

**LICENSING ACT 2003 COMMITTEE**  
**2 NOVEMBER 2021**

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**GAMBLING ACT POLICY**

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**Purpose of the Report**

1. The purpose of this report is to invite Members to recommend a new Statement of Licensing Principles for the Gambling Act 2005 (Gambling Policy) be approved by Full Committee (**Appendix 1**).

**Background**

2. The Gambling Act 2005 requires licensing authorities to publish a Statement of Principles that they propose to apply in exercising their functions under the Act every three years. Darlington's current Statement of Licensing Principles was published in January 2019 and, as such, a new policy is due to be published in January 2022.
3. The Gambling Commission provides guidance to Licensing Authorities and this was last updated by them on the 13<sup>th</sup> May 2021. The role of the Gambling Commission and Local Authorities differ and these are highlighted in **Appendix 2**.
4. Since publication of the previous principles there have been few changes to the guidance given to Local Authorities by the Gambling Commission.
5. This Statement of Licensing Principles for Gambling recognises that gambling related harm creates challenges for Local Authorities, however the area of growth in recent years has been towards on-line gambling, which falls within the Gambling Commission's area of responsibility. Covid-19 has also had an impact on gambling behaviours, as for many months betting shops were not allowed to open. It is still uncertain what the long-term impact Covid-19 will have on gambling premises.
6. The earlier proliferation of 'Fixed Odds Betting Terminals' (FOBT's), which saw a maximum permitted stake of £100 reduced to £2, resulted in a number of betting shops with these terminals close across the country (including some in Darlington) as bookmakers adapted their business models.

**Consultation**

7. On the 17<sup>th</sup> August 2021 the Licensing Committee approved a draft of this revised policy to be released for public consultation. This was available on Darlington Borough Council website for comment between the 17<sup>th</sup> August 2021 and the 19<sup>th</sup> September 2021. It was publicised through local and social media by our communications department. In addition, key stakeholders were contacted directly, inviting comment. Our local authority partners were also made aware through the North East Strategic Licensing Group (NESLG).
8. Acknowledgement of this review was received by Gamble Aware, who although unable to comment directly on this draft policy due to resource constraints, signposted readers to online information and support (**Appendix 3**), which has been included.
9. A number of comments on the policy were made by Gosschalks Solicitors acting on behalf of the Betting and Gaming Council (**Appendix 4**).
10. Although not mentioned in our policy they make reference to an industry standard 'Think 21' for age verification. It would be prudent for this to be acknowledged as an alternative to a specific condition unless there is clear evidence a condition would be necessary.
11. Members are also asked to consider comments made by Gosschalks in relation to paragraph 1 of Part A to remove the word 'generally'. This is also prudent, as it will remove any ambiguity.
12. Gosschalks suggested that paragraph 2 of Part A (Gambling Participation Survey 2020 Findings) should be deleted, as it would appear to be judgemental of the gambling industry and not relevant to this policy since it is in relation to on-line gambling, which falls outside the remit of the licensing authority. Whilst this is indeed correct, it is a comprehensive update of data that already appears in our current policy. This is to provide the reader with the most accurate information available on gambling issues at the time of publication for the reader to make informed decisions. They did ask that if paragraph 2 is to remain, that an additional paragraph be added to acknowledge that problem gambling rates are static at the moment. This information is accurate and will provide a balance to what may be perceived by the gambling industry as disappointing.
13. They also asked that *'this Licensing Authority will also expect the Premises Licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively'* be removed from paragraph 1.5 of Part B, since it could potentially delay changes and incur unnecessary costs. On reflection, this would indeed be an unintended consequence, as robust policies and procedures would mitigate the need for this.
14. Members will be aware that a census took place on the 21st March 2021 and data from that census will be relevant to the local area profile of this document. Any census

data released prior to final approval of this policy will be incorporated before publication to provide the most accurate information available.

### **Recommendation**

15. Members are invited to recommend this Licensing Principles for the Gambling Act Policy document, with amendments made following consultation, be approved by Full Council.

**Dave Winstanley**  
**Group Director of Services**

### **Appendices**

- Appendix 1 – Draft statement of the Licensing Principles
- Appendix 2 – Functions of Gambling Commission and Licensing Authorities
- Appendix 3 – Response from Gamble Aware
- Appendix 4 – Response from Gosschalks solicitors