

Meeting Cabinet
Portfolio Area Communities, Community Safety and Equalities
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GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES

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NON-KEY DECISION

1 PURPOSE

- 1.1 To consider the Council’s draft Statement of Principles as required under the Gambling Act 2005.
- 1.2 To note that the draft Statement of Principles was considered by the Council’s General Purposes Committee at their meeting on 4th December 2024.

2 RECOMMENDATIONS

- 2.1 That the Cabinet notes the report and agrees the proposed Stevenage Borough Council Gambling Act Statement of Principles 2025-2028 (attached at appendix A).
- 2.2 That the Cabinet recommends the Stevenage Borough Council draft Statement of Principles to the Council for adoption.

3 BACKGROUND

- 3.1 The Council is the licensing authority for the purposes of the Gambling Act and consequently is under a duty to prepare a Statement of Gambling Principles that it proposes to apply in exercising its functions under the Act.
- 3.2 The Statement of Principles sets out the general approach the Council will take when carrying out its regulatory role under the Act and promoting the three licensing objectives:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.3 The Act was conceived as ‘light touch’ legislation, covering a wide range of licensable activities such as adult gaming centres and betting premises.
- 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 Statement seeks to strike a balance between the interests of licence holders, applicants and residents in the promotion of the licensing objectives defined by the Act. Additionally, it outlines the licensing authority’s expectations of licence holders in promoting the licensing objectives, whilst advising on the licensing authority’s obligations under the Act, including its interpretation of the Act and/or Statutory Guidance where necessary. The Statement is designed to offer appropriate protection for residents and a streamlined approach to regulation that eases unnecessary burdens on businesses.
- 3.6 The current Statement was adopted by full Council in March 2022 and must now be reviewed and, where necessary, revised.

Proposed changes

- 3.8 A limited number of additions and amendments to the extant Statement of Principles were consulted upon.
- 3.9 The draft statement can be found at Appendix A; all significant additions or variations from the 2022-2025 policy can be found in the draft statement under the title 'version history' on page 72. There are no changes to the intent or direction in the proposed 2025-2028 policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision making.
- 3.10 It should be noted that the Council have no jurisdiction over online Gambling, those providing gambling facilities online are required to obtain a licence directly from the Gambling Commission.
- 3.11 Looking at the Local Area Profile, the provision of licensed gambling premises in Stevenage Borough is concentrated around the Town Centre, Leisure Park and on the High Street, this is to be expected as a natural part of the leisure facilities offered by the town. There are a smaller amount of betting facilities offered in the neighbourhood areas within Stevenage and consist of betting shops, licensed clubs and premises with gaming machines.
- 3.12 The Town Centre and Leisure Park are situated in the Bedwell ward, identified as the largest area of deprivation within Stevenage. The main inequalities leading to deprivation are income and crime.
- 3.13 The Local Area profile has been constructive to outline where gambling harms can be realised. As a Licensing Authority, Stevenage Borough Council are not aware that harms from gambling are significant in Stevenage and there is no evidence to suggest that the objectives of the Gambling Commission are not being upheld.
- 3.14 The Licensing Authority intends to continue monitoring all licenced gambling premises, prioritising those premises located in the Town Centre, to ensure we are content that the premises are meeting the Gambling Commission operating licence conditions and social responsibility code. The Local Area Profile is located at **Appendix B**
- 3.15 In summary the principal proposed changes are as follows:

- The format of the policy has been amended in line with the corporate structure as recommended by the Council's Cooperate Policy & Performance Manager and all sections re-numbered.
- Contact details for the Council's Licensing team have been reviewed and updated throughout the 2025-2030 policy document
- Contact details of all the Responsible Authorities have been reviewed and updated throughout the 2025-2030 policy document.
- Section 6.10.18 of the draft policy document – The Council will now engage with the Gambling Harms Alliance in addition to the local Public Health team in the further development of this statement of principles and the Local Area Profile.
- Section 3.3 of the draft policy document - Amendment made to the declaration, removing the reference to a specific edition of the guidance issued by the Gambling commission so that the policy refers to all guidance issued by the Gambling commission.

Consultation

- 3.16 In preparing the Statement, the licensing authority must publish any proposed document before giving it effect and must consult with:
- the chief officer of police for the licensing authority's area;
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.
- 3.17 To comply with this requirement, the licensing authority published the draft Policy on a dedicated webpage on the Council's website and social media pages, including Facebook, Twitter and Instagram with a link to the draft policy document, details of the consultation period and an explanation of how to make a representation. The web page was available between 23rd October and 20th November 2024 and the social media posts went out on 19th November for the remainder of the consultation period. A Public Notice was also displayed on the outside window at Daneshill house and in the Comet, newspaper dated 31st October 2024. A consolidated list of persons/bodies who were consulted on the draft policy document by email or letter directing them to the consultation page, can be found at **Appendix C**.

