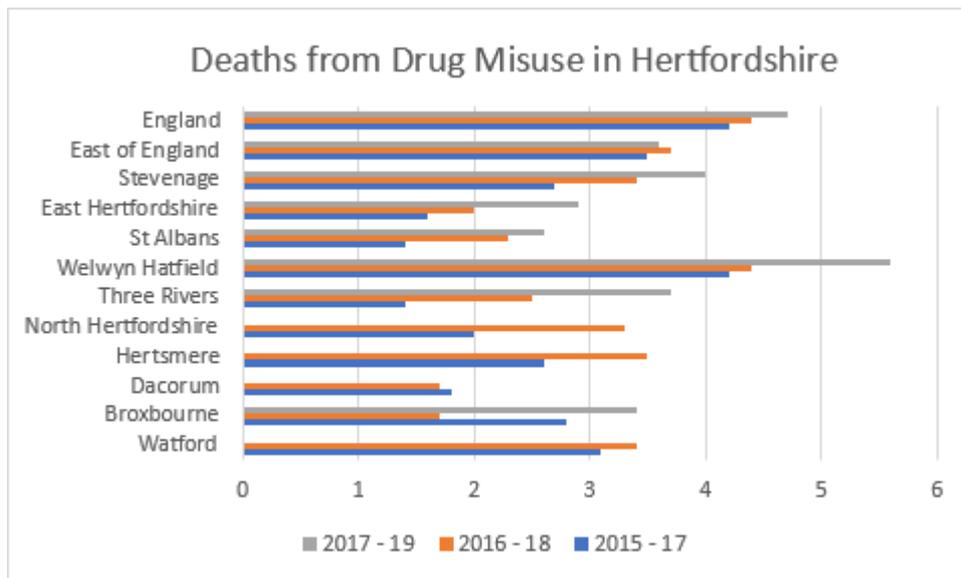


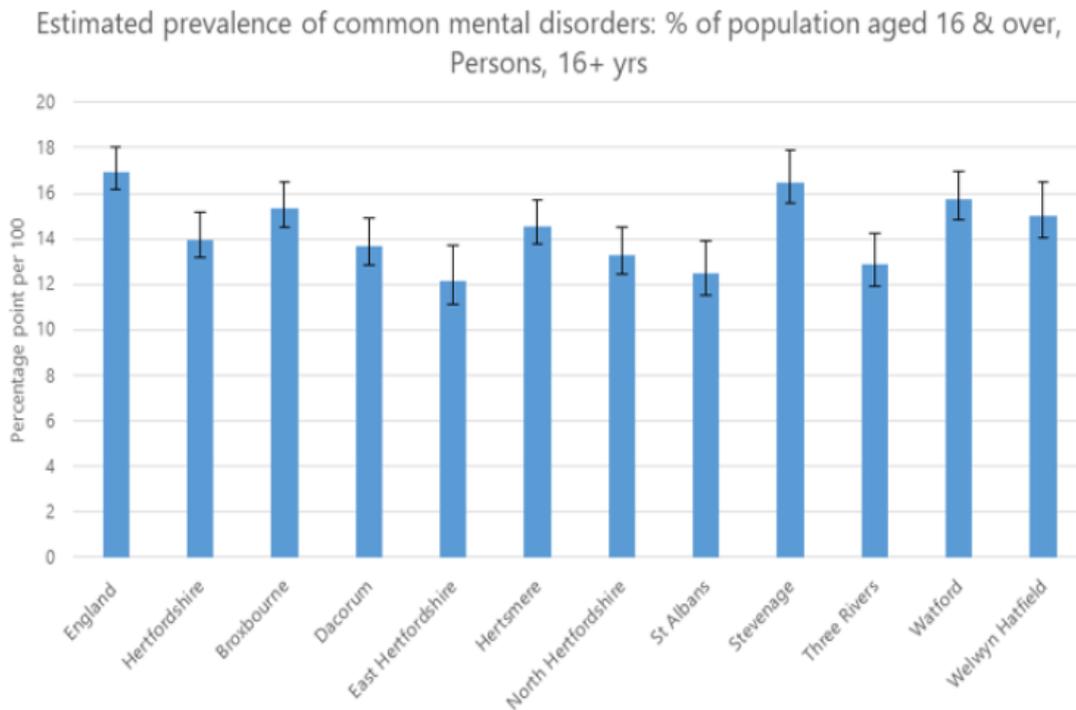
Fig. 5 – Deaths from Drug Misuse in Hertfordshire 2015 - 2019

3.2.6 Those with poor mental health

There is a consistent body of evidence demonstrating a strong association between gambling problems and many mental health conditions. This suggests that those with Common Mental Disorders (CMD), substance use/abuse problems, psychoses and other conditions have higher rates of problem or at-risk gambling than those without these conditions¹⁰.

