



Statutory Licensing Committee

Date Monday 7 October 2024
Time 1.30 pm
Venue Committee Room 2, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of interest, if any
4. Minutes of the meeting held on 15 July 2024 (Pages 3 - 6)
5. Review of the Council's Statement of Gambling Policy - Report of the Corporate Director of Neighbourhoods and Climate Change (Pages 7 - 106)
6. Such other business as, in the opinion of the Chair, is of sufficient urgency to warrant consideration.

Helen Bradley

Director of Legal and Democratic Services

County Hall
Durham
27 September 2024

To: **The Members of the Statutory Licensing Committee**

Councillor D Brown (Chair)

Councillors R Adcock-Forster, C Bihari, J Blakey, L Brown,
T Duffy, J Griffiths, C Hampson, J Howey, C Hunt, L Mavin,
I McLean, E Waldock, A Watson and M Wilson

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Committee** held in Committee Room 2, County Hall, Durham on **Monday 15 July 2024 at 9.30 am**

Present:

Councillor D Brown (Chair)

Members of the Committee:

Councillors R Adcock-Forster, J Griffiths, C Hampson, C Hunt, I McLean and M Wilson

Apologies:

Apologies for absence were received from Councillors C Bihari, J Blakey, L Brown, T Duffy, J Howey, L Mavin, E Waldock and A Watson

1 Apologies for Absence

Apologies for absence were received from Councillors J Blakey, L Brown, L Mavin and M Wilson.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes of the meeting held on 29 January 2024

The minutes of the meeting held on 29 January 2024 were confirmed as a correct record and signed by the Chair.

5 Review of the Council's Statement of Licensing Policy

The Committee considered a report of the Corporate Director of Neighbourhoods and Climate Change which sought approval of the revised Statement of Licensing Policy and sought to recommend adoption by the Council (for copy see file of Minutes).

The Licensing Manager advised that the current statement of licensing policy had been revised following a period of public consultation and was appended to the report at Appendix 4. He went on to explain that the policy changes aimed to improve the quality of applications by assisting applicants, to clearly and comprehensively demonstrate how the licensing objectives could be promoted through their licensed business activities.

In referencing the consultation responses received, the Licensing Manager explained that some organisations in the City of Durham had called to introduce a late-night levy (LNL) and had asked for a cumulative impact assessment (CIA) to be carried out, with a view to introducing a policy of cumulative impact (CIP) within the revised statement of policy. He went on to explain that given the lengthy and detailed assessment processes it was the intention to progress with the reporting and introduction of a revised policy within statutory timescales and concurrently, conduct the necessary assessments and investigations required for reporting on a CIA/CIP and LNL which could be inserted within the newly revised SLP in due course.

Members were provided with a copy of a letter received from Joy Allen PCC dated 12 July 2024, which confirmed her support for the recommendation that the draft policy be adopted in its current form, with the intention of reviewing the requirement for a LNL and/or CIA in two years' time, when a clearer understanding of the impact of development of newly licenced additional premises within Durham city was known.

Councillor Hunt raised a point which she had highlighted at the previous meeting around the use of body worn cameras by licenced premises staff. The Licensing Manager suggested that this could be an included licence condition and if members were in agreement, could also be included within the draft policy. Members agreed that this would be helpful to include and would provide useful to not only the police but provide assurance to vulnerable women.

The Business Compliance Manager agreed that this was an excellent idea, however members should be aware that the policy was not retrospective and would not alter existing licences. Further to a query regarding usage of body worn cameras raised by Councillor McLean, the Business Compliance Manager advised that the wording on any licence condition would provide guidance as to how the camera should be used, much in the same way in which CCTV conditions were currently applied.

The Chair at this point advised that Councillor L Brown, in her absence, had provided representations on the draft policy which were read to the committee.

In responding to those comments, the Licensing Manager provided clarity around the special arrangement known as 'Grandfather rights'. He explained that there was no mechanism to alter or vary an existing licence under these rights. However, should the applicant wish to vary the terms of an existing licence, a separate application would be required by the applicant. Alternatively existing licences could apply to convert their current licenses into a 'new' Premises Licence which would then also need to adhere to the new policy. With regard to Councillor L Brown's representations around licence operating hours and planning permission, he explained that the Licensing and Planning regimes were very separate however, there was a degree of flexibility within the planning regime which did not exist in Licensing Law and the 4 Licensing Objectives.

Resolved:

That the Statutory Licensing Committee:

- i) Note the current policy, the comments received during consultation and the proposed revised statement of licensing policy.
- ii) Subject to the inclusion of wording around the use of body worn cameras, approve the revised statement of licensing policy and recommends that it be considered by Council with a view to its adoption by October 2024.
- iii) Agrees to carrying out of work in connection with a LNL and a CIA at a later date to establish any evidential needs and requirements for the possible introduction of such measures and inclusion within the revised licensing policy.

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Statutory Licensing Committee

Monday 7 October 2024

Review of the Council's Statement of Gambling Policy

Ordinary Decision



Report of Alan Patrickson Corporate Director of Neighbourhoods and Climate Change

Councillor John Shuttleworth, Cabinet Portfolio Holder for Rural Communities and Highways

Electoral division(s) affected: Countywide

Purpose of the Report

- 1 To seek agreement from Statutory Licensing Committee that the attached draft revised Statement of Gambling Principles (the gambling policy) be presented to Council for consideration and adoption in December 2024. The proposed draft policy is attached as Appendix 2.

Executive summary

- 2 Durham County Council is a licensing authority under the Gambling Act and is responsible for the licensing of a range of gambling activities and the premises where these activities take place. The Council's licensing responsibilities do not extend to virtual or remote gambling which is the responsibility of the Gambling Commission.
- 3 Licensing authorities are required to prepare and publish, every three years, a statement of the principles they propose to apply when exercising their functions under the Gambling Act 2005. The current gambling policy was adopted in January 2022. A new policy must be published no later than January 2025.
- 4 Approval and formal adoption of the gambling policy is not an executive function and, as such, requires full council consideration and agreement.
- 5 Consultation (on the existing policy and any proposed changes to it) was carried out in May and June 2024 and responses received have been incorporated into the draft new policy where appropriate.

Recommendation(s)

- 6 Licensing Committee considers this post consultation revised policy and agrees for it to be recommended to Council for adoption by the end of December 2024.

Background

- 7 Under the Gambling Act 2005, the Council is responsible for issuing premises licences for premises such as casinos, bingo halls, betting offices, adult gaming centres and licensed family entertainment centres as well as permits for gaming machines in pubs, clubs and other alcohol-licensed premises.
8. The Act contains three licensing objectives, which underpin the functions of the Gambling Commission and the local authority, acting in their capacity as the licensing authority. These objectives are central to the regulatory regime created by the Act and 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.
9. 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 under the Gambling Act 2005, during the three-year period to which the policy applies.
10. The current gambling policy was adopted in January 2022. A new policy must be published no later than January 2025.
11. In preparing a policy, licensing authorities must follow the procedures set out in the Act as well as the accompanying guidance.
12. Gambling policies are not an executive function and must be approved by full council before they can be adopted. It is planned that the revised policy will be taken to full council for approval in December 2024.
13. The gambling policy fulfils two principal purposes; firstly, it provides advice to businesses and the public on the Council's overall position regarding the Gambling Act 2005. Secondly, it provides a decision-making framework for the Council via its Licensing Committee to exercise its administrative and legal functions under the Act.
14. The policy must balance the legitimate needs of businesses and demand for leisure and cultural activities alongside the need to protect those adversely affected by activities. Failure to achieve the correct balance could lead to a policy being either, overly prescriptive and open to challenge, or alternatively, ineffective in the protection of residents

and others or through a failure to promote the licensing objectives effectively.

15. The proposed revised Gambling Policy reflects changes in legislation and Gambling Commission Guidance occurring within the previous three years. To enhance and support public protection, we have improved the current policy by providing more information and links to date for applicants needing to carry out local risk assessments as part of the application process. We have also included other links to public health data and information which may be of use and interest to applicants and others.

16. Consultation

17. The legislation provides licensing authorities with guidance on those organisations and bodies that must be consulted as part of a policy review. In addition to the statutory consultees, several other individuals, agencies, and organisations considered to be affected by the policy were identified and their comments invited. We undertook to make direct contact with all existing gambling licensees within in the County to obtain their views.
18. The public consultation took place between Monday 6th May and Sunday 16th June 2024 and was widely advertised, promoted and available to all on the Council's website. At the end of the consultation period, responses were collated and appraised leading to the production of the attached draft policy.
19. Three responses were received and are included in Appendix 3 to this report. The proposed amendments to the policy resulting from the consultation and review process are listed in Appendix 4 *Table of Changes* to this report and are included in the revised policy.
20. In summary, GamCare's submission was supportive but included some aspects that go beyond what may be reasonably included in a gambling policy - advocating a public health approach towards gambling licensing. Whilst public health is not a licensing objective under the Act, relevant public health information and links to health and gambling harm have been included in Appendix 5 of the revised policy.
21. The Police and Crime Commissioner's response also advocated for a public health approach to gambling licensing. The full PCC submission, with a more detailed licensing response, is provided in Appendix 3 to this report.
22. Novomatic UK's response on behalf of Luxury Leisure and Talarius covered a range of minor administrative issues.

Main implications

23. A failure to review, revise and update the Council's Gambling Act Policy would result in the expiry of the existing policy with no replacement. This would result in the Council's inability to properly administer, manage and regulate the Gambling Act licensing process. The council would be open to charges of maladministration and to legal challenges.

Conclusion

- 24 The proposed revised Gambling Policy reflects changes in legislation and Gambling Commission Guidance. It also contains information to assist applicants to risk assess areas where the gambling premises will operate. It is a statutory requirement to prepare a Gambling Policy for the next three years and to publish that policy.
- 25 Licensing Committee's acceptance of this report's recommendations will allow the policy to be reported to Council with a view to its adoption by January 2025.

