

**TITLE OF REPORT: Gambling Statement of Principles 2025-2028****REPORT OF: Anneliese Hutchinson, Interim Strategic Director Economy, Innovation and Growth**

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**Purpose of the Report**

1. The purpose of this report is for Cabinet to approve and recommend to Council a Statement of Principles for 2025 – 2028 in accordance with the Gambling Act 2005.

**Background**

2. Under the Gambling Act 2005 licensing authorities are required to prepare and publish every three years a Statement of Principles that they propose to apply when exercising their functions.
3. 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;
4. On the 17 September 2024 Cabinet gave approval for a widespread public consultation on a draft revised Statement of Principles. Consultees included all Members, all responsible authorities under the Gambling Act including Northumbria Police, HMRC and the Gambling Commission, the Director of Public Health and all those in Gateshead holding an authorisation under the Gambling Act. The consultation took place for six weeks ending on 7 November 2024.
5. The responses to the consultation are set out in Appendix 2 and have been incorporated into the final draft Statement of Principles.
6. An Executive Summary of the Statement of Principles is attached in Appendix 3. Full details of the statement can be viewed online within the agenda folder for this meeting and hard copies are available in the Members' room.

## **Proposal**

7. Cabinet is asked to approve the amended statement of principles and recommend it to Council.

## **Recommendations**

8. It is recommended that:

- (i) the Gambling Statement of Principles be adopted and published in accordance with the requirements of the Gambling Act 2005,

for the following reason:

- (i) to ensure that the Council's functions under the Gambling Act 2005 can be discharged effectively

## **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 and in accordance with guidance issued to local authorities by the Gambling Commission in April 2023. The Statement of Principles plays an important role in realising Gateshead Strategic Partnership's vision 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 casinos, bingo halls, betting offices, adult gaming centres and licensed family entertainment centres as well as permits for gaming and gaming machines and registering small society lotteries.
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, with subsequent statements published every three years.

## **Consultation**

6. The Statement of Gambling Principles has been produced following a wide consultation process. A draft statement was produced in accordance with the requirements of the Guidance, in consultation with all relevant groups and services within the Council and was circulated for a six week public consultation ending on 7 November 2024.
7. Three responses to the consultation were received and these are set out in Appendix 2.

8. An Executive Summary of the Statement of Gambling Principles is attached at Appendix 3.

### **Alternative Options**

9. No alternative options are considered appropriate as the Licensing Authority has a statutory duty under the Gambling Act 2005 to prepare and publish a statement of its principles at this time.

### **Implications of Recommended Option**

10. **Resources:**
  - a) **Financial Implications** – The Strategic Director, Resources and Digital, confirms that there are no additional financial implications arising from this report.
  - b) **Human Resources Implications** – There are no human resources implications from the recommended options.
  - c) **Property Implications** - There are no property implications from the recommended options
11. **Risk Management Implication** - There are no risk management implications from the recommended options.
12. **Equality and Diversity Implications** - an Equality Impact and Needs Assessment of the policy has indicated a neutral impact.
13. **Crime and Disorder Implications** – There are no crime and disorder implications from the recommended options
14. **Health Implications** – There are no health implications from the recommended options
15. **Climate Emergency and Sustainability Implications** - There are no climate emergency and sustainability implications from the recommended options.
16. **Human Rights Implications** - There are no human rights implications from the recommended options
17. **Ward Implications** - This report affects all wards equally.