The Joint Strategic Needs Assessment (JSNA) on Mental Health and Wellbeing in Adults¹⁶ published by Hertfordshire County Council in June 2021 indicates that mental disorders represent the second largest single cause of disability in the UK across all ages, with 1 in 4 adults experiencing at least one diagnosable mental health problem each year. Half of all mental health conditions begin before the age of 14, with three-quarters established by 24 years of age.

Figure 6 shows the prevalence of common mental health disorders across Hertfordshire before the COVID-19 pandemic. Common mental health disorders (CMDs) include: depression, generalised anxiety disorder (GAD), panic disorder, phobias, social anxiety disorder, obsessive-compulsive disorder (OCD) and post-traumatic stress disorder (PTSD). Stevenage was the only district with a statistically significantly higher prevalence of CMDs than Hertfordshire overall. Stevenage, Watford, Welwyn Hatfield and Broxbourne were statistically similar to England, whereas all other districts were significantly lower.



4. Conclusion

The provision of licenced gambling premises in Stevenage borough is concentrated in the Town Centre, Leisure Park and High Street; this is to be expected as a natural part of the leisure facilities offered by a town. In the neighbourhoods, there is prevalence for betting shops, licenced clubs and premises with gaming machines in each hub area. Most clubs and premises have less than two gaming machines on site.

The town centre and Leisure Park are situated in Bedwell ward, identified as greatest area of deprivation within Stevenage. The main inequalities leading to deprivation are income and crime.

As a licensing authority, Stevenage Borough Council is not aware that harms from gambling are significant in Stevenage and the objectives of the Gambling Commission are not being upheld.

This review has been constructive to outline where gambling harms can be realised.

As such, the Licensing Authority intends to prioritise evaluating premises in the Town Centre to ensure we are content that the licensed gambling premises are meeting the Gambling Commissions operating licence conditions and social responsibility code.

The volume of licensed gambling premises within the Town Centre has been static over the recent years. In 2020 a betting shop was licensed on Queensway and in 2021, an unlicensed family entertainment centre was licensed by the Licensing Authority on the Leisure Park.

Licensed gambling operators in the town centre and on the Leisure Park will be required to produce/review their risk assessment when certain triggers are met. These are,

- New premises application

- Variation of the premises licence
- Significant changes in local circumstances

The Gambling Commission, as part of its current public health strategy, recognises that working collaboratively with Public Health colleagues can assist in developing a true picture of actual and future gambling harms within a Council area. The Licensing Authority intends to collaborate further with Public Health colleagues to understand the local issues and introduce local controls in response, where required. This will be valuable partnership working as Stevenage town centre is being developed to increase the numbers of residents living in the town centre.

5. References & Footnotes

- ¹ <http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Part-1-General-guidance-on-the-role-and-responsibilities-of-licensing-authorities-in-gambling-regulation>
- ² [Gambling Behaviour in 2020: Findings from the quarterly telephone survey \(Gambling Commission\)](#)
- ³ Analysis of data from Geolytix shows that the combined total number of stores owned by Tesco, the Co-operative Group, Sainsburys, Aldi, Lidl, Asda, Morrisons and Waitrose in the UK in Nov 2020 was 9,968. These are the eight largest supermarket chains based on market share (collectively accounting for 92% of the overall market share at the time).
- ⁴ http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Part-4-Licensing-authorities.aspx#DynamicJumpMenuManager_1_Anchor_1
- ⁵ Exploring area-based vulnerability to gambling-related harm [2015]
- ⁶ [The Geography of Gambling Premises in Britain \(2021\)](#)
- ⁷ <https://assets.ctfassets.net/j16ev64qyf6l/7ulxjm1SNQMygdOFV2bzxN/ea74db1104925f015edb11db0596f98b/Gambling-participation-in-2019-behaviour-awareness-and-attitudes.pdf>
- ⁸ [Gambling Behaviour in 2020: Findings for the quarterly telephone survey \(Gambling Commission\)](#)
- ⁹ [Gambling related Harms evidence review – Public Health England \(2021\)](#)
- ¹⁰ Exploring area-based vulnerability to gambling-related harm [2015]
- ¹¹ ONS Mid-2016 Population Estimates for 2016 Wards in England and Wales
- ¹² <https://www.begambleaware.org/understanding-gambling/how-is-gambling-regulated>
- ¹³ ONS Estimates of the population for the UK, England and Wales, Scotland and Northern Ireland via ons.gov.uk accessed 8/12/21
- ¹³ [The Geography of Gambling Premises in Britain \(2020\)](#)
- ¹⁴ Herts Insights – Crime Rates in Hertfordshire to date (Nov – 2020 – Oct 2021)
- ¹⁵ Public Health Outcomes Framework (Indicator C19d)
- ¹⁶ <https://www.hertfordshire.gov.uk/microsites/jsna/jsna-documents/mental-health-adults.pdf>

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Power Leisure Bookmakers Limited response to Stevenage Borough Council's consultation on its draft Statement of Gambling Principles 2022-2025

Paddy Power is Ireland's biggest Bookmaker and operate both as retail business through licensed betting offices and an online/telephone business. Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives. Operators of premises licences have full authority to provide their services by the provision of an Operator's Licence granted by the Gambling Commission. The UK's gambling regulator has therefore approved the measures implemented and those policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are the obligations and requirements now placed upon operators under the social responsibility provisions of the LCCP, introduced by the Gambling Commission.