Background papers

- Durham County Council's Gambling Act 2005 current Statement of Principles.
- Gambling Commissions Guidance to licensing authorities – Published 1 April 2021, last updated 11 April 2023

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Appendix 1: Implications

Legal Implications

The statement of Gambling policy must be right. If an appeal concludes it is deficient, Magistrates can declare it illegal. Matters already concluded or ongoing will be lost as the decisions were based on a defective document. Furthermore, a gambling policy can be subject to a judicial review.

Finance

The costs of consultation and publication of the revised policy will be met from existing budgets. The report has no value for money implications.

Consultation

A full public consultation process will be undertaken in respect of the review of this policy. The 3-yearly review of the Gambling Act Policy is subject to Government Guidance which prescribes the statutory consultees who must be included in policy consultation. In addition to the statutory consultees, other relevant local, regional, and national bodies and organisations have been identified and are consulted in relation to policy revision.

Equality and Diversity / Public Sector Equality Duty

An Equality and Diversity Impact Assessment (DIA) was carried out in relation to previous versions of the existing revised policy and a revised EIA will be developed throughout the planning and development stages of the consultation and revision process.

Human Rights

None

Crime and Disorder

The Council's licensing policies form a central part of the control and regulation of the evening and night-time economies. As such, they can be viewed as having a pivotal role in the prevention of crime and disorder.

The effective control of all gambling licensed premises via appropriate conditions or restrictions on licences can significantly reduce the potential for any gambling related issues or mitigate their effects. This coupled with monitoring and enforcement and the appropriate use of the review process can significantly contribute towards crime reduction and an increase in public reassurance.

Staffing

None

Accommodation

None

Risk

A failure to review, revise and update the Council's Gambling Act licensing policy would result in the expiry of the existing policy with no replacement. This would result in the Council's inability to properly administer, manage and regulate the GA 2005 licensing process. This would result in unacceptable deficiencies in safeguarding and would expose the public to serious risks. Public safety would be compromised. The council would be open to charges of maladministration and to legal challenges.

The final revised policy once adopted may be subject to challenge and complaint.

Procurement

None

Appendix 2: DCC Revised Gambling Act 2005 Statement of Principles 2025 to 2028 (Proposal)

Appendix 3: Responses to the consultation received by DCC Licensing Services

1. GamCare's response to Durham County Council's Statement of Principles received Tuesday, May 28, 2024, 11:32 AM
2. Police and Crime Commissioner Joy Allen response to Durham County Council's Statement of Principles received Friday, June 7, 2024, 9:20 AM
3. Novomatic UK response to Durham County Council's Statement of Principles received Friday, June 7, 2024, 3:50 PM

Appendix 4: Table of Changes - The proposed amendments to the policy resulting from the consultation and review process.

Section and pages	Recommended Change
Title page 1	Departmental name, dates and Act reference
Version control page 2	Version date, information contact details and accessibility
Forward page 3	Removed the reference to Cllr Shuttleworth and replaced with Cllr Brown
Contents pages 6	New format and contents reflecting additional sections
1.0 Introduction pages 8	Approval and adoption date to be added following Council meeting
2.0 Part A The Gambling Act 2005 pages 10	Updated description of Co Durham population statistics
3.0 Part B – Promotion of the licensing objectives pages 22 to 23	Removal of unnecessary reference to the Care Act 2014
4.0 Part C Premises Licences Page 27 Page 32 Page 33 Page 35 Page 41	Modification of information concerning applications for unbuilt or incomplete buildings. Gambling harm prevalence tool provided by Gamble Aware to protect those key socio-demographic groups and locations that have been identified as being at risk. Licence holders should consider local area awareness training for the staff to mitigating the risk to communities as highlighted in the statement of principles. Removal of out-of-date information on main activity following updates from the Gambling Commission. The Council recognises the legal requirement that conditions should be both reasonable and necessary. The list of possible measures/conditions set out for AGCs is also applicable to betting premises.
6.0 Part E Enforcement pages Page 61	The Council can also initiate a review of a licence based on any reason which it thinks is appropriate. In connection with both reviews and appeals, the Council may consider the information and intelligence received either by the council or partners which may link the establishment to the requirements of this statement of principles
Page 70, Useful Contacts	Contact information for HMRC and NECA
Appendix 4 Summary of Gaming Machine Categories and Entitlements page 71	Latest information from the Gambling Commission reformatted and represented.
Appendix 5 – Public Health Information	New, updated public health related information, recommendations advice and links.

Appendix 5: Updated EqIA Screening Report

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Neighbourhood & Climate Change

Community Protection

Durham County Council

Statement of Principles

2025 - 2028

Gambling Act 2005

Version Date	Version ref	Revision History	Reviser	Approved by	Review Date
2021	V5	Reviewed and revised	Joanne Waller	County Council	2024
2025	V6	Reviewed and revised	Joanne Waller	County Council	2027

Further copies of this document can be obtained from:

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Please note:

The information contained within this document can be made available in different languages and formats including Braille and large print

Foreword by Councillor Liz Brown, Chair of Licensing Committee

Our most important role is to actively work to protect those who live and work in the County and who visit our area. As part of this role, the Council licenses certain types of business and commercial premises where activities take place that may impact on both individuals and the community. Premises used for gambling purposes are in this category.

This Statement of Principles, or more commonly known as the gambling policy for County Durham, accords with seeking to promote the licensing objectives set out in the Gambling Act:

- 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.

By working together, listening to, learning from and responding to our residents and service users, Durham County Council aims to build a district where people are proud to live and work. We have produced this statement as required by the Gambling Act 2005 having had regard to the Gambling Commission's guidance, the licensing objectives and to the views of those that we have consulted. We consulted widely upon this statement before finalising and publishing.

We intend that this document should provide information and guidance on the general approach that we will take to licensing gambling premises in the County. It is intended that this Statement of Principles not only reflects but aims to support our strategic purposes, as set out in the Council Plan.

Contents

	Page
Foreword by Councillor Liz Brown	3
Content page	4
1.0 Introduction	6
1.1 Background	6
1.2 The licensing objectives	6
1.3 Consultation	7
1.4 Strategic Context	8
1.5 Legal Context	9
1.6 Local Context	9
1.7 Durham County Council	10
2.0 Part A - The Gambling Act 2005	11
2.1 The Legislation	11
2.2 Decision making	11
2.3 Risk assessments	11
2.4 Integration with other guidance, policies, objectives and strategies	11
2.5 The purpose of the Gambling Act 2005 – Statement of Licensing Policy	12
2.6 The licensing framework	12
2.7 Functions of the Council as the Licensing Authority	13
2.8 Exercise of licensing functions	14
2.9 Duplication with other regulatory regimes and planning matters	14
2.10 Declaration	14
2.11 Responsible authorities	15
2.12 Interested parties	15
2.13 Exchange of Information	17
2.14 Fees	17
2.15 Contact details	18
3.0 Part B - Promotion of the licensing objectives	19
3.1 Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime	19
3.2 Ensuring that gambling is conducted in a fair and open way	19
3.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling	19
3.4 Protection of children	19
3.5 Protection of vulnerable people	21

4.0	Part C - Premises licences	24
4.1	General Principles	24
4.2	Definition of “premises”	24
4.3	Building separation, access arrangements and multiple licences	24
4.4	Premises “ready for gambling”	27
4.5	Location	28
4.6	Local Risk Assessment	28
4.7	Decision-making	32
4.8	Door supervision	36
4.9	Adult Gaming Centres	36
4.10	Licensed Family Entertainment Centres	37
4.11	Casinos	39
4.12	Bingo premises	39
4.13	Betting premises	40
4.14	Betting machines	40
4.15	Fixed Odds Betting Terminals (FOBTs)	41
4.16	Tracks	41
4.17	Gaming machines	42
4.18	Applications and plans	43
4.19	Travelling fairs	43
4.20	Provisional statements	44
4.21	Reviews	45
5.0	Part D - Permits, notices and lottery registrations	48
5.1	Unlicensed Family Entertainment Centre gaming machine permits	48
5.2	(Alcohol) Licensed premises gaming machine permits - Gaming machine permits in premises licensed for the sale of alcohol	49
5.3	Prize Gaming Permits	51
5.4	Club gaming and club machines permits	52
5.5	Temporary Use Notices	54
5.6	Occasional Use Notices (Tracks)	55
5.7	Small society lottery registrations	55
6.0	Part E – Enforcement	58
6.1	Enforcement principles	58
6.1	Reviews	60
6.2	Appeals	61
6.3	Complaints about premises and licensable gambling activities	61
	Appendix 1 Delegation of Functions	63
	Appendix 2 Glossary	64
	Appendix 3 Responsible Authorities	68

Appendix 4 Summary of Gaming Machine Categories and Entitlements	70
Appendix 5 Public Health Information	71

1.0 Introduction

1.1 Background

The Gambling Act 2005 created a system of licensing and regulation for commercial gambling in this country. The Act gives local authorities responsibilities for licensing premises for gambling including gaming machine arcades, betting, casino gaming and bingo.

The Gambling Act 2005 (the Act) received Royal Assent in 2005 and came into force in 2007. The Act and associated regulations together with the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), statutory guidance issued to licensing authorities, the Commission's formal statement of principles, form a central framework for regulating commercial gambling.

Under Section 349 of the Gambling Act 2005 each licensing authority is required to develop, consult on and publish a Statement of Principles (SOP). The statement must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act. This process repeated every three years, a process that began on 31st January 2007. The Council's Statement of Principles provides the local framework for the licensing of premises and specified gambling activities.

