
THE GAMBLING ACT 2005 - REVISED STATEMENT OF PRINCIPLES FOR THE
BOROUGH OF DARLINGTON

Responsible Cabinet Member - Councillor McEwan
Economic Growth and Regeneration Portfolio

Responsible Director – Ian Williams Director of Economic Growth

SUMMARY REPORT

Purpose of the Report

1. To present to Members the final draft of the Council's revised Gambling Policy document, which is due to be published, in accordance with statutory requirements, in January 2016.

Summary

2. This report seeks Members approval of the three yearly statutory revision of the Council's Gambling Policy produced in accordance with the Gambling Act 2005. The policy has been subject to extensive consultation and has remained largely unchanged since it was last approved on 25 November 2012 with the exception of a requirement for local risk assessments to be submitted as part of the application process with effect from April 2016, in accordance with the revised Gambling Commission Guidance. The Policy has also been updated to reflect changes in the legislation in respect of gaming machines numbers and stakes and all changes are shown in italics within the policy document.

Recommendation

3. It is recommended that the revised policy as detailed in **Appendix 2** to the attached report be approved.

Reasons

4. To comply with the statutory requirement placed on the Council to produce and publish a policy every 3 years in respect of its functions under the Gambling Act 2005.

Ian Williams
Director of Economic Growth

Background Papers

- (i) The Gambling Act 2005
- (ii) The Gambling Commission Guidance to Local Authorities 5th edition, September 2015
- (iii) The Council's earlier Statement of Principles 2013

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| S17 Crime and Disorder | The Council, in partnership with the Police, has a role to play in the prevention of the premises it licences being a source of crime and in respect of disorder caused as a result of gambling |
| Health and Wellbeing | The Council's main responsibility under the 2005 Act is to protect children and other vulnerable persons from physical and psychological harm that may be caused by gambling |
| Sustainability | There are no issues which this report needs to address |
| Diversity | There are no issues which this report needs to address |
| Wards Affected | The proposals affect all wards |
| Groups Affected | The proposals affect all communities |
| Budget and Policy Framework | This report does not represent a change to Council policy |
| Key Decision | The proposals do not represent a key decision |
| Urgent Decision | This report does not represent an urgent decision |
| One Darlington: Perfectly Placed | There are no issues which this report needs to address |
| Efficiency | This is statutory work which has been undertaken within the constraints of the licensing budget without additional resources |

MAIN REPORT

Background

5. The Gambling Act 2005 gives responsibility to the Gambling Commission for the issue of Operating Licences in respect of businesses offering gambling and also for the issue of Personal Licences for those employed in the business of gambling eg croupiers, betting shop and bingo hall managers etc. Local Authorities are responsible for the licensing of premises used for gambling eg betting shops and bingo halls etc and the issue of permits for gaming and small society lotteries.
6. The 2005 Act requires all Local Authorities to prepare, consult on and publish a Gambling Policy. This Policy is a "living document" which must be reviewed at

least every three years (notice of intention to publish the document must also be advertised at least two weeks prior to publication). To avoid confusion with Local Authority Licensing Policies required under the Licensing Act 2003, the Gambling Policy is referred to as the "Statement of Principles". This document sets out the matters the Council will be considering when dealing with applications for Premises Licences and various permits. The Policy comprises sections of the legislation, parts of the Gambling Commission guidance and some general information on how the Council will deal with applications and enforce the legislation. The first policy was approved by Members at their meeting of Council on 23 November 2006 and was duly published on 3 January 2007 to take effect on 31 January 2007. It has been revised every 3 years and was last revised by Council in November 2012 for publication on 31 January 2013. The Policy is therefore due to be revised.

Information and Analysis

7. The Gambling Act 2005 has three licensing objectives as follows:
 - (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 gambling is conducted in a fair and open way.
 - (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
8. The Gambling Commission plays a leading role in relation to the first objective and determines the suitability of businesses and persons involved in the gambling industry by virtue of the Operating and Personal licences. The Local Authority is not able, therefore, to grant a Premises Licence until an Operating Licence has been granted by the Gambling Commission. The Gambling Commission also addresses the second objective and the only role for the Local Authority in relation to this objective will be when dealing with the track-betting environment. The final objective impacts on Local Authorities and consideration may be given to, amongst other things locality, supervision of premises, separation of adult gaming areas and promotion of gambling support organisations.
9. Most functions of the Gambling Act 2005 have been delegated to the Committee established by the Council to deal with the Licensing Act 2003 in accordance with national guidance. The approval of the Council's policy in respect of the Gambling Act 2005 is however one of the few functions that, by statute, must be dealt with by Council.
10. The Council currently licences 23 premises for the provision of gambling (ie Betting Shops, Bingo Halls and Amusement Arcades) and issues 27 gaming permits (as well as noting 61 notifications from alcohol licensed premises of up to 2 machines) and 44 small society lottery permits. Unlike parts of the Licensing Act 2003, the Gambling Act 2005 does not provide Local Authorities with wide discretion. The 2005 Act requires Local Authorities to follow the Guidance and Codes of Practice issued by the Gambling Commission and also the Council's own policy statement.

Changes to the Policy

11. The policy has remained largely **unchanged** except for the inclusion of a requirement for a local risk assessment to be submitted, with effect from April 2016, as part of the application process. This requires applicants to consider the area in which they are to be located and identify any issues e.g. proximity to local schools, places dealing with gambling addictions etc. and advise how they will operate responsibly in the light of these issues. By way of example, applicants may address such issues as limiting advertising etc. as part of the risk assessment. In addition the information about machine numbers and gaming stakes has been updated in accordance with current legislation and some minor amendments have also been made following the consultation responses from 3 trade representatives. These are detailed at **Appendix 1**.

Consultation

12. A widespread consultation exercise has been undertaken over a 12 week period, which included the Responsible Authorities, the gaming industry, the leisure industry and organisations dealing with problems arising from gambling. The draft policy has also been made available on the Council's website. The period for consultation ended on 30 September 2015. Three responses were received in respect of the revised document and these have been reproduced in full at Appendix 1 along with officer responses to the issues raised. Members should note that the 3rd response, from Gosschalks on behalf of the Association of British Bookmakers, has a great deal of general comment that is not specific to Darlington Council's Statement of Principles. Officers have therefore only responded to the final section of their response which deals specifically with this Licensing Authority's Statement of Principles. Officers have welcomed the comments from the Trade which have assisted in shaping the current policy
13. On 27 October 2015 the revised Statement of Principles which is appended as Appendix 2 was also considered and supported by the Council's Licensing Act Committee.

Conclusion

14. The Gambling Act 2005 requires that the Council's Statement of Principles is reviewed at least every 3 years. The revision of the policy has been undertaken in accordance with the legislative requirements placed on the Council and must be published no later than 31 January 2016.