Foreward

We strongly disagree with the commentary included in the draft policy. Comments relating to child sexual exploitation and the imposition of additional obligations on operators fail to consider the extensive social responsibility provisions now contained in the governing legislation.

The Authority's policy, as per section 349 of the Gambling Act 2005, should contain the principles that it proposes to apply in exercising its functions under the Act, it is therefore not an appropriate document to contain additional commentary, which is beyond the scope of the policy's function, and it should be removed.

Part B – B.12-B3.20 Protecting children and other vulnerable persons

Whilst we acknowledge that safeguarding against child sexual exploitation is a commendable aim, and all operators should be aware of this issue, this has no direct relevance to the gambling Licensing Objectives. Of particular concern, is the inclusion of the statement: "*The Council expects applicants to demonstrate the measures they will take to safeguard CSE in the local risk assessment.*" This is not only stretching an operator's responsibility beyond the scope of the licensing objectives but has no relevance when considering children are not permitted to enter a betting premises.

The Authority should recognize that the principal duty is to protect children and other persons from the potentially harmful effects of gambling, as opposed to wider societal harm. Whilst we agree that licence holders and all businesses throughout society should be aware of the risks of child sexual exploitation, commentary in this regard is not relevant to the objectives of the Gambling Act 2005.

We also oppose the inclusion of the control measure: '*regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable persons*'. This not only extends an operator's responsibility away from gambling, but now outside their premises which is far beyond their obligations under the licensing objective and policing of the high streets are not within the powers of a licensee. Whilst we acknowledge that all businesses should have familiarity with any activity occurring in close proximity to their premises, the inclusion of this as a control measure within the policy overreaches an operator's liability.

Paddy Power is a responsible operator and implements measures to address local risks that relate to activities which would take place within betting premises.

Part C – C4.6 Public Health and Gambling

Although the policy recognises that public health teams are not a responsible authority under the Act, we would like to ensure that any collaboration and publication of findings are based on local, up-to-date, evidence and do not merely reflect macro-societal trends. As the policy expresses, any local area profile must be tailored to their area of authority and national trends do not provide qualitative assessments of local risks. We understand that local analysis is an invaluable tool to direct local resources and assist with the identification of potential risks. Local profiles assist operators in the development of local training and the implementation of appropriate operational controls.

Part C – C6.2 Premises ‘ready for gambling’

Paragraph C6.2 states: *‘If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.’* This statement requires updating following the case of *R (on the application of) Betting Shops Services Limited-v-Southend-on-Sea Borough Council [2008] EWHC 105 (admin)*. Other than the right to occupy, there is no legal reason preventing someone from applying for a premises licence and we therefore suggest that this section is amended to reflect this.

See also the guidance issued within the Guidance to Licensing Authorities 5th edition at paragraph 7.64: *“If faced with an application in respect of uncompleted premises which it appears are not going to be ready to be used for gambling for a considerable period of time, a licensing authority ought to consider whether – applying the two-stage approach advocated above – it should grant a licence or whether the circumstances are more appropriate to a provisional statement application. For example, the latter would be the case if there was significant potential for circumstances to change before the premises opens for business. In such cases, the provisional statement route would ensure that the limited rights of responsible authorities and interested parties to make representations about matters arising from such changes of circumstance are protected. Licensing authorities may choose to discuss with individual applicants which route is appropriate, to avoid them having to pay a fee for an application that the licensing authority did not think was grantable.”*

Conclusion

We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the licensing objectives. We look forward to discussion on the proposed Statement of Principles with you.

GOSSCHALKS

BY EMAIL ONLY
LICENSING DEPARTMENT
STEVENAGE BOROUGH COUNCIL

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 123267.00001
#GS4240528
Your ref:
Date: 08 December 2021

Dear Sirs,

Re: Gambling Act 2005 Statement of Licensing Principles

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019. London's casinos alone contribute over £120 million to the tourism economy each year.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four objectives. These are to –

- create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable
- ensure future changes to the regulatory regime are considered, proportionate and balanced
- become respected as valuable, responsible, and engaged members of the communities in which its members operate

- safeguard and empower the customer as the key to a thriving UK betting and gaming industry

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

This consultation comes at a time when many BGC members with land-based premises are recovering from the devastating impact of the pandemic. Premises were closed for much of 2020 and throughout much of 2021. The casino sector, for example, was closed for over half of 2020 and for over half of 2021 (to date). The pandemic has put an enormous strain on the company balance sheets of casino operators.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

Figures published by the Gambling Commission in October 2021 show that the rate of problem gambling in the year to September 2021 was 0.3%, having fallen from 0.6% the previous year. The moderate risk rate has also decreased significantly to 0.7% in the year to September 2021 compared to 1.2% in the year to September 2020.