The Act requires the Gambling Commission to issue guidance to licensing authorities on the way they are to exercise their functions under the Act and the principles to be applied by them in exercising those functions. Licensing authorities are required to take account of all such guidance. The guidance is designed to ensure the spread of best practice and consistency of approach in decision making amongst licensing authorities, whilst not preventing authorities from properly exercising the discretion they must take account of appropriate and relevant local issues and factors.

The consultation process leading to the development of this latest version of Durham County Council's policy is laid out in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission (www.gamblingcommission.gov.uk).

1.2 The licensing objectives

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005. The Council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The licensing 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.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Any decision taken by the Council regarding determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives. More information can be found about how the Council will achieve this in Part B and C of this document.

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. It also refers to the provision of adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The Council can issue permits for prize gaming and unlicensed family entertainment centres. The Council can specify the information it requires as part of the application process which will aid determination and this information is described in this Statement of Principles.

Club gaming and club machine permits are also issued by the Council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

1.3 Consultation

In preparing this statement the Council consulted with and considered the views of a wide range of people and organisations. The Council has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and the responses from those consulted on the statement.

A full list of comments made in response to the consultation and the consideration by the Council of those comments is available on request to the Licensing Manager whose details are listed below and via the Council's website at www.durham.gov.uk

This Statement of Principles was approved at a meeting of the Full Council on DD/MM/2024.

1.4 Strategic context

Durham County Council Plan objectives and outcomes provide the broader strategic direction for the authority. The Plan is structured around three themes for County Durham:

- Create more and better jobs.
- People live long and independent lives - improving health and wellbeing.
- Support communities to be well connected and supportive of each other.

1.5 Legal Context

This Statement of Principles is intended to meet the Council's obligations under Section 349 of the Gambling Act 2005. The Council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.

1.6 Local Context

The prevalence of gambling, and its impact, in County Durham can be found in Appendix 5.

The Council acknowledges that problem gamblers are more likely than other people to experience the following harms:

- **Financial harms:** overdue utility bills; borrowing from family friends and loan sharks; debts; pawning or selling possessions; eviction or repossession; defaults; committing illegal acts like fraud, theft, embezzlement to finance gambling; bankruptcy.
- **Family harms:** preoccupied with gambling so normal family life becomes difficult; increased arguments over money and debts; emotional and physical abuse, neglect and violence towards spouse /partner and/or children; relationship problems and separation/divorce.
- **Health harms:** low self-esteem; stress-related disorders; anxious, worried or mood swings; poor sleep and appetite; substance misuse; depression, suicidal ideas and attempts.
- **School/college/work harms:** poor school, college or work performance; increased absenteeism; expulsion dismissal.

The Council is committed to developing an improved understanding of the prevalence of gambling and gambling harm in the County so that applicants, licensees and Members of the Licensing Committee have access to the best information available. The outcome of research projects and best practice from across the UK will be considered as it becomes available and adopted as a means of gathering and presenting relevant data where appropriate.

1.7 Durham County Council

Durham County Council is situated in the County of Durham, the heart of the North East of England. The area features a rich diversity in lifestyle and culture including a historic city with a World Heritage Site, Beamish and Bowes Museums, Durham, Lumley and Lambton Castles, designated Areas of Outstanding Natural Beauty, and historic villages and market towns.

County Durham has 522,100 people, with approximately 60% of the population classed as living in rural areas. It varies in character with sparsely populated rural areas in the Uplands and Durham Dales, to the larger villages located within the former coalfield communities in the centre and east.

For health and deprivation, crime and community safety information about the local area visit: <https://www.durhaminsight.info/>

2.0 Part A The Gambling Act 2005

2.1 The Legislation

The Gambling Act came into force in 2007 and put in place a comprehensive and cohesive regulatory regime based on three fundamental objectives. Under the Gambling Act 2005 (the Act) Durham County Council is the licensing authority for the district and licences premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the Council are to the Durham County Council as the Licensing Authority.

2.2 Decision making

The Council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives and in accordance with this document.

The Council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.

2.3 Risk assessments

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about localities is provided in this policy at Section 4.0.

2.4 Integration with other guidance, policies, objectives and strategies

Many stakeholders are involved in the leisure industry and they are all involved in the promotion of the licensing objectives. Several stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case the Council will aim to integrate and co-ordinate them. See also 1.3.

The Council recognises the importance of the co-ordination and integration of this policy statement with other plans aimed at the management of town centres and the night-time economy.

2.5 The purpose of the Gambling Act 2005 – Statement of Licensing Principles (SOP)

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from “time to time” and any amendments must be consulted upon. The statement must then be re-published.

Durham County Council consulted widely upon the SOP before finalising and publishing the document. The SOP was presented for public consultation on the Durham County Council website, by email and post to solicitors, licensees, support organisations, responsible authorities, ward members, MPs, trade associations, and parish Councils. Letters and emails were sent advising interested parties of the consultation. The consultation was also advertised on the Council’s webpages.

The consultation followed the Cabinet Office’s Code of Practice on Consultation. The consultation elicited responses which are available on request.

2.6 The licensing framework

The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.

The Gambling Commission issues operators’ licences and personal licences. Any operator wishing to provide gambling at a certain premise must have applied for the requisite personal licence and operator licence before they can approach the Council for a premises licence. In this way the Gambling Commission can screen applicants and organisations to ensure they have the correct credentials to operate gambling premises.

The Council’s role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The Council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.

The Council recognises that in matters of regulation under the Gambling Act 2005 (the “Act”), it is subject to the Regulators’ Code. That code imposes several obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow.

Additionally, under the Code, when designing and reviewing policies, the Council must among other things, understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates.

The Council will take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates.

2.7 Functions of the Council as the Licensing Authority

Under the Act, Durham County Council is responsible for the following activities:

- Licensing premises where gambling activities are to take place by issuing premises licences.
- Issuing provisional statements.
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issuing Club Machine Permits to commercial clubs.
- Granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres.
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines.
- Granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required.
- Registering small society lotteries below prescribed thresholds.
- Issuing Prize Gaming Permits.
- Receiving and endorsing Temporary Use Notices.
- Receiving Occasional Use Notices (for tracks).
- Providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information').
- Maintaining registers of the permits and licences that are issued under these functions.

The Council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission via operator licences. The National Lottery is not licensed by the Gambling Act 2005 and is regulated by the Gambling Commission under the National Lottery Act 1993.

The provisions of the Gambling Act delegates all decisions relating to Premises Licences, Temporary Use Notices, Occasional Use Notices and the issuing of permits for gaming machines and prize gaming to the Licensing and General Registration Committee of the Council.

2.8 Exercise of licensing functions

The Licensing Authority's licensing functions under the Act will be carried out by the Licensing Committee. To provide a speedy, efficient and cost-effective service and in accordance with the Act, the Licensing Committee will delegate decisions and functions and will establish a number of sub-committees to deal with them as detailed in this Statement. Three members will sit on these sub-committees.

Further, with any of the decisions and functions being administrative in nature, the grant of non-contentious applications, including those where no representations have been made, are delegated to officers.

2.9 Duplication with other regulatory regimes and planning matters

Durham County Council seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. Durham County Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, Durham County Council will not consider whether those buildings must comply with the necessary planning or buildings consents. Fire or health and safety risks will not be considered, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Although the Council cannot consider if there is a need or demand for the gambling facilities applied for, applicants should consider the proximity of other gambling premises in the Local Risk Assessment and the impact this will have on residents, including children and vulnerable groups.

2.11 Declaration

In producing the final statement, Durham County Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

This Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2.12 Responsible authorities

The Act empowers certain agencies to act as responsible authorities so that they can employ their area of expertise to help promote the licensing objectives. Responsible

authorities are able to make representations about licence applications or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.

Durham County Council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are the need for the body to be:

- Responsible for an area covering the whole of the licensing authority's area; and
- answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, Durham County Council designates the Local Safeguarding Children Board for this purpose. The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at Appendix 3.

2.13 Interested parties

Interested parties include people or organisations that have the right to make representations about licence applications or apply for a review of an existing licence. Interested parties can make representations about licence applications or apply for a review of an existing licence.

In accordance with guidance from the Gambling Commission it is not the Council's role to deem that certain bodies will automatically represent Interested Parties. The question of whether someone is a representative of an Interested Party will be a matter for consideration on a case-by-case basis.

In keeping with the Commission's Guidance on interested parties (paras 8.06 and 8.17), such persons will include e.g. democratically elected representatives, trade associations, trade unions, residents' associations or community groups etc. The Council will satisfy itself on a case-by-case basis that a person does in fact represent an Interested Party and to achieve this we may need to consider obtaining a letter of confirmation from a prospective interested party.

Interested parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:

- a. lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b. has business interests that might be affected by the authorised activities or
- c. represents persons who satisfy paragraph (a) or (b)”

In addition to supplement the above information, Durham County Council is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. Durham County Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required if the Councillor / MP represents the ward likely to be affected. Likewise, Parish Councils likely to be affected will be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is enough.
- Interested parties referred to under section 158 of the Act in the opinion of the licensing authority also includes those individuals and organisations concerned with or involved with social welfare, addiction, poverty, public health, poverty and protection of the vulnerable which individuals and organisations. They will be deemed to represent those who live sufficiently close to the premises to be likely to be affected by the authorised activities.
- If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts, contact should be made with DCC Licensing Services section.

Note: The Council may from time to time publish more detailed information on the making of representations in separate guidance notes. Guidance notes will be prepared in accordance with relevant Statutory Instruments and the Gambling Commission's own guidance.

2.14 Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that Durham County Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulations will not be contravened.

Durham County Council will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of those persons making representations in relation to applications will ordinarily be made available to applicants to allow mediation to take place if appropriate, and in the event of a hearing, will form part of a public document. Anyone making representations or applying for a review of a premises licence will be informed that their details will be disclosed.

Should any protocols be established as regards information exchange with other bodies then they will be made available. The Council will look to exchange information connected to licensing activity with neighbouring authorities and other regions where deemed appropriate.

