

TITLE OF REPORT: **Gambling Statement of Principles 2019 - 2022**

REPORT OF: **Paul Dowling, Strategic Director, Communities and Environment**

Purpose of the Report

1. To seek Cabinet's approval to undertake a public consultation on a draft revised Statement of Principles, by which the Council will make decisions when exercising its responsibilities under the Gambling Act 2005.

Background

2. The Gambling Act 2005 was fully implemented in September 2007. It transferred the responsibility for the licensing of gaming premises from the Magistrates to Local Authorities and introduced for the first time, a unified regulator for gambling, the Gambling Commission, replacing the Gaming Board for Great Britain.
3. Under the Act, the Council is responsible for issuing premises licences for premises such as casinos, bingo halls, betting offices, adult gaming centres and licensed family entertainment centres as well as permits for gaming machines in pubs, clubs and other alcohol licensed premises.
4. The Act contains three licensing objectives, which underpin the functions that the Gambling Commission and Councils perform. These objectives are:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way; and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling;
5. Licensing authorities are required to prepare and publish, every three years, a Statement of the Principles that they propose to apply when exercising their functions. In preparing such a statement, licensing authorities must follow the procedure set out in the Act and guidance issued by the Gambling Commission. The draft Statement of Principles has been revised to take into account changes to the Guidance issued by the Gambling Commission and to reflect the changing nature of the Borough. In particular it seeks to recognise gambling related harm and the impact that this can have on both individuals and on the broader wellbeing of the community. An executive summary of the draft Statement of Principles is attached in appendix 2. A schedule of changes is attached in appendix 3. The draft

Statement of Licensing Principles is available at appendix 4, <http://www.gateshead.gov.uk/>, and in the Members Room.

Proposal

6. It is proposed to conduct a widespread public consultation exercise on the draft Statement of Principles and to ask that the results of that consultation be considered by the Communities and Place Overview and Scrutiny Committee on 29 October 2018 before returning to Cabinet with a final statement for approval by Council on 20 November 2018.

Recommendations

7. It is recommended that the draft Statement of Principles be consulted upon for a 12 week period following this meeting, and that the Communities and Place Overview and Scrutiny Committee be asked to consider the results of that consultation and give their comments to Cabinet so that a final version of the Statement of Principles can be recommended to Council for approval.

For the following reason:

There is a legal requirement to prepare and revise every three years a Statement of Principles under the Gambling Act 2005.

CONTACT: Elaine Rudman extension 3911

Policy Context

1. The adoption of the Statement of Principles will allow the Council to carry out its duties as a Licensing Authority under the Gambling Act 2005. The Statement of Principles plays an important role in realising Gateshead Strategic Partnership's vision for Gateshead as described in Vision 2030 and supports the aims of Making Gateshead a Place Where Everyone Thrives.

Background

2. The Gambling Act 2005 was fully implemented in September 2007. It transferred the responsibility for the licensing of gaming premises from the Magistrates to Local Authorities and introduced for the first time, a unified regulator for gambling, the Gambling Commission, replacing the Gaming Board for Great Britain.
3. Under the Act, the Council is responsible for issuing premises licences for premises such as casinos, bingo halls, betting offices, adult gaming centres and licensed family entertainment centres as well as permits for gaming machines in pubs, clubs and other alcohol licensed premises.
4. The Act contains three licensing objectives, which underpin the functions that the Gambling Commission and Councils perform. These objectives are:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way; and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling;
5. Licensing authorities are required to prepare and publish, every three years, a Statement of the Principles that they propose to apply when exercising their functions. In preparing such a statement, licensing authorities must follow the procedure set out in the Act as well as the accompanying guidance. The first statement was published in January 2007. The draft Statement of Principles has been revised to take into account changes to the Guidance issued by the Gambling Commission and to reflect the changing nature of the Borough. An executive summary of the draft Statement of Principles is attached in appendix 2. A schedule of changes is attached in appendix 3.

Consultation

6. The Licensing Authority must consult all those involved directly with the gambling industry as well interested parties including, local partnership groups, residents' associations, faith groups and youth organisations. Although the draft document is aimed mainly at the industry, including those that operate arcades, betting shops, bingo halls and casinos as well as pubs and clubs, the views of all Council Members, members of the public, interested parties and regulatory agencies will be sought.

Alternative Options

7. There is a legal requirement under the Gambling Act 2005 to prepare a Statement of Principles following a widespread consultation. Therefore no alternative options were considered.

