

TITLE OF REPORT: Consultation Responses – Gambling Statement of Principles**REPORT OF: Anneliese Hutchinson, Service Director, Development,
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SUMMARY

The draft Gambling Statement of Principles for 2019 – 2022 has been consulted on and the responses received and proposed changes are set out for consideration.

Purpose

The Communities and Place Overview and Scrutiny Committee is asked to consider the responses to the recent public consultation on the draft Gambling Statement of Principles for 2019 – 2022 and how the draft policy should be amended before returning to Cabinet on 20 November 2018 with a final policy for approval by Council.

Background

Gateshead Council is the licensing authority for the borough for the purposes of the Gambling Act 2005. The Act requires licensing authorities to prepare and publish a Statement of Principles every three years. The Statement sets out Gateshead Council's policy regarding premises and activities licensed or regulated under the Act.

The current statutory period of policy began on 18 January 2016 and ends on 17 January 2019 and a draft policy for the next period beginning 18 January 2019 has been prepared. This draft Statement of Principles is available at <http://www.gateshead.gov.uk/>, in the agenda folder for this meeting and in the Members Room. A schedule of changes is attached in Appendix 1.

Proposal

The policy was drawn up in consultation with all relevant groups and services within the Council and a widespread public consultation took place between 30 July and 19 October 2018. A list of consultees is attached in Appendix 2. The views of the Communities and Place Overview and Scrutiny Committee are sought on the responses received before a final statement of policy is drafted for consideration by Cabinet and approval by Council.

For consideration:

7 responses were received:

1. Councillor Brenda Clelland

Councillor Clelland questioned whether the reference to 'having had high blood pressure', referred to in section 4.1 Prevalence of Gambling and Gambling Harm in Gateshead, was correct;

For consideration:

Gerald Tompkins, Consultant in Public Health, responded as follows –
'Yes, a history of high blood pressure has been identified as a risk factor, and yes I'd agree it does seem odd. However, we also know there are higher rates of smoking and alcohol consumption amongst problem gamblers, both of which are associated with high blood pressure. There is also an issue of problem gambling among those who are economically inactive and it would be no surprise to find higher prevalence of high blood pressure in this group which includes the long-term sick; and there is of course greater levels of stress in this population, and stress is also linked to hypertension. High blood pressure therefore cuts across a number of the other risk factors.

Nevertheless. I'll look again at the wording of this section, as it might prove a distraction from the focus on other factors.'

Proposed new wording:

Replace:

'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.'

with

'The majority of problem gamblers are men, and the groups where the evidence base for vulnerability to gambling harm is strongest include the following:

- ethnic groups
- youth
- people with low IQ
- substance abuse/misuse
- poor mental health.

source: Gambling-related harm as a public health issue: Briefing paper for Local Authorities and local Public Health providers (Gambling Commission, February 2018).'

2. Councillor Neil Weatherley

Councillor Weatherley confirmed that he was content with the changes included in the draft Statement of Principles.

For consideration:

Agree

3. Jazz Chamley, Tyneside Services Manager, Gateshead Evolve

Ms Chamley confirmed that Evolve do not currently provide gambling services in Gateshead therefore it was not possible to comment on the draft Statement of Principles

For consideration:

Not applicable

4. Rob Burkitt, Lead – Shared Regulation and Better Regulation, Gambling Commission

Rob Burkitt confirmed that he was happy with the changes included in the draft Statement of Principles

For consideration:

Agree

5. Catherine Sweet, Head of Marketing and Communications, Gamcare

Gamcare sent the following generic response to all licensing authorities who consulted with the organisation.

‘The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council’s wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, are likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.

- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

For consideration:

Gateshead Council is already committed to mapping risk relating to gambling-related harm and this is reflected in the draft Statement of Principles.

Inspections undertaken of all gambling premises in the borough ensure that local risk assessments, staff training programmes, staffing levels, layout of premises and promotional materials are regularly reviewed.

No further change to the proposed Statement of Principles is necessary in response to this consultation response.

6. Gosschalks Solicitors, on behalf of the Association of British Bookmakers

In addition to a substantial generic response, the Association of British Bookmakers has made the following specific comments:

- Paragraph 4.1 is headed 'Prevalence of Gambling and Gambling Harm in Gateshead' and then indicates that there is no local data currently available on the prevalence of gambling in Gateshead. Instead, this section seeks to extrapolate figures from the Natcen Social Research 'Gambling Behaviour in Great Britain in 2015'. We respectfully submit that if figures are to be extrapolated, they should be extrapolated from more recent figures based on England alone. The Gambling Commission, in association with NHS Digital has published figures (on the Gambling Commission website) from the Health Survey England 2016 and if the national lottery is excluded, that the figure is reduced to 42% of people in England. These figures also show that 0.7% of people in England identified as problem gamblers. On the basis that more recent and more local figures are available, this paragraph should be amended to reflect this.
- Paragraph 4.7 contains a list of 3 bullet points detailing matters that the Licensing Authority expects local risk assessments to consider as a minimum. The second bullet point refers to areas of 'high deprivation'. This bullet point should be deleted. The relative affluence of an area can have no bearing on any risk to the licensing objectives unless the Licensing Authority has pre-determined that persons within the area are automatically vulnerable or more likely to commit crime as a result of gambling. We are certain that this pre-determination has not been made.
- Paragraph 7.10 requires that licensees have a full understanding of the principles of mental capacity set out in the Mental Capacity Act 2005. This paragraph should be deleted and replaced with a paragraph that requires that gambling operators ensure staff receive training to ensure that those staff are able to recognise behavioural signs of vulnerability.

For consideration

With respect to Paragraph 4.1 replace:

'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. The great majority of these will be non-problem or low-risk gamblers, but a small proportion will be at moderate risk or be 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.'

with

'This suggests 56% of adults (aged 16+) had gambled in the previous year, or 42% if we exclude the National Lottery draws – this is equivalent to 70,200 people. The great majority of these will be non-problem or low-risk gamblers, but a small proportion will be at moderate risk or be problem gamblers. Nationally, it is estimated less than 1% of the population is a problem gambler, and this equates to nearly 1200 people locally, most of whom

(around 85%) will be men; additionally there will be about 1800 local people who are at moderate risk of gambling-related harm.'

With respect to Paragraph 4.7, 'areas of high deprivation' can be removed given the requirement to consider vulnerability, which we should base on the list of risk factors, all of which we can map and which will have distribution very similar to deprivation.

With respect to Paragraph 7.10 it is not felt that the ABB proposal is sufficient and that staff need both an understanding of the risk factors and what they should do if someone is vulnerable. It is recommended that the Statement of Principles is not amended.

7. Tim Briton, Legal and Democratic Services

Tim Briton responded as follows:

The proposed amendments help to update and clarify the Statement of Principles, and are supported by Legal Services.

I note that the Gambling Commission have suggested that the Council does not have the ability to control the number of betting machines in premises or the nature of those machines. This is addressed by section 181(1)(a) of the Act. There are other Councils that also make reference to this power in their Statements of Principles, eg eg Tamworth, Spelthorne and Leeds. I would propose not making this amendment to the Statement of Principles.'

For consideration

Rob Burkitt, Lead – Shared Regulation and Better Regulation, Gambling Commission has clarified that Section 181(1)(a) of the Gambling Act 2005 allows licensing authorities to limit self service betting terminals rather than fixed odds betting terminals which are actually Category B gaming machines. On that basis the proposed change to the Statement of Principles should remain.