Please contact the licensing department for further information on our protocols.

2.15 Fees

The Department of Culture, Media and Sport (DCMS) published the Gambling (Premises Licence Fees) Regulations 2007 on 21 February 2007. The Regulations provide for Licensing Authorities to determine the fees, subject to maximum fees prescribed in the Regulations. The Regulations provide for licensing authorities to determine separate fees for different types of activities associated with licences (e.g. application for a licence; application to vary a licence etc.) and the annual fees payable in respect of a licence. The Regulations also provide for Licensing Authorities to determine separate fees for different classes of premises licence (e.g. those relating to bingo halls, betting shops etc.) prescribing the maximum fees chargeable for each type of gambling premises.

Under section 212(2)(d) of the Gambling Act 2005, in determining fees, licensing authorities must aim to ensure that the income from the fees as nearly as possible equates to the cost of providing the service to which the fee relates. Fees will include the cost of administration (including hearings and appeals), inspection and enforcement associated with the regime (direct and indirect costs, including a full proportional share of overhead costs, insurance, depreciation and cost of capital

charge). The fees are reviewed annually. The current Gambling Act fees can be found on the Council website at: www.durham.gov.uk

2.16 Contact details

Should you have any comments relating to this statement, please send them via contact address, telephone number and email address provided in Appendix 3, Page 69.

3.0 Part B – Promotion of the licensing objectives

3.1 Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime

The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The Council's main role is to promote this objective in relation to premises. The Council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the commission's guidance, codes of practice and this policy statement.

The Council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective. For example, if an area is affected by organised crime to a known and significant level the Council will consider carefully whether it is suitable for gambling premises to be located there and whether conditions may be required such as the provision of door supervision.

Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate. There is a distinction between disorder and nuisance. Should incidents of this nature occur in connection with premises the Council will consider whether police assistance was required and if threatening behaviour was a contributory factor etc.

3.2 Ensuring that gambling is conducted in a fair and open way

The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks. Generally, the Gambling Commission does not expect licensing authorities to have to act to ensure that gambling is conducted in a fair and open way as this will for the most part be addressed via operator and personal licences.

The Council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

3.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling

3.3.1 Protection of children

This licensing objective means preventing children from taking part in most types of gambling. The Council will therefore consider whether specific measures are required at premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.

Section 45 of The Act provides the following definition for child and young person:

Meaning of “child” and “young person” -

- (i) In this Act “child” means an individual who is less than 16 years old.
- (ii) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

The Council will pay attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos. Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- Casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18.
- Bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo or play category B or C machines that are restricted to those over 18.
- Family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18.
- Clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines.
- All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.
- The Council will have regard to any code of practice which the Gambling Commission issues about this licensing objective in relation to specific premises.
- The Council will consider whether specific measures are required at premises, with regard to this licensing objective. These measures may include supervision of entrances / machines, segregation of areas, etc. Examples of the specific

steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part 5.0 of this policy.

3.3.2 Protection of vulnerable people

The term of a “vulnerable person” is a broad term. “Adults at risk of abuse or neglect” or “adults at risk” are terms often used in relevant literature.

Department of Health document “No Secrets” from 2000 offers a definition of a vulnerable adult as a person: “who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”

The Gambling Commission, in its guidance to local authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people: ‘Who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.’

The Gambling Commissions Code of Practice clearly describes the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young persons
- Information on how to gamble responsibly and help for problem gamblers
- Customer interaction
- Self-exclusion
- Employment of children and young persons

The Council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant. Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet.
- Training for staff members which focuses on an employee’s ability to detect a person who may be vulnerable and providing support to vulnerable persons.
- Self-exclusion schemes.

- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people.
- Posters and leaflets with GamCare Helpline and website displayed in prominent locations.
- External advertising e.g. on windows and entrances to be positioned or designed not to entice passers-by.

It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 3, that licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.

The LCCP say that licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling.

Since 2007 there have been significant changes in how gambling is carried on both nationally and within the County. Gambling has for many years formed an important and significant part of the entertainment culture. It is however important that we understand the harm that can be caused by irresponsible and problem gambling.

Increasingly there is awareness and concern about the availability of some gambling activities that enable people to bet large amounts of money very quickly; and that doing so can lead to financial and other problems if it gets out of hand.

It is important also that we recognise that most licensees operating in the County do so responsibly and with appropriate sensitivity to the needs of the communities in which they operate.

It is incumbent on all those involved in the gambling industry to be mindful of the needs of the most vulnerable members of our society, and Durham County Council has an important role to play through the licensing regime in helping to safeguard them.

~~The Care Act 2014 imposes a requirement on a local authority to "make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it".~~

In accordance with section 153 of the Act Durham County Council is aware that in making decisions about premises licences and temporary use notices, it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission,
- In accordance with any relevant guidance issued by the Gambling Commission,
- Reasonably consistent with the licensing objectives and,
- In accordance with the authority's statement of licensing policy.

The local authority must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case (whether under this Part or otherwise) and, if so, what and by whom. "Abuse" includes financial abuse; and for that purpose, "financial abuse" includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property and having money or other property misused.

4.0 Part C Premises Licences

4.1 General Principles

The Council will issue premises licences to allow those premises to be used for certain types of gambling. These are:

- Casino premises
- Bingo premises
- Betting premises including tracks and premises used by betting intermediaries
- Adult gaming centre premises, or
- Family entertainment centre premises

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities can exclude default conditions and attach others, where it is believed to be appropriate (necessary and proportionate).

The Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice.

4.2 Definition of “premises”

Premises is defined in the Act as “any place”. Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

4.3 Building separation, access arrangements and multiple licences

The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

The Gambling Commission states in the fourth edition of its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building/ plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably.

This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the Council will pay attention if there are issues about sub-divisions of a single building or plot and shall ensure that mandatory conditions relating to access between premises are observed.

The Council will take care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the Council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised, and that people do not 'drift' into a gambling area.

Durham County Council takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: "*licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. They should be aware of the following:*

- *The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being near gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating*
- *Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit*
- *Customers should be able to participate in the activity names on the premises licence"*

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Are the premises' neighbouring premises owned by the same person or someone else?

- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

Durham County Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Council will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Council will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

a. Casinos

- The principal access entrance to the premises must be from a street.
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

b. Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

c. Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from other premises with a betting premises licence.
- No direct access from a betting shop to other premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

d. Tracks - No customer should be able to access the premises directly from:

- a casino
 - an adult gaming centre
- e. **Bingo Premises** - No customer must be able to access the premise directly from:
- a casino
 - an adult gaming centre
 - a betting premises, other than a track
- f. **Family Entertainment Centre** - No customer must be able to access the premises directly from:
- a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which Durham County Council will also consider in its decision-making.

4.4 Premises "ready for gambling"

An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, an applicant may apply for a provisional statement, but it does not have to do so and can instead apply for licence.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premise, Durham County Council will determine applications on their merits, applying a two-stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that Durham County Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence. More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance produced by the Gambling Commission.

4.5 Location

The Council is aware that the issue demand for gambling activities cannot be considered with regard to the location of premises but that considerations in connection with the licensing objectives are relevant to its decision-making. In accordance with the Gambling Commission's Guidance to Licensing Authorities, Durham County Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. In deciding whether a licence for particular premises should be granted, each case will be decided on its merits.

Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. Any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

In relation to the licensing objectives, it is the Council's policy upon receipt of any relevant representations to consider location - specific issues, including the following factors. This list is not exhaustive:

- The possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area.
- The possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children.
- The size of the premises and the nature of the activities taking place.
- Levels of organised crime in the area.

4.6 Local Risk Assessment

Licence holders must assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises. Operators will be expected to have policies, procedures and control measures in place to mitigate those risks.

Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event, in this case the risk of the impact on the licensing objectives.

The local risk assessment process is not the same as other forms of risk assessments undertaken by gambling operators, such as Health and Safety at Work, Fire Safety etc. The local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the area and the local community.

Licence holders are required to undertake a local risk assessment when applying for a new premises licence. Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome. However, the Licensing Authority will expect the local risk assessment to consider as a minimum:

- The location of educational establishments attended by persons under 18 years of age.
- The location of services for children such as playgrounds, leisure centres and other areas where children will gather.
- The location of any establishment frequented by vulnerable adults for the purpose of treatment and/or support.
- The location of any establishment frequented by persons addicted to gambling for the purpose of treatment and/or support.
- The layout of the local area and physical environment in which the premises are situated including any crime and disorder hotspots.

The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected by the licensee or applicant.

Licence holders must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this policy;
- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence; and
- d. in any case, undertake a local risk assessment when applying for a new premises licence.

In relation to a. above, a significant change may include (but is not limited to):

- The development of an educational establishment for persons under 18 years of age.

- The development of an establishment at which vulnerable adults and/or persons addicted to gambling may attend for the purpose of treatment and/or support.
- The licensee becoming aware of a particular risk to premises offering gambling facilities in the location of the premises.
- The Licensing Authority, having received information and having consulted with the licensee upon the significance of that information, determines that this amounts to a change in local circumstances.
- When there are significant changes at a licence holders' premises that may affect their mitigation of local risks.
- When applying for a variation of a premises licence.

The Council will expect local risk assessments to consider the following socio-economic and demographic factors:

- The proximity of the premises to schools.
- The commercial environment.
- Factors affecting the footfall.
- Whether the premises are in an area of deprivation.
- Whether the premises are in an area subject to high levels of crime and/or disorder.
- The ethnic profile of residents in the area.
- The demographics of the area in relation to vulnerable groups.
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship.
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, Council one stop shops, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

The Council will expect local risk assessments to show how vulnerable people, including people with gambling dependencies, are protected including:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangements in place for local exchange of information regarding self-exclusion and gaming trends.
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- Arrangements for monitoring and dealing with underage persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.