8. Implications of Recommended Options

Resources

- a. **Financial Implications** – The Strategic Director, Corporate Resources, confirms that there are no additional financial implications arising from this report.
 - b. **Human Resources Implications** - There are no human resource implications arising directly from this report.
 - c. **Property Implications** - There are no property implications arising directly from this report
9. **Risk Management Implications** – There are no risk management implications arising directly from this report
 10. **Equality and Diversity Implications** – An Equality Impact and Needs Assessment of these plans has indicated a neutral impact.
 11. **Crime and Disorder Implications** – There are no crime and disorder implications arising directly from this report.
 12. **Health Implications** - There are no health implications arising directly from this report
 13. **Sustainability Implications** – There are no sustainability implications arising directly from this report.
 14. **Human Rights Implications** - There are no human rights implications arising directly from this report
 15. **Area and Ward Implications** - This report affects all wards equally.

16. Background Material

These documents that have been considered in preparation of the report:

Gambling Act 2005

Guidance to Licensing Authorities 5th Edition
Gambling Commission

Briefing Paper – Gambling related harm as a public health issues

Draft Statement of Gambling Principles 2019 - 2022

Executive Summary

Gateshead Council has a statutory duty to prepare publish, every three years, a Statement of the Principles that will be applied when exercising its functions under the Gambling Act 2005.

This Statement of Principles provides information and guidance to applicants, responsible authorities and interested parties on the overall approach that Gateshead Council will take to applications, compliance and enforcement under the Gambling Act 2005.

It sets out what this Licensing Authority expects of the people that it authorises to carry out Gambling activities in the Borough.

The Statement of Principles seeks to achieve the three licensing objectives of the Gambling Act 2005, namely –

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling;

and sets out the issues that are of particular relevance or concern within Gateshead and the approaches that the Licensing Authority would expect responsible licensees to take into account in order to promote these objectives.



Review of Gambling Act 2005 Statement of Principles 18.1.2016 – 17.1.2019

DRAFT FOR CONSULTATION - SCHEDULE OF CHANGES

Section	Change
Foreword	Insert Councillor's name and their Foreword once Statement of Principles finalised
1 Introduction and Consultation	Change 'Guidance to Licensing Authorities (4 th edition)' to 'Guidance to Licensing Authorities (5 th edition)' Date of the Full Council when the Final Statement of Principles is approved to be inserted once this has happened
2 Strategic Context	<p>Replace 2.1 – 2.2 with</p> <p>2.1 Gateshead Council's 5 year corporate plan agreed in March 2018 includes the following pledges:</p> <ul style="list-style-type: none"> - putting people and families at the heart of everything we do - tackling inequality so people have a fair chance - supporting our communities to support themselves and each other - investing in our economy to provide sustainable opportunities For employment, innovation and growth across the borough - working together and fighting for a better future for Gateshead <p>2.2 Gateshead Strategic Partnership's vision for Gateshead as described in Vision 2030 is '<i>local people realising their full potential, enjoying the best quality of life in a healthy, equal, safe, prosperous and sustainable Gateshead</i>'. This Statement of Principles plays an important role in realising this vision.</p> <p>Updated to reflect the Council's 5 year plan agreed in March 2018.</p>
4 Local Context	<p>Replace 4.1 - 4.5 with:</p> <p><u>Prevalence of Gambling and Gambling Harm in Gateshead</u></p> <p>4.1 No local data is currently available on the prevalence of gambling in Gateshead. However, there is national data. This suggests 63% of adults (aged 16+) had gambled in the previous year, or 45% if we exclude the National Lottery – this is equivalent to 75,400 people.</p> <p>The great majority of these will be non-problem or low-risk gamblers, but a small proportion will be at moderate risk or be</p>

problem gamblers. Nationally, it is estimated less than 1% of the population is a problem gambler, and this equates to just over 1000 people locally, most of whom (more than 90%) will be men.

Factors associated with problem gambling include:

- being male
- being from Black/Black British, Asian/Asian British or other non-White backgrounds
- having low mental wellbeing
- having ever had high blood pressure.

4.2 Gateshead Council acknowledges that problem gamblers are more likely than other people to experience the following harms:

- **financial harms:** overdue utility bills; borrowing from family friends and loan sharks; debts; pawning or selling possessions; eviction or repossession; defaults; committing illegal acts like fraud, theft, embezzlement to finance gambling; bankruptcy etc
- **family harms:** preoccupied with gambling so normal family life becomes difficult; increased arguments over money and debts; emotional and physical abuse, neglect and violence towards spouse /partner and/or children; relationship problems and separation/divorce
- **health harms:** low self esteem; stress-related disorders; anxious, worried or mood swings; poor sleep and appetite; substance misuse; depression, suicidal ideas and attempts; etc
- **school/college/work harms:** poor school, college or work performance; increased absenteeism; expulsion dismissal

4.3 Gateshead Council is committed to developing an improved understanding of the prevalence of gambling and gambling harm in the borough so that applicants, licensees and Members of the Licensing Committee have access to the best information available. The outcome of research projects and best practice from across the UK will be considered as it becomes available and adopted as a means of gathering and presenting relevant data where appropriate.