### **Background Information**

18. Gambling Act 2005  
Gambling Commission Guidance to Licensing Authorities April 2023

## Consultation Responses

	<b>Consultee 1: Corporate Services and Governance, Gateshead Council</b>	
	<b>Introduction and Consultation</b>	<b>Proposed change</b>
	Add in a short introduction: "The purpose of this Statement of Principles is to provide information and guidance on the general approach that Gateshead Council will take to administering its functions under the Gambling Act 2005"	Add as proposed
	Include a plan of the borough and more information about the size of the borough and socio economic profile	Add as proposed
	Include an Appendix listing consultees	Add as proposed
	<b>Legal Context</b>	
	Add in some brief details about the Gambling Act itself	Add as proposed
	When referencing the licensing objectives specify 'as set out in Section 1 of the Act'	Add as proposed
	Amend 'The Licensing Authority will seek to regulate gambling by using powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.' to 'Rather than seeking to prevent the use of premises for gambling altogether; wherever possible, the Licensing Authority will aim to regulate gambling by attempting to work with gambling premises to tackle any concerns. For example, the Licensing Authority may seek to use its powers to attach licence conditions with a view to ensuring the licensing objectives are upheld.'	Amend as proposed
	Move the section explaining what the Statement of Principles is to the end of the Legal Context section to make it flow better	Amend as proposed
	<b>Local Context</b>	
	Rather than estimate the number of problem gamblers in the borough based on national data, stick to referencing national data and only use local data if it is available Include more recent (than 2018) survey data if available Include public health data if available Make it clear that 'local licensing guidance' refers to 'local licensing profiles' referred to specifically in the Gambling Commission Guidance	Amend as proposed
	<b>Local Risk Assessments</b>	
	Include the suggestion that licence holders, when preparing the risk assessment, may have regard to the gambling harm prevalence tool:	Include as proposed

	<a href="#">Local Authority Gambling Harms Prevalence Data</a>	
	Extend the consideration of risk assessments to include prevalence of ethnic groups, location of religious institutions and places of worship and socio economic characteristics	Amend as proposed
	<b>Licensing Objective: Preventing gambling from being a source of crime or disorder</b>	
	Add '(with the exception of track operators) to the paragraph beginning "Anyone applying to the Licensing Authority for a premises licence will have to hold an operating licence..."',	Amend as proposed
	<b>Licensing Objective: Ensuring gambling is conducted in a fair and open way</b>	
	Add in a sentence to say that the Gambling Commission will be notified of any concerns about misleading advertising or absence of required game rules (or any other matters set out in the Codes of Practice).	Amend as proposed
	<b>Licensing Objective: Protecting children and other vulnerable people from being harmed or exploited by gambling</b>	
	Include the definition of child/young person set out in the Gambling Act which describes a child as someone who is less than 16 and a young person as someone who is not a child but is less than 18.	Include as proposed
	<b>Premises Licences</b>	
	Expand on the two stage test if there are any outstanding alterations needed, i.e. that if the premises are not already ready to be used for gambling, this will be considered as a two stage test - whether premises ought to be used for gambling and whether appropriate conditions can be put in place to cater for the situation that premises are not yet in the state in which they ought to be before gambling takes place.	Amend as proposed
	<b>Responsible Authorities</b>	
	Expand the link directed to the list of Responsible Authorities on the Council's website to the specific page	Amend as proposed
	<b>Interested parties</b>	
	Add in that whether someone is considered an interested party will be assessed on a case by case basis/upon its merits	Amend as proposed
	<b>General Principles</b>	
	Make it clear that the general expectations relating to applications apply to both premises licences and permits	Amend as proposed
	<b>Exchange of Information</b>	

	Replace Data Protection Act 1998 with Data Protection Act 2018	Amend as proposed
	<b>Fees</b>	
	Expand the link directed to the current Gambling Act fees to the specific page (rather than the general Council website)	Amend as proposed
	<b>Consultee 2: The Gambling Commission</b>	
	Happy with content but add reference to recent data - <a href="https://www.gamblingcommission.gov.uk/about-us/statistics-and-research/gambling-survey">https://www.gamblingcommission.gov.uk/about-us/statistics-and-research/gambling-survey</a> Also to note that Gambling Commission are still awaiting government decisions following the Gambling Act review. The outcome may be changes to the local authority guidance.	Include as proposed
	<b>Consultee 3: Director of Public Health, Gateshead Council</b>	
	<b>Strategic Context</b>	
	<p>Replace current para with updated version:          “The vision from Gateshead Council’s Health and Wellbeing Strategy (add link to Strategy)          ‘Good jobs, homes, health and friends’ and strategic approach, ‘Making Gateshead a place where everyone thrives’ commits us to the following pledges:</p> <ul style="list-style-type: none"> <li>- putting people and families at the heart of everything we do</li> <li>- tackling inequality so people have a fair chance</li> <li>- supporting our communities to support themselves and each other</li> <li>- investing in our economy to provide sustainable opportunities for employment, innovation and growth</li> <li>- working together and fighting for a better future for Gateshead</li> </ul> <p>And aims to</p> <ul style="list-style-type: none"> <li>– Give every child the best start in life, with a focus on conception to age two</li> <li>– Enable all children, young people and adults to maximise their capabilities and have control over their lives</li> <li>– Create the conditions for fair employment and good work for all</li> <li>– Ensure a healthy standard of living for all, in accordance with international law on economic and social rights</li> </ul>	Amend as proposed