The Council will expect local risk assessments to show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of place where children congregate such as bus stops, cafes, shops.
- Areas affected by issues such as children and young people participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

The Council will also encourage the following matters to be included in local risk assessments:

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- Gambling Act 2005 Statement of Licensing Policy 2019-2021
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted

from supervising the premises and observing those persons using the premises.

- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

In preparing a Local Risk Assessment the licence holder may have regard to;

- The crime mapping website: www.police.uk
- Neighbourhood statistics website: www.neighbourhood.statistics.gov.uk
- Information made available by Durham County Council
- Health and deprivation, crime and community safety information about the local area visit: <https://www.durhaminsight.info/>
- Gambling harm prevalence tool provided by Gamble Aware to protect those key socio-demographic groups and locations that have been identified as being at risk. <https://www.gambleaware.org/gambleaware-gb-maps-local-authorities#:~:text=Using%20data%20collected%20in%20November,treatme nt%20and%20support%20for%20gambling>

Where concerns do exist, the Council suggests that the licence holder considers consulting the most appropriate Responsible Authority for guidance before submitting an application for a licence or a variation of a licence, or where it is believed there has been a significant change in local circumstances.

Licence holders should consider *local area* awareness training for the staff to mitigating the risk to communities as highlighted in the statement of principles.

When the officers from the Council undertake an inspection of premises offering gambling facilities it is likely that the Local Risk Assessment will be requested to be seen. It is therefore a requirement that the Local Risk Assessment, or a copy, is always kept at the premises.

As a matter of best practice, the Council recommends that operators establish a regular review regime. This review programme would ensure that these assessments are considered at regular intervals and updated if necessary.

4.7 Decision-making

Durham County Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- In accordance with any relevant code of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos - page 12) and that unmet demand is not a criterion for a licensing authority.

Decisions upon individual conditions will be made on a case-by-case basis, although there will be several measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The Council will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

Application of the Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. Regarding these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities.

Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the Council may consider licence conditions to cover issues such as:

- Proof of age schemes
- Proof of age schemes
- CCTV
- Supervision of entrances.
- Supervision of machine areas
- A reduction in the number of betting machines (betting premises)
- The manning of premises
- Physical separation of areas
- Location of entrance points
- Notices/signage
- Specific opening hours
- A requirement that children must be accompanied by an adult (in premises where children are allowed)
- Enhanced CRB checks of the applicant and/or staff

- Staff training in brief intervention, conflict resolution, basic knowledge of mental health, learning disabilities and addiction, including substance misuse
- Support to persons with gambling addiction, including brief intervention
- Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays
- Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble
- Obscuring windows – labelling premises so it's clear that they are gambling premises

This list is not mandatory or exhaustive and is merely indicative of examples of measures which may satisfy the requirements of the Council and the responsible authorities to meet the licensing objectives.

The Council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the Council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been addressed. The Council recognises the legal requirement that conditions should be both reasonable and necessary.

It is noted that there are conditions which the Council cannot attach to premises licences which are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the Council will attach individual conditions to address such matters. We recognise that conditions should be “necessary”.

Durham County Council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult

gambling specific premises to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

Durham County Council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance; only adults are admitted to the area where these machines are located; access to the area where the machines are located is supervised.
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- These considerations will apply to premises including buildings where multiple premises licences are applicable.

Durham County Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, Durham County Council will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Any conditions attached to a licence issued by the Council will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility.
- Directly related to the premises and the type of licence applied for, and/or related to the area where the premises are based.
- Fairly and reasonably related to the scale, type and location of premises.
- Consistent with the licensing objectives; and
- reasonable in all other respects.

Decisions about individual conditions will be made on a case-by-case basis, although there will be several control-measures the Council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The Council will also expect the applicant to offer

his/her own suggestions as to the way in which the licensing objectives can be met effectively.

4.8 Door supervision

The Council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and in terms of preventing premises becoming a source of crime.

It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (CRB) check on potential staff and for such personnel to have attended industry recognised training.

4.9 Adult Gaming Centres

Adult gaming centres are a category of premises introduced by the Act that are most closely related to adult only amusement arcades seen in many town and city centres. Under the Act premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises.

Durham County Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18-year-olds do not have access to the premises.

Durham County Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry Notices / signage Specific opening hours Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. Where certain measures are not already addressed by the mandatory and

default conditions and the Gambling Commission Codes of Practice or by the applicant, the Council may consider licence conditions to address such issues.

4.10 Licensed Family Entertainment Centres (FECs)

Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place, so children do not access the areas where the category C machines are located.

Durham County Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18-year-olds do not have access to the adult only gaming machine areas.

Where category C or above machines are available in premises to which children are admitted then the Council will ensure that:

- All such machines are in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose, a rope, floor markings or similar provision will not suffice and the Council may insist on a permanent barrier of at least 1 meter high.
- Only adults are admitted to the area where the machines (category C) are located.
- Access to the area where the machines are located is always supervised.
- The area where the machines are located is arranged so that it can be observed by staff; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include:

- Appropriate measures and training for staff as regards suspected truant children on the premises.
- Measures and training covering how staff would deal with unsupervised very young children being on the premises.

- Measures and training covering how staff would deal with children causing perceived problems on or around the premises.
- The arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Durham Constabulary and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible, and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.

The Council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

Durham County Council may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry Notices / signage Specific opening hours Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

4.11 Casinos

The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos

can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.

Durham County Council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should we decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by Full Council.

4.12 Bingo premises

There is no official definition for bingo in the Gambling Act 2005 however there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition, this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act.

Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

If children can enter premises licensed for bingo it is important that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the operator should ensure that:

- All such machines are in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose, a rope, floor markings or similar provision will not suffice and the Council may insist on a permanent barrier of at least one meter high.
- Only adults are admitted to the area where the machines are located.
- Access to the area where the machines are located is always supervised.
- The area where the machines are located is arranged so that it can be observed by staff.
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- Children will not be admitted to bingo premises unless accompanied by an adult.

Durham County Council notes that the Gambling Commission’s Guidance states: Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant

consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

Durham County Council also notes the Guidance regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the Council may consider licence conditions to address such issues. (**Note:** the list of possible measures/conditions set out for AGCs is also applicable to betting premises)

4.13 Betting premises

Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self-contained facilities at racecourses as well as the general betting premises licences that track operators will require. (**Note:** the list of possible measures/conditions set out for AGCs is also applicable to betting premises)

4.14 Betting machines

The Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will consider the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

4.15 Fixed Odds Betting Terminals (FOBTs)

The Authority is concerned about the potential effects of excessive use of FOBTs by customers who may be least able to afford to lose cash, coupled with the speed and ease with which they can gamble compared with other forms of gambling. Under this policy the Council encourages operators to report vandalism to FOBTs on their premises, so the Council can obtain more information about the level of crime associated with the use of FOBTs within the County.

Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting

Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons, highlighted in section 3.5.

Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the Council may consider licence conditions to address such issues.

4.16 Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totaliser” or “tote”), and general betting, often known as “fixed-odds” betting. Multiple betting outlets are usually located on tracks such as ‘on-course’ betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be ‘off-course’ betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

All tracks will require a primary ‘general betting premises licence’ that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

Durham County Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, Durham County Council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Durham County Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

The Council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator’s premises licence, then it will be the responsibility

of the premises licence holder to ensure the proper conduct of such betting within the premise's boundary.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

4.17 Gaming machines

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be in areas from which children are excluded.

Betting machines - Durham County Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will consider the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, to ensure they are in a properly segregated area where children are not permitted.

Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission's Licence Conditions and Code of Practice or the applicant, the Council may consider licence conditions to address such issues. Durham County Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry Notices / signage Specific opening hours Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

4.18 Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).

Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities, para 20.32).

Durham County Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

4.19 Travelling Fairs

Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met, and this provision continues in similar fashion under the new Act.

Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.

Durham County Council is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

The Council is aware that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. Durham County Council will work with its neighbouring authorities

to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

4.20 Provisional Statements

A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward considering the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward considering the need to obtain a premises licence. There is no need for the applicant to hold an operating licence to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- Expects to be constructed
- Expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be considered unless:

- They concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- Which could not have been raised by objectors at the provisional statement stage.
- Which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

When determining a provisional statement application, the Council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

4.21 Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be based on whether the request for the review is relevant to the matters listed below:

- In accordance with any relevant Code of Practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a premises licence, or a particular class of premises licence based on any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28-day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt. The licensing authority must carry out the review as soon as possible after the 28-day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- a. add, remove or amend a licence condition imposed by the licensing authority
- b. exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- c. suspend the premises licence for a period not exceeding three months and
- d. revoke the premises licence

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

The licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- The licence holder
- The applicant for review (if any)
- The Commission
- Any person who made representations
- The chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

5.0 Part D Permits, Notices and Lottery Registrations

5.1 Unlicensed Family Entertainment Centre gaming machine permits

The term 'unlicensed family entertainment centre' is one defined in the Act and refers to premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.

Where premises do not hold a premises licence but wishes to provide gaming machines, they may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three-year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6).

In accordance with the above provision the Council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:

- a. The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- b. The efficiency of such policies and procedures will be considered on their merits, however, they may include:
 - appropriate measures and training for staff as regards suspected truant children on the premises.
 - Measures and training covering how staff would deal with unsupervised very young children being on the premises.
 - Measures and training covering how staff would deal with children causing perceived problems on or around the premises.

- The arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Durham Constabulary and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible, and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be vetted through the Disclosure and Barring Service (DBS).

In accordance with published guidance, the Council will only grant an application for a permit if it is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.

The Council will also expect, in accordance with Gambling Commission Guidance, that applicants demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

In accordance with the Act, while the Council cannot attach conditions to this type of permit, the Council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application. **Note:** applicants only need to address the “Statement of Principles” when making the initial application and not on renewal.