Local Licensing Guidance

4.4 In addition to having an understanding of the prevalence of gambling and gambling harm in Gateshead, it is important for applicants and licensees to have an understanding of the different localities within the Borough, their different characters and challenges, both of which can change over time depending on a range of factors. From time to time the Council may therefore publish and update local licensing guidance documents on its website. The Council will draw on

	<p>the expertise and knowledge of all those who can contribute to the development of this guidance.</p> <p>4.5 This guidance will seek to include a wide range of information that is relevant to those who seek to and currently carry on licensable activities within an area, for instance –</p> <ul style="list-style-type: none"> • the physical environment (including the proximity of sensitive premises) • existing licensed premises • relevant health data • crime and/or disorder hotspots • known areas of congregation • local initiatives • local concerns about the promotion of the licensing objectives (including from Ward Members, community leaders, GPs, schools, etc) <p>4.6 The local licensing guidance will be presented to the Council's Licensing Committee from time to time.</p> <p>4.7 The Council will expect that applicants and licensees have regard to the local licensing guidance when considering their activities and any appropriate control measures.</p> <p>These changes are to reflect the fact there are some difficulties in understanding the prevalence of gambling and gambling harm in a particular area but commits the Council to making every effort to obtain relevant data.</p> <p>The changes also reflect the need for information to be gathered and shared about localities which should be taken into account by those seeking to carry out and those who currently carry out gambling activities in the borough.</p> <p><u>Local Risk Assessments</u></p> <p>Remove 'From 6 April 2016' as the requirement for local risk assessments is well embedded now.</p> <p><u>Gateshead Community Safety Board</u></p> <p>Replace</p> <p>Licensees are expected to have regard to any such initiatives from time to time</p> <p>with</p> <p>The Community Safety Board will engage with those carrying out gambling activities where any such issues arise.</p> <p>This change is to reflect the way that the Community Safety Board will engage with gambling operators where necessary.</p>
10 Licensing	Replace section 10.6

<p>Objective: Protecting children and other vulnerable people from being harmed or exploited by gambling</p>	<p>In seeking to protect vulnerable people the Licensing Authority will 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, perhaps due to a mental impairment, alcohol or drugs.</p> <p>with</p> <p>In seeking to protect vulnerable people the Licensing Authority will 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, perhaps due to intellectual disability, an addiction or mental ill health.</p> <p>insert</p> <p>10.7 In seeking to protect children and other vulnerable people from being harmed or exploited by gambling, the licensing authority considers gambling related harm to include a consideration of the potential harm or neglect caused to them by family members and carers who are problem gamblers.</p> <p>to reflect the Council's view that problem gambling has a wider impact than on problem gamblers themselves</p>
<p>15 Conditions of Licence</p>	<p>15.5 replace 'young persons' with 'other vulnerable people' to reflect the wording of the Gambling Act 2005.</p>
<p>18 Betting</p>	<p>delete section 18.3:</p> <p>18.3 The Licensing Authority has the power to restrict the number of fixed odds betting terminals, their nature and the circumstances in which they are made available. It will not generally exercise this power though unless there are good reasons to do so taking into account, among other things, the size of the premises and the level of management and supervision especially where vulnerable people are concerned.</p> <p>as the Council has been advised by the Gambling Commission that licensing authorities do not have this power</p>
<p>26 General Principles</p>	<p>Section 26.2 (2)</p> <p>Replace 'Gateshead Protection of Vulnerable Adults Multi Agency Committee' with 'Gateshead Safeguarding Adults Board'</p> <p>to reflect the correct name of the body</p> <p>Insert 'Training of staff to recognise vulnerability to gambling harm'</p> <p>to reflect the importance that Gateshead Council places on this issue</p>

33 Enforcement	<p>Section 33.7</p> <p>replace list of primary authority agreements with:</p> <ul style="list-style-type: none">• William Hill - City of Westminster• Ladbrokes Coral Group - Milton Keynes• Welcome Break - Reading• Paddy Power - Reading• MOTO - Reading <p>as there are new Primary Authority agreements since the approval of the previous Statement of Principles</p>
-----------------------	---