	<ul style="list-style-type: none"> <li>– Create and develop sustainable place and communities</li> <li>– Strengthen the role and impact of ill health prevention</li> </ul> <p>The principles set out in this Statement of Principles seek to contribute to this commitment.</p>	
	<p><b>Local Context</b></p>	
	<p>Insert:  However an Office of Health and Disparity evidence review on Gambling- related harms suggests a higher percentage and that in England it is estimated that 3.8% of the population are classified as <b>gambling at elevated risk</b>. In the North East, it is estimated that 4.9% of the population (aged 16+) are <b>at-risk gamblers</b>, where they experience some level of negative consequences due to gambling. This is the highest regional estimated prevalence of at-risk gambling in England.(OHID 2023)</p> <p>It is estimated that 26% of 11-17 yr olds had spent their own money on some form of gambling activity in 2023 (Gambling Commission 2023)</p> <p>Further impacts on affected others, such as immediate family members, can be challenging to measure, but would experience gambling related harm.</p> <p>A Health Needs Assessment focusing on Gambling is planned to be carried out in 2025 which will provide more detailed information about the prevalence of gambling related harm experienced by Gateshead residents.</p> <p>Gambling harms are any negative consequence or side effect experienced as a result of gambling. They are not only felt by the person who gambles, but also affected others such as family or friends. For many, gambling related harms leave a legacy and may be experienced for many years after the event. Gateshead Council acknowledges that people experiencing gambling harms are more likely than other people to experience the following harms:</p> <p><b>Financial harms:</b> Exacerbation of socio-economic disadvantage; Debts and financial hardship; Asset losses; bankruptcy</p>	<p>Include as Proposed</p>



	<p><b>Relationship harms:</b> Relationship breakdown; Violence and domestic abuse; Impact on children</p> <p><b>Mental Health and Wellbeing:</b> Suicide and suicide ideation; Depression and anxiety; stress, sleep deprivation and exhaustion; drug and alcohol use and related harm; Use of tobacco</p> <p><b>Employment and Educational harms:</b> Unemployment; Absenteeism; Underperformance</p> <p><b>Cultural:</b> Stigma; Shame; Isolation and exclusion</p> <p><b>Criminal and anti-social behaviours:</b> Links to threatening behaviour; damage to property, fraud, theft</p> <p>Although anyone can experience harm as a result of gambling, Gateshead Council acknowledge there are factors which, for some of our residents, will increase the risk:</p> <ul style="list-style-type: none"> <li>– People living in deprived communities are seven times more likely to experience gambling related harms (OHID2023)</li> <li>– There is a higher prevalence of gambling disorder amongst people who are in contact with the criminal justice system</li> <li>– Military veterans are ten times more likely to experience gambling disorder or addiction (Harris et al 2023)</li> <li>– Men are more likely to gamble at harmful levels than women (OHID 2023)</li> <li>– Gambling disorder rates are higher in young people than in the general population (OHID 2023)</li> <li>– Those who have a parent who gambles at harmful levels are more likely to gamble at these levels too</li> </ul>	
	<p><b>Local Risk Assessments</b></p>	
	<p>Include links and reference to LION map <a href="https://gis.gateshead.gov.uk/gatesheadmaps/LIoN/app.html">https://gis.gateshead.gov.uk/gatesheadmaps/LIoN/app.html</a> and Joint Strategic Risks Assessment <a href="https://www.gatesheadjsna.org.uk/">https://www.gatesheadjsna.org.uk/</a></p>	<p>Include as proposed</p>

**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.