5.2 (Alcohol) Licensed premises gaming machine permits - Gaming machine permits in premises licensed for the sale of alcohol

a. Automatic entitlement: two gaming machines - There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed

fee. The licensing authority can remove the automatic authorisation in respect of any premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
- Gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

b. Permit: three or more gaming machines - If a premise wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.”

Durham County Council considers that “such matters” will be decided on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which may satisfy the Council that persons under 18 years will be prevented from using the machines may include the machines being near the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. Regarding the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence. Any such application would need to be dealt with under the relevant provisions of the Act.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine. Alcohol licensed premises can provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission.

5.3 Prize gaming permits

A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises. Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered, and the prizes are displayed on the walls.

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

Durham County Council has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations.
- That the gaming offered is within the law.
- Clear policies that outline the steps to be taken to protect children from harm.

The Council will expect, as per the Gambling Commission Guidance that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible and that the gaming offered is within the law.

The Council will also expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include:

- appropriate measures and training for staff as regards suspected truant children on the premises.
- Measures and training covering how staff would deal with unsupervised very young children being on the premises.

- Measures and training covering how staff would deal with children causing perceived problems on or around the premises.
- The arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of Durham Constabulary and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible, and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with.
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played.
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

In line with the Act, while the Council cannot attach conditions to this type of permit, the Council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application. Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.

5.4 Club gaming and club machines permits

Members Clubs and Miners” welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide

gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance i.e. poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a 'club machine permit' only.

Members Clubs and Miner's welfare institutes – and Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

To qualify for these special club permits a member's club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18-year-olds do not use the adult only gaming machines. These measures may include:

- the machines being near the bar, or in any other area where they are capable of being adequately supervised.
- Notices and signage.
- The provision of information leaflets / helpline numbers for organisations such as GamCare.

Before granting the permit, the Council will need to satisfy itself that the premises meet the requirements of a members' club and that most members are over 18.

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied.
- b) The applicant's premises are used wholly or mainly by children and/or young persons.
- c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities.

- d) A permit held by the applicant has been cancelled in the previous ten years or
- e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance to Licensing Authorities states:

"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5.5 Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. They allow the use of premises on not more than 21 days in any 12-month period for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence. A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. .

There are several statutory limits regarding Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

The Council considers that the determination of what constitutes "a set of premises" will be a question of fact in the circumstances of each notice that is given. In considering whether a place falls within the definition of a "set of premises", the Council will look at, amongst other things, the ownership/occupation and control of the premises.

The Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

5.6 Occasional Use Notices (Tracks)

There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the Council by the person responsible for the administration of the events on a track or by an occupier of the track.

Durham County Council has very little discretion about these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. Durham County Council will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. Durham County Council will also ensure that no more than eight occasional use notices are issued in one calendar year in respect of any venue.

5.7 Small society lottery registrations

A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the

class of exempt lotteries there are four sub classes, one of which is small society lotteries.

A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the Council for small societies who have a principal office in Leeds and want to run such lottery.

A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

To be 'non-commercial' a society must be established and conducted:

- for charitable purposes,
- for enabling participation in, or supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries. If you require guidance on the different categories of lotteries, please contact the Council.

Durham County Council will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held).
- Submission of incomplete or incorrect returns.
- Breaches of the limits for small society lotteries.

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by or on behalf of, a charity or for charitable purposes.
- To enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact Durham County Council on 03000 265107 to seek further advice.

The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

6.0 Part E Enforcement

6.1 Enforcement principles

The administration and regulation of permits, small society lotteries and temporary permissions for gambling are the responsibility of licensing authorities. The Council will consider the following factors when determining which agency will take the lead on enforcement are:

- the nature of the breach
- The seriousness of the breach
- The frequency of the breach; and
- the enforcement action that is available

Generally, the Council will take the lead in enforcing premises licence conditions, dealing with breaches of premises licence conditions, and investigating and prosecuting less serious or significant incidents of illegal gambling. The Commission meanwhile will lead on enforcement activity connected to operating and personal licences, and on the investigation and prosecution of illegal gambling of multi-authority, regional or national importance.

Where non-gambling offences are also involved a multi-agency approach may be appropriate, and the Council, the police and Commission shall use local consultation arrangements to agree priorities and who should lead on which issues.

Regulatory action would include informal or formal warnings and licence reviews, issue of simple cautions (warnings) or the prosecution of an offence under the Act. The main objective of the compliance process will be to ensure compliance with the three licensing objectives, including compliance with the general licensing conditions (including mandatory and default conditions), specific licence conditions and any applicable codes of practice. Enforcement can be defined as the criminal or regulatory investigation process and any consequent laying of criminal charges or imposition of a regulatory sanction.

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Authority will have regard to the Statutory Regulators Code which came into force in April 2014. We support the principle of better regulation to promote efficient, proportionate and effective approaches to enforcement and inspection that improve regulatory outcomes without imposing unnecessary burdens on business.

The Council will work closely with the responsible authorities in accordance with any locally established joint enforcement protocols and we will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

Durham County Council's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny
- **Consistent:** rules and standards must be joined up and implemented fairly
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem and minimise side effects.

Durham County Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

Durham County Council has adopted and implemented a risk-based inspection programme, in line with government recommendations around better regulation and the principles of the Hampton Review based on:

- The licensing objectives.
- Relevant codes of practice.
- Guidance issued by the Gambling Commission, in particular at Part 36.
- The principles set out in this statement of licensing policy.

This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, Durham County Council will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

The main enforcement and compliance role for Durham County Council in terms of the Gambling Act 2005 is to ensure compliance with the premise's licences and other permissions which it authorises.

The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of

gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

The Council also keeps itself informed of developments about the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

This Authority acknowledges the Primary Authority Scheme. This scheme allows businesses to be involved in their own regulation. It enables them to form a statutory partnership with one local authority, which then provides robust and reliable advice for other local regulators to consider when carrying out inspections or addressing noncompliance. Where there is a Primary Authority scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking enforcement action. At the time of the publication of this statement there are no Gambling Act 2005 Primary Authority arrangements in place in County Durham. Further information on the scheme and an up-to-date list of arrangements can be accessed at: <https://primaryauthorityregister.info/par/index.php/home>

The Council's enforcement/compliance protocols and any written agreements currently in operation are available upon request.

6.2 Reviews

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- Add, remove or amend a licence condition imposed by the licensing authority.
- Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- Suspend the premises licence for a period not exceeding three months; and
- Revoke the premises licence.

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Council to decide whether the review is to be carried-out. This will be based on whether the request for the review is:

- a. in accordance with any relevant code of practice issued by the Gambling Commission.
- b. in accordance with any relevant guidance issued by the Gambling Commission.
- c. reasonably consistent with the licensing objectives; and
- d. in accordance with this authority's Gambling Act 2005 – Statement of Licensing Policy.

The licensing authority will carry out the review as soon as possible after the 28-day period for making representations has passed.

In addition, the Council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.

The Council can also initiate a review of a licence based on any reason which it thinks is appropriate. In connection with both reviews and appeals, the Council may consider the information and intelligence received either by the council or partners which may link the establishment to the requirements of this statement of principles.

Once the review has been completed, the licensing authority will, as soon as possible, notify its decision to:

- a. The licence holder
- b. The applicant for review (if not the Licensing Authority)
- c. The Gambling Commission
- d. Any person who made representations
- e. The Chief Officer of police
- f. Her Majesty's Revenue and Customs

6.3 Appeals

Where an applicant, licence holder or person who has made a representation is aggrieved by a decision of the Licensing Authority, there is a right of appeal. In certain circumstances there is also a right for the Gambling Commission to appeal against decisions of the Licensing Authority. The appeal must be lodged with the Magistrates' Court within 21 days from the date on which the aggrieved person was notified of the Authority's decision. The appeal must be lodged in the Magistrates' Court where the premises are situated.

Generally, a decision will not have effect until the time for bringing an appeal has passed, or if an appeal is brought, until it is determined or abandoned. However, the Licensing Authority can decide that its decision should have effect immediately, and this will be considered on each occasion having due regard to the individual circumstances and in particular any immediate risk to public safety.

6.4 Complaints about premises and licensable gambling activities

The Licensing Authority will investigate complaints about licensed premises and activities taking place at unlicensed premises. Where appropriate, complainants will in the first instance be encouraged to raise the complaint directly with the licensee or business concerned. In the case of a valid complaint, the Licensing Authority will initially endeavour to seek resolution through informal means.

All complaints should in the first instance be addressed to:

Durham County Council
Neighbourhoods and Climate Change
Community Protection Service
Licensing Services
Annand House
John Street North
Meadowfield
Durham

Telephone: 03000 260000

Email: licensingenforcement@durham.gov.uk

The Licensing Authority will only investigate complaints under this Statement of Licensing Principles where they relate to one or more of the licensing objectives. Where appropriate, the Licensing Authority may pass any complaint on for investigation by any other statutory agency under whose enforcement responsibility the complaint falls.

Appendix 1 - Delegation of Functions

The Licensing Authority will delegate its functions under the Gambling Act 2005 as follows:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received / have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission or responsible authority	Where no representations received from the Commission or responsible authority
Application for a provisional statement		Where representation have been received and not withdrawn	Where no representations received / have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made / have been withdrawn
Cancellation of club gaming/club machine permits		X (if requested by the holder)	X (if no request received)
Applications for other permits			X
Cancellation of licensed premises gaming machine permits		X (if requested by the holder)	X (if no request received)
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X (where representations have been received and not withdrawn)	X (where time limits have been exceeded)

Note: The Licensing Committee can consider any application; it is not precluded from doing so by reason that the relevant column above is devoid of an entry. **X** Indicates the lowest level to which decisions can be delegated.