- 3.18 As a result of the consultation exercise, five responses were received from Gamcare, Gambleaware, The Hertfordshire Safeguarding Adults Board, the Stevenage Planning Authority and Hertfordshire Public Health. These can be found at **Appendix D**
- 3.19 **Gamcare** – An independent charity and the leading provider of information, advice and support for anyone affected by gambling harms and operate the National Gambling Helpline. They welcome the position the Council are taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in it's statement of principles and emphasises the importance of developing a local picture of the level of gambling harms so as to best target resources and that the Council should continue to pursue a Local Area Profile approach and use this data as a basis to scrutinise and possibly oppose a licensing application. It is also suggested that any changes to the Council's statement of principles should be viewed in the context of the Gambling Act review and subsequent process of white paper consultations to take account of the fast-changing regulatory environment.
- 3.20 **Gambleaware** – An independent charity and strategic commissioner of gambling harm education, prevention, early intervention and treatment in the UK. They have signposted the Council to an interactive map designed for Local Authorities, it shows the prevalence of problem gambling severity in each local authority area and ward as well as usage of and reported demand for treatment and support for gambling harms. They also attached two links of publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers. They are also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk and support the use of additional licence requirements to mitigate the increased level of risk, where there are higher than average resident or visiting populations from groups known to be vulnerable to gambling harms.
- 3.21 **Hertfordshire Safeguarding Adults Board** – Nominated by the Council under section 157 of the Gambling Act 2005 as being the appropriate body to advise Councils of any risks posed by the operation of premises providing gambling facilities to children and young people. They have made no comments to the revised statement of principles but have provided a copy of the Hertfordshire Safeguarding Children Partnership Gambling Policy Statement.
- 3.22 **The Local Planning Authority** – Have proposed that the list of responsible authorities on page 61 be amended in respect of the details for the Local Planning Authority. That communications be addressed to the Head of Planning and Enforcement as opposed to Development Control Manager, so that communications relating to licensing matters are not missed going forward.
- 3.23 **Hertfordshire Public Health** – Are pleased that the Council's statement of principles includes a section on 'Public Health and gambling' and have provided sources of evidence which they recommend including as references evidence of the harms caused by problem gambling. They refer to the Hertfordshire Gambling Harms Strategy, which is to be launched in early 2025, one of the strategic priorities included in the strategy is 'Influencing the

licensing and regulatory environment' to protect vulnerable residents from the harm caused by gambling and be clear on the individual roles of the County Council and district and borough Councils. Public Health have recommended that 6.12 of the draft policy (Location) includes that applications will be considered against the cumulative impact of applications locally to protect children and vulnerable persons from being harmed or exploited by gambling.

- 3.24 All consultation responses and comments have been carefully reviewed. Feedback indicates that respondents are generally satisfied with the draft statement of gambling principles and the Councils approach. Notably, the Council's use of the local area profile and the data contained within the document to scrutinise and, where necessary oppose licensing applications in areas with higher populations of groups vulnerable to gambling related harms has been positively received.
- 3.25 Recommendations from the Local Planning Authority to update and amend their contact details on page 61, on the list of responsible authority's has been addressed on version 2 of the draft policy statement attached at **Appendix A**.
- 3.26 Hertfordshire Public Health's recommendation to amend section 6.12 of the draft policy statement with regards to location has not been included in version 2 of the draft statement. Cumulative impact assessments are not currently authorised under the Gambling Act 2005. This may be subject to future review and potential inclusion as part of the Governments White Paper on gambling reform. Additionally, it should be noted that licensing officers in Stevenage do not hold delegated authority under the Gambling Act. Consequently, decisions to oppose gambling related applications rest solely with the committee. This process is triggered if a representation or objection against an application is received. The Committee's role remains pivotal in ensuring robust scrutiny of applications. Section 6.12 is reflective of this.

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. Any wholly revised Statement would be subject to a further full consultation process.

- 4.3 The draft Statement of Principles was considered by the Council's General Purposes Committee at their meeting on 4th December 2024. Members did not propose any further amendments to the proposed draft statement of principles.
- 4.4 The General Purposes Committee resolved:
- That the proposed Stevenage Borough Council Gambling Act proposed Statement of Principles 2025-2028, attached at Appendix A to the report, be supported.
 - That the Cabinet be requested to agree the Stevenage Borough Council Gambling Act proposed Statement of Principles for onward recommendation to Council.

5 IMPLICATIONS

Financial Implications

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

Legal Implications

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.

Equalities and Diversity Implications

- 5.2 An Equalities Impact Assessment was carried out in November 2024. No significant impacts were identified to any individuals or businesses. A copy of the Equalities Impact Assessment can be found at Appendix 11.6 of the draft policy document.

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, 5th Edition (Gambling Commission, March 2015)
- BD4 Gambling Act 2005; Stevenage Borough Council Statement of Policy 2016-2019

APPENDICES

- A Gambling Act 2005 draft Statement of Principles
- B Local Area Profile
- C Consolidated list of consultees
- D1 Consultation response from Gamcare
- D2 Consultation response from GambleAware
- D3 Consultation response from Hertfordshire Safeguarding Adults Board
- D4 Consultation response from Local Planning Authority
- E1 Consultation letter
- E2 Public Notice
- E3 Newspaper Notice
- E4 Social Media Post