Rates of ‘problem gambling’ in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The raft of measures that have been put in place recently both by the industry (in terms of protecting players from gambling-related harm), the Gambling Commission and the Government (a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising) have contributed to problem gambling rates now being lower than they were at the passage of the 2005 Gambling Act.

Both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased. It has reduced.

In June 2020, the BGC’s five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing services delivered by Gordon Moody Association and GamCare’s 120 treatment centres located throughout the UK.

The BGC also recognises the Gambling Commission’s National Strategy as a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working to deliver new responsible gambling initiatives including technology that tackles problem gambling and increased funding for problem gambling clinics.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting and gaming operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting and operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Considerations specific to the draft Statement of Principles 2022 to 2025

Part B is headed “Promotion of the Licensing Objectives” and paragraph B 1.2 refers to the requirement that an applicant would need to demonstrate that the first licensing objective would be promoted. Any reference to “promotion” or “promote” when used in the context of an applicant’s duty should be removed. 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. Accordingly, these references should be amended.

Paragraph B3.9 suggests that the applicant is to propose conditions. This reference is to be amended as under Gambling Act 2005 there is no requirement (or ability within the prescribed application forms) for an applicant to suggest/propose conditions. This is fundamentally different to Licensing Act 2003 and it is important that this paragraph is re-drafted to make that clear.

All Gambling Act 2005 premises licences are subject to mandatory and default conditions which are designed to be, and usually are, sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section should also be clear that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives which is not already adequately addressed by the policies, procedures and mitigation measures described in an applicant’s risk assessment.

It is important that the measures suggested within paragraph 3.9 (policies, procedures and mitigation measures to address risks identified by the risk assessment) are dealt with via the risk assessment rather than by way of licence conditions as the risk assessment is a dynamic document which (in accordance with SR code provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policies, procedures and mitigation measures to address those identified risks may be changed very quickly. However, if the mitigation measures are the subject of premises licence conditions, then an application for variation of the premises licence will be required to change those conditions. This could delay any change and would cause unnecessary expense and administration for both operators and the licensing authority.

Paragraphs B3.12 to B3.20 are new paragraphs and detail the licensing authority's expectations and requirements with regard to safeguarding. These paragraphs should be redrafted to ensure that these expectations are proportionate and relevant to what is proposed by an applicant.

Safeguarding and the protection of children and the vulnerable from harm are the responsibility of everyone in society. Applicants for licences and those operating licensed premises will have policies, procedures and mitigation measures to address any identified risk posed by the provision of gambling facilities. It cannot, however, be proportionate or effectively a condition of the grant of a licence that applicants/operators regularly patrol external areas to identify vulnerable persons, monitor persons as they leave or train all staff in any adult only premises in CSE indicators.

Paragraph C 7.10 contains a list of bullet points that the authority recommends be considered by operators when making their risk assessment. This list needs to be re-drafted as it contains matters that are not relevant to any consideration of whether an application poses a risk to the licensing objectives. For example, the final bullet point reads "*known problems in the area, street drinkers, youths participating in antisocial behaviour, drug dealing activities etc*". These are largely issues of nuisance which are not relevant to any issues of risks to the licensing objective. Furthermore, the bullet point that reads, "*gaming trends that may reflect benefit payments*" appears to assume that those in receipt of benefit are automatically vulnerable or more likely to commit crime as a result of gambling. There is no evidence to support this, and we are certain that the Licensing Authority has not made this pre-determination. Accordingly, these bullet points should be removed.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

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APPENDIX E

Sent: 29 November 2021 10:41

To: Licensing

Subject: [External] Consultation on the revised Statement of Principals for Gambling

Hi,

I would like to submit a response for the consultation on behalf of POhWER.

- B3.11 The LCCP say that licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling. **Are charities required or exempt?**
- B3.2 Section 45 of the Act provides the definition for child and young person:
Meaning of “child” and “young person”
 - 1) In this Act “child” means an individual who is less than 16 years old.
 - 2) In this Act “young person” means an individual who is not a child but who is less than 18 years old.**Do we have to specify age in our promotions? How do we monitor?**
- **Is there any further guidance regarding charity prize gaming and small society lotteries?**

Thank you,

Kind regards,

Benjamin Baxter

Digital Fundraising and Campaigns Officer

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