Appendix 2 Glossary

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one

	person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and blackjack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed Odds Betting	If a gambler can establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds Betting Terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.

Licensing Objectives	<p>The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are:</p> <ul style="list-style-type: none"> • 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. • Protecting children and other vulnerable persons from being harmed or exploited by gambling.
Lottery	<p>A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).</p>
Mandatory condition	<p>A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The Council will have no discretion to alter or remove these conditions.</p>
Money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a money prize.</p>
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <ul style="list-style-type: none"> (i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or (ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.

Odds	The ratio to which a bet will be paid if the bet wins, e.g. 4-1 means for every £1 bet, a person would receive £4 of winnings.
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmaker. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it


	to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the Council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totalizer, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

Appendix 3 Responsible Authorities

Responsible Authority	Name	Contact Details
Gambling Commission		Victoria Square House Victoria Square Birmingham B2 4BP Telephone: 0121 2306666 e-mail: info@gamblingcommission.gov.uk
Licensing Authority		Durham County Council CP / Licensing PO Box 617 Durham DH1 9HZ Telephone: 03000 261016 e-mail: licensing@durham.gov.uk
Durham Constabulary		Durham Constabulary (LET) Annand House John Street North Meadowfield County Durham DH7 8RS Telephone: (0191) 3752308 e-mail: let@durham.pnn.police.uk
County Durham and Darlington Fire and Rescue Service		Fire and Rescue Service Headquarters Belmont Business Park Durham DH1 1TW Telephone: 0845 305 8383 e-mail: firesafety@ddfir.gov.uk
Durham County Council - Local Safeguarding Children's Board		Durham LSCB County Hall Durham DH1 5UJ Telephone: 03000 267979 Email: firstcontact@durham.gov.uk
Durham County Council- Planning		Durham County Council County Hall DH1 5UQ Telephone: 03000 261397 Email: ailplanning@durham.gov.uk

Responsible Authority	Name	Contact Details
Durham County Council - Environmental Health		Community Protection Annand House John Street North Meadowfield Durham. DH7 8RS Telephone: 03000 260995 e-mail: ehcp@durham.gov.uk

Useful contacts:

Useful Contacts	Name	Contact Details
Licensing policy	DCC Licensing Services	Durham County Council CP/ Licensing Services Annand House John Street North Meadowfield Durham DH7 8RS Telephone 03000 261016 Email: licensing@durham.gov.uk
Durham County Council Building		Durham County Council Telephone: 0300 026 0000
Durham County Council CCTV		Durham County Council Telephone: 0300 026 0000
Door Supervisors	Security Industry Authority	Security Industry Authority PO Box 1293 Liverpool L69 1AX Telephone: 0844 892 1025 e-mail: info@the-sia.org.uk
HMRC		https://www.gov.uk/contact-hmrc
NE Council on Addictions (NECA)	NECA provide Gambling Support Services across the Northeast Region	NECA Gambling Service, 12 John Street, Sunderland SR1 1HT  To complete a referral to NECA Gambling Service, please scan the QR code

Appendix 4 – Summary of Gaming Machine Categories and Entitlements

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

Category of machine	Maximum stake (from April 2019)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

Note: The Stakes are subject to change. For accuracy, please check the Gambling Commission Website for current and up-to-date information on stakes and prizes at <http://www.gamblingcommission.gov.uk/home.aspx>

Appendix 5 – Public Health Information

Gambling harms are the impacts from gambling that can affect the health and wellbeing of individuals, communities and wider society, and are a key public health concern. The harms from gambling are diverse and can impact not only an individual but also associated social networks (such as family and friends, known as ‘Affected Others’). Anyone can be harmed by gambling, however harms are not evenly distributed.

For each person who experiences gambling harm around six other individuals are affected, often partners and children. Women are more likely to experience this type of harm and severity increases according to closeness of relationship with the person gambling at elevated risk levels.

The harms from gambling are varied, and may also be interconnected. Harms include (but are not limited to): Increased stress and impacts on mental health and wellbeing (such as anxiety, depression and suicide risk) Relationship breakdown Domestic abuse Financial hardship. The bottom line is that everyone who gambles is at risk of addiction and is at risk of experiencing harms related to gambling. (*Greater Manchester Combined Authority, Association of Directors of Public Health (ADPH) Yorkshire and Humber and ADPH North East* 2024

For further information on gambling harms visit the NHS webpage on gambling addiction at: <https://www.nhs.uk/live-well/addiction-support/gambling-addiction/>

Research and analysis

Gambling-related harms evidence review: summary

Updated 11 January 2023

<https://www.gov.uk/government/publications/gambling-related-harms-evidence-review/gambling-related-harms-evidence-review-summary--2>

The 2005 Gambling Act sets out how gambling in Great Britain is regulated. In the act, gambling is defined as playing a game of chance for a prize, betting and participating in a lottery.

In recent years, concern about the harms associated with gambling has been increasing and in March 2018, the Public Health England (PHE) remit letter confirming PHE’s priorities for 2018 to 2019 included the request for PHE to ‘inform and support action on gambling-related harm as part of the follow up to the Department for Digital, Culture, Media and Sport-led review of gaming machines and social responsibility’.

In May 2018, the Department for Digital, Culture, Media and Sport published its response to a consultation on proposals for changes to gaming machines and social responsibility measures. In it they announced that ‘PHE will conduct an evidence review of the health aspects of gambling-related harm to inform action on prevention and treatment’.

The UK has one of the biggest gambling markets in the world, generating a profit of £14.2 billion in 2020. Previous research has shown that harms associated with gambling are wide-

ranging. These include not only harms to the individual gambler but their families, close associates and wider society. There have been growing calls by the public health community, people with lived experience and parliamentarians that a population-level approach is needed to tackle this public health issue. However, there was a need to fully understand the extent to which gambling is a public health issue, for whom it is a problem and the extent of the possible harms.

Gov.UK

The gambling harm prevalence tool provided by Gamble Aware to protect those key socio-demographic groups and locations that have been identified as being at risk. <https://www.gambleaware.org/gambleaware-gb-maps-local-authorities#:~:text=Using%20data%20collected%20in%20November,treatment%20and%20support%20for%20gambling>

Gambling Aware

The aim of the Health Needs and Assets Assessment is to identify the health needs of those adults at risk from gambling products and gambling industry practices, whether land-based or online and gain an understanding of available support options.

Please ask us if you would like this document summarised in another language or format.

العربية (Arabic) (中文 (繁體字)) (Chinese) اردو (Urdu)
polski (Polish) ਪੰਜਾਬੀ (Punjabi) Español (Spanish)
বাংলা (Bengali) हिन्दी (Hindi) Deutsch (German)
Français (French) Türkçe (Turkish) Melayu (Malay)

licensing@durham.gov.uk
03000 261016

 Braille  Audio  Large Print

GamCare’s response to Durham County Council – Consultation on the revision of statement of principles under the Gambling Act 2005

About GamCare:

GamCare is an independent charity and the leading provider of information, advice, and support for anyone affected by gambling harms. We operate the National Gambling Helpline, provide structured support for anyone harmed by gambling, and create awareness about safer gambling and treatments. For 26 years, our confidential, non-judgemental services, have supported more than half a million people to get their lives back on track.

We hold data locally and nationally through our National Gambling Helpline. We also work closely with those who have lived experience in shaping and delivering our services and programmes, ensuring that all our work is coproduced with our lived experience community at its heart.

GamCare’s comments on the revision of the statement of principles:

- We welcome the position Durham County Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles.
- Local authorities can play a greater role in reducing gambling harm, particularly for those of our clients who experience harm in land-based gambling venues, due to council’s licensing responsibilities.
- The recommendations below will help to realise Durham County Council’s wider Plan, in particular “improving health and wellbeing,” due to gambling’s relationship to poor mental health and suicidality. They will also help the council to comply with its obligation to “protect vulnerable people”
- It is vital that Durham County Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area.
- Building on the proactive approach the council is already taking, we would like to see Durham County Council commit in its statement of principles **to a public health approach** to gambling.
- This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers such as [NECA](#). GamCare has worked with Haringey Council to implement a similar system, that has received widespread support.
- In the absence of Cumulative Impact Assessments as a method by which the “aim to permit” approach can be challenged, Durham County Council should pursue an approach similar to that pioneered by Westminster Council. They developed a [Local Area Profile](#) that specifically analysed gambling risk, and used this data as a basis from which to scrutinise and possibly oppose a licensing application.
- The changes to Durham County 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.



*If you have any questions or would like to discuss in more detail, please contact Pollyanna Hopkins,
External Affairs Officer: Pollyanna.hopking@gamcare.org.uk*



Subject: Gambling Act consultation

Dear Joanne,

I am writing in response to Durham County Council's formal consultation on the Gambling Act 2005 Statement of Principles. I would also like to increase engagement with Durham County Council in respect of taking a public health approach to gambling, to reduce the impact that it has on crime and disorder. **As commendable as this may be, it lies outside the remit of the Gambling Act 2005 in relation to the Statement of Principles.**

Firstly, I'd like to say that there is support for the licensing objectives in principle **the 3 licensing objectives are set by statute (the Gambling Act 2005)** but I also set out some recommendations for the Council to consider in its new Gambling policy:

- 1 We know that problem gambling has a link to crime and on intergenerational harm ([Crime and Problem Gambling: a Research Landscape](#)). The Council should consider **mandating** the measures currently proposed in licensing conditions to protect and safeguard vulnerable people from further harm. **Other than any mandatory conditions set in legislation, conditions must be reasonable and necessary and case specific. They cannot lawfully be used in a blanket approach.**

"The Council may consider (should mandate) any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant. Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and
- training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons
- self-exclusion schemes **(and deterrence of multiple accounts)**
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters and leaflets with the **NHS Northern Gambling Service** and **GamCare Helpline** and website displayed in prominent locations
- external advertising e.g. on windows and entrances to be positioned or designed not to entice passers-by".

