

**COUNCIL
25 NOVEMBER 2021**

GAMBLING ACT POLICY

**Responsible Cabinet Member -
Councillor Jonathan Dulston, Stronger Communities Portfolio**

**Responsible Director -
Dave Winstanley, Group Director of Services**

SUMMARY REPORT

Purpose of the Report

1. To seek Members approval of the final draft of the Council's Statement of Principles to the Gambling Act 2005 (Gambling Policy) which is due to take effect from 1 January 2022.

Summary

2. The Gambling Act requires the Council Gambling Policy to be updated on a three-year cycle. A revised draft of the Gambling Policy has been produced taking into account legislation changes introduced since the last policy was adopted. The final draft was the consulted upon with key stakeholders and also made publicly available for comment. The final draft is attached at **Appendix 1** which takes into account comments received. A summary of changes included in the new policy are outlined at **Appendix 2**.
3. The final draft has received endorsement from the Licensing Committee at its meeting of 2 November 2021 and this report seeks Members' approval of the updated Gambling policy.

Recommendation

4. It is recommended that Council approves the revised Gambling Policy and that it will become effective from 1 January 2022.

Reasons

5. The recommendation is supported by the following reasons:-
 - (a) To ensure standards are maintained to protect the public, in particular children and vulnerable adults;
 - (b) To provide an enforcement framework that takes into account guidance issued by the Gambling Commission.

Dave Winstanley
Group Director of Services

Background Papers

- (i) Gambling Act 2005
- (ii) Gambling Commission Guidance to Local Authorities 2021
- (iii) The Equality Act 2010
- (iv) Crime and Disorder Act 1998
- (v) Human Rights Act 1998

Colin Dobson : Extension 5988

S17 Crime and Disorder	This policy will continue to address issues specifically relating to criminal offences
Health and Well Being	Covid-19 is an ongoing issue that will need to be considered throughout this policy in line with government guidelines/regulations
Carbon Impact and Climate Change	Reduced emission and promotion of renewable energy will be addressed in this policy
Diversity	The proposals will have no additional impact on equality of opportunity for the disabled public. Equality Act screening assessment has been carried out
Wards Affected	The proposals affect all Wards
Groups Affected	The proposals affect those using gambling establishments
Budget and Policy Framework	This report represents no major change to Policy
Key Decision	The proposals do not represent a key decision
Urgent Decision	This is not an urgent decision
Council Plan	The proposals will continue to contribute to the growth of a sustainable economy whilst maintaining stability and protecting the general public
Efficiency	This report has no impact on the Council's Efficiency Programme.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Background

6. 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 (Gambling Policy). 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.

7. The Gambling Commission provides guidance to Licensing Authorities and this was last updated by them on 13 May 2021. The role of the Gambling Commission and Local Authorities differ and these are highlighted in **Appendix 3**.
8. Since publication of the previous principles there have been few changes to the guidance given to Local Authorities by the Gambling Commission.
9. It is recognised 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.
10. 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.

The Consultation Process

11. With approval of the Licensing Committee a draft of the revised policy was released for public consultation between 17 August 2021 and 19 September 2021. It was advertised on Darlington Borough Council Website, supported by a series of media releases (social and press) to signpost people to the site. The Gambling Act also requires key stakeholders such as police and trade representatives be consulted and a list of these consultees can be found at Appendix C to the revised policy. Licensing also consulted with the North East Strategic Licensing Group (NESLG), of which Darlington is a member.
12. Darlington Borough Council departments were subject to direct consultation and responded with no representations to the revised policy. Only two responses were received by key stakeholders outside this organisation and a copy of those responses can be found at **Appendix 4** and **Appendix 5**. A table with how they have been incorporated into this revised policy has already been produced at Appendix 2.

Consultation with the Licensing Committee

13. On 2 November 2021 the Licensing Committee agreed with the changes suggested following consultation. They also asked that it is a requirement for premises licence applicants to participate in training to recognise vulnerable children and 'County Lines' issues, which has been included in this policy. The Licensing Committee recommend that this Gambling Policy be approved by Council.

Equalities Impact Assessment

14. The full policy was subject to an Equalities Impact Assessment when last reviewed in 2018 and a recent screening process has been carried out to ensure this assessment is still appropriate. Darlington Association on Disability (DAD) have been involved in the consultation process and there is nothing contained within this report that would adversely impact upon that assessment.

Financial Implications

15. There are no financial implications arising in respect of this report.

Conclusion

16. The proposed policy will maintain safety standards already in place and fully complies with the latest guidance issued by the Gambling Commission.