

COUNCIL
28 NOVEMBER 2024

GAMBLING ACT POLICY REVIEW

**Responsible Cabinet Member -
Councillor Jim Garner, Stronger Communities Portfolio**

**Responsible Director -
Ian Williams, Chief Executive**

SUMMARY REPORT

Purpose of the Report

1. To invite Members to approve 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 2025. This draft policy is at **Appendix 1**.

Summary

2. This report seeks Members approval, following public consultation, of the Council's revised Gambling Policy, which is due to be renewed as part of a three-year cycle requirement within the Gambling Act. This draft policy has been supported by the Licensing Committee following a meeting held on 24 September 2024.

Recommendations

3. It is recommended that Full Council approve this revised Gambling Policy, which will apply to all licences issued from 1 January 2025.

Reasons

4. The recommendation is supported to ensure standards are maintained to protect the public, in particular children and vulnerable adults and to provide an enforcement framework that takes into account guidance issued by the Gambling Commission.

Ian Williams
Chief Executive

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

Council Plan	This policy will maintain the legal framework when addressing gambling related issues throughout Darlington to protect communities.
Addressing inequalities	The proposals will have no additional impact on equality of opportunity for the disabled public. Equality Act screening assessment has been carried out.
Tackling Climate Change	This report has no impact on the Council's carbon impact.
Efficient and effective use of resources	This report has no impact on the Council's Efficiency Programme.
Health and Wellbeing	This policy will address health concerns caused by harmful gambling raised at a local and national level.
S17 Crime and Disorder	This policy will address issues specifically relating to the prevention of crime and disorder.
Wards Affected	The proposals affects those using gambling establishments.
Groups Affected	The policy does not have a direct impact on any particular group.
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.
Impact on Looked After Children and Care Leavers	This report has no impact on the Council's impact on Looked After Children and Care Leavers.

MAIN REPORT

Background

5. 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 2022 and, as such, a new policy is due to be published in January 2025.
6. The Gambling Commission provides guidance to Licensing Authorities, and this was last updated by them on 11 April 2023 with formatting changes only. Previous amendments to this guidance were published in April 2021 and fully incorporated into the current Statement of Principles.
7. Since publication of the principles there have been few changes to the guidance given to Local Authorities by the Gambling Commission.
8. 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. The roles of the Gambling Commission and Local Authorities differ, and these are highlighted in **Appendix 2**.
9. In April 2023 the Department for Culture, Media and Sport (DCMS) published its gambling white paper, which set out the government's plans for modernising the regulation of the gambling sector. A series of key proposals specifically relating to the land-based gambling sector were outlined in the white paper, including measures to adjust outdated regulatory restrictions.
10. From 26 July to 4 October 2023, DCMS conducted a public consultation on these measures. Following on from publication of this response, regulations will be laid before Parliament relating to casinos; amending the 80/20 rule for arcades and bingo halls; allowing direct use of debit cards on gaming machines; introducing an age-limit on certain types of Category D gaming machines; and increasing the maximum cap that licensing authorities can charge.
11. On 15 April 2024, the Gambling Commission issued a statement saying, *"given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement. Whilst it is a matter for local determination, we suggest that the Statement is refreshed in line with the requirements of the Act so as to be enforceable from January 2025. Thereafter we will publish a revised Guidance to Local Authorities, which you can include in a refreshed Statement. You are permitted to revise your Statement within the 3-year timescale."*
12. The Gambling Commission intend developing a phased implementation approach to new and amended requirements to their codes so both customers and operators can adapt to the changes gradually.

13. On 2 July 2024 the Licensing Committee approved a draft of this revised policy to be released for public consultation. This was available on Darlington Borough Council’s website for comment between 12 July 2024 and 11 August 2024. It was also 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 Tees Valley Licensing Group. A full list of consultees is at **Appendix 3**.

Response to Consultation

14. Acknowledgement of this review was received by Gamcare, who welcomed a public health approach to gambling and recommended DBC develop a local picture of the level of gambling harms. Whilst local data has not previously been available it is pleasing to note that there is a renewed drive from the Director of Public Health to not only develop a local gambling profile but to address any issues identified during that process. DBC now has an identified gambling lead, who will work closely with stakeholders to achieve these aims. Gamcare added, *“changes to Darlington Borough Council’s statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment.”* As highlighted previously, any new guidance issued by the Gambling Commission following the parliamentary process will be incorporated into the policy. The full response from Gamcare is at **Appendix 4**.
15. A further response was made by the County Durham and Darlington Police and Crime Commissioner who is keen to progress measures that will help develop a local partnership strategy to reduce gambling related harm. There are six points to this response and where amendments have been made to the policy for consideration they have been highlighted in red within the revised policy. The response with proposed amendments is summarised in the table below and the full response is at **Appendix 5**.

	Summary of response	Action
1	Measures to protect vulnerable people to include elderly people	Definition already in policy. The term ‘elderly persons’ not added following a decision by Licensing Committee
2	Decision making process	Reference to ‘tool kits’ added to point 2.2 of the policy
3	Local awareness training	Reference to training added to point 6.44 of the policy
4	Working with the Gambling Commission	Reference to partnership working added to point 2.2 of the policy
5	Develop understanding of harmful gambling	Out of scope. Highlighted to public health lead for development
6	Develop whole council approach to reduce harm	Out of scope. Highlighted to public health lead for development

16. The response from the PCC has also been shared with the public health lead for gambling to develop a co-ordinated evidence based approach to gambling related harm for the points raised that are not within scope of this policy.

17. In response to the Gambling Commission's summer 2023 consultation they proposed strengthening age verification in premises when test purchasing from 21 years to 25 years in line with the alcohol licensing. This was introduced in August 2024 and amendments to the policy have been made to reflect this change.

Consultation with the Licensing Committee

18. On 24 September 2024 a draft proposal of changes was presented to the Licensing Committee. Members disagreed with the addition of the term 'elderly persons' to a definition of vulnerable that was suggested by the PCC. They felt this term was too vague and the current definition is adequate. The remaining changes were agreed and recommended that this amended Gambling Policy be approved by Full Council.

Equalities Impact Assessment

19. The full policy has been subject to an Equalities Impact Assessment and a recent screening process has been carried out to ensure this assessment is still appropriate. There is nothing contained within this report that would adversely impact upon that assessment.

Financial Implications

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