- 2 The licensing objectives could be more explicit, and I make some suggestions below: **the 3 licensing objectives are set by statute (the Gambling Act 2005)**
 - To protect those working in gambling establishments and the establishment itself from crime and disorder.
 - To prevent the use of gambling as source of legitimising income for those engaged in crime.
 - To prevent criminal acts committed as a means to support a gambling addiction.
 - To protect children and other vulnerable persons being harmed or exploited by criminal gangs or those with gambling addiction
- 3 In the decision-making processes the Local Authority should consider using the gambling harm prevalence tool provided by Gamble Aware to protect those key socio-demographic groups and locations that have been identified as being at risk. **The following link may be added to the policy <https://www.gambleaware.org/gambleaware-gb-maps-local-authorities#:~:text=Using%20data%20collected%20in%20November,treat%20and%20support%20for%20gambling> P32 and appendix 5.**
- 4 When issuing a licence either for a new premises or a fair or such like in a high risk community, stipulate some form of 'local' awareness training for the staff as a means to mitigating the risk to communities as highlighted in the statement of principles. **Added P32**
- 5 Under Enforcement, it would be useful to know how many visits have been conducted and how many test purchase operations have been conducted, not just putting a bet on but also walking in to use a slot machine (linked to county lines). It would be useful to be explicit and capture number of visits or yearly frequency. **Not appropriate for inclusion in a policy document as the quantitative information would change from year to year.**
- 6 Reviews and appeals should consider the information and intelligence that has been received either by the council or wider partners linking the establishment to the statement of principles. This is absent at page 59. **Added to 6.2, 'Reviews'.**
- 7 For areas such as online gambling, personal premises whereby the Gambling Commission is the enforcement body and not the Local Authority, the Local Authority (and other partners e.g police) should

consider a commitment to work more closely with the Gambling Commission to prevent gambling from becoming a source of crime, reduce harm and improve any investigations. [Outside the scope and remit of the Statement of Principles](#)

- 8 The policy states that *“local data is not currently available on the prevalence of gambling in County Durham”*. The Council should invest in research to understand the problem of gambling related harm to help understand the extent of harmful gambling, impacts and costs associated with it. There is a County Durham Gambling Steering Group which is undertaking a gambling needs assessment. Public and practitioner survey results should now be available and included to inform this policy.
- 9 A report by PHE titled ‘Tackling Gambling Related Harm’ was published in partnership with the Local Government Association in 2018. It sets out a whole council approach to reducing gambling related harm and I would encourage Durham County Council to adopt this approach as part of its new policy or as a separate piece of strategy work, together with partner organisations. The areas where I consider that this approach can add value include the following: [Commendable and unopposed but outside the scope and remit of the Statement of Principles](#)
 - Providing guidance to public health issues when developing the Gambling Policy: Public health has a positive contribution to make as a non- statutory consultee to influence the content of draft gambling policies in the context of protecting the health of the most vulnerable people in our communities with reference to gambling -related harm. For example, [the OHID and Public Health England Gambling-related harms evidence review](#) considered these categories of harms: financial, relationship disruption, conflict or breakdown, mental and physical health, cultural, employment and education, criminal activity. A high-quality quantitative study showed that people with gambling disorder have an increased risk of dying from any cause, in a given time period, relative to the general population. Two quantitative studies (of moderate and high quality) reported that deaths from suicide were significantly higher among adults with gambling disorder or problems compared to the general adult population. [See new appendix 5](#)
 - Signposting to relevant health data and evidence, for example in the production of local gambling harm profiles - This includes maximising available data to support the evidence base as a means to improve the health and well-being of the whole population. They are one-stop shops covering a whole range of data and analysis tools for public health which can assist with developing focused preventative work. [See appendix 5](#)
 - Ensuring that consideration and attention is given to the health and well-being of the population - Sharing a strategic perspective about the



importance of health and well-being and identify areas of consideration relevant to harmful gambling which may otherwise be overlooked or omitted due to a lack of capacity around the topic.

- Provide a one-stop shop public health reference point - Utilise the development of the Gambling Policy as a means to develop relationships on all matters relating to public health. This can include other aspects of work, such as providing evidence should a licence require a review or when a condition is considered necessary, as well as responding to guidance or consultation papers around gambling. **Outside the scop and remit of the Statement of Principles.**

I would also urge that the Local Authority considers other Gambling policies which are seen as promising practice. I provide a link to one of these: [Gambling Act Statement of Principles 2022-25 \(liverpool.gov.uk\)](https://www.liverpool.gov.uk/gambling-act-statement-of-principles-2022-25/).

I understand that some of these recommendations lie outside the remit of the licensing policy, however I am keen to progress this work and develop a local partnership strategy to reduce gambling related harm.

Yours sincerely,

Joy Allen
Durham Police and Crime Commissioner

From: Elizabeth Speed
Sent: Friday, June 7, 2024 3:50 PM
To: AHS Licensing <Licensing@durham.gov.uk>
Cc: Tracey Rose
Subject: [EXTERNAL]:The Gambling Act 2005 -Durham County Council Statement of Principles Consultation (SoP)

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Team

Gambling Act 2005 – Statement of Principles Consultation

Thank you for the opportunity to make comments in relation to the above consultation. On behalf of Luxury Leisure and Talarius Limited we make the following points in relation to the consultation draft policy (the “Draft”):-

1. Para 3.3: As the heading appreciates, the context of the third Licensing Objective is to protect children and other vulnerable persons from being harmed or exploited by gambling (emphasis added). However, we would suggest that this section strays beyond those parameters and reference to the Care Act 2014 and the definition of “abuse” are not necessary and could be confusing. We suggest they are removed. Not everything that impacts on society needs to be included on the SoP.
2. Paras 4.4 (end of page 26) and 4.20: As the Authority will appreciate, it is perfectly legitimate for an application to be made for a premises licence even though the premises are not finished or complete or need alteration. We refer to the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement. It was held by the court that the then current Guidance issued by the Commission was wrong. The Guidance was subsequently amended. As such, we suggest that the wording of this para be amended to make it clear that applications for premises licences can be made regardless of whether the building in question is complete or finished or needs to be altered. An applicant may apply for a provisional statement if the building is not complete, but it does not have to do so and can instead apply for licence. Accordingly the reference that “ an application for a provisional statement should be made instead” is incorrect.
3. Para 4.7 page 32: The concept of Primary Use has been removed from the Commission’s LCCP and accordingly we suggest that this section is amended.

4. Para 4.7 page 33: We suggest that reference is made to the legal requirement that conditions should be both reasonable and necessary.
5. Para 4.7 page 35: We suggest that reference is also included to the requirement that conditions should be “necessary”.
6. Para 4.12 and 4.13: We note that the list of possible measures/conditions set out for AGCs at Para 4.10 is not repeated for Betting Premises or Bingo premises, despite the fact that such premises provide access to gaming machines as well as other activities and stakes/prizes at such premises can be at least as great as in AGCs. We suggest that this unjustified inconsistency be remedied.
7. Schedule: We suggest it would be helpful to attach a schedule of Fees.
8. Appendix 3: We would ask that you include emails for all Responsible Authorities and include the details missing for HMRC.

We hope that the above proves useful. If you have any questions, please do not hesitate to contact us.

Yours faithfully,

Elizabeth Speed
Group General Counsel
Novomatic UK

Durham County Council Equality Impact Assessment

NB: The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have ‘due regard’ to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

Section One: Description and Screening

Service/Team or Section	Licensing Services, Community Protection Neighbourhoods and Climate Change
Lead Officer	Craig Rudman, Licensing Manager
Title	Gambling Act 2005 – Statutory Review of Statement of Principles (DCC Gambling Policy)
MTFP Reference (if relevant)	N/A
Cabinet Date (if relevant)	N/A
Start Date	Thursday 4 th July 2024
Review Date	04.07.2027

Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or inserted a web-link):

Background -Gambling

When the Gambling Act 2005 (the Act) came into force in late 2007, it brought in a new, comprehensive system for gambling regulation in Great Britain. For the first time, the vast majority of commercial gambling was brought together into a single regulatory framework. The Act established a dedicated regulator, at a national level, in the form of the Gambling Commission (the Commission). But it also recognised the potential local impact and importance of gambling. So it created many local regulators, whose job it is to manage gambling locally, in line with local circumstances. Those regulators are the 380 licensing authorities of England, Wales and Scotland.

The Act gives the council very broad discretion to manage local gambling provision, including discretion as to the level of fees set to cover the cost of administering the local system of regulation. It sets out some boundaries to that discretion, consistent with the recognition of gambling as a mainstream leisure activity.

It places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their 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.

The ‘aim to permit’ framework provides wide scope for licensing authorities to impose

conditions on a premises licence, reject, review or revoke premises licences where there is a potential conflict with the relevant codes of practice, relevant Guidance issued by the Commission, the licensing objectives or the licensing authorities own statement of policy.

Licence conditions are one method by which it is possible to mitigate risks associated with particular premises. The imposition of licence conditions might be prompted by local risk to the licensing objectives, for example the proximity of gambling premises to a school. However, licensing authorities may first wish to have proactive engagement with local operators to encourage them to effectively mitigate risks to the licensing objectives. Such engagement can facilitate an open and constructive partnership which, in turn, can improve compliance and reduce regulatory costs.

The statement of licensing policy (statement of policy) is a very important part of the architecture of local gambling regulation and it is expected that licensing authorities will use it to set out the local issues, priorities and risks that inform and underpin its approach to local regulation.

It provides the opportunity for licensing authorities to agree and set out how gambling is to be managed in different parts of the local authority area to deal with local risks and issues. It provides clarity of expectation for licensees and prospective licensees about how their businesses are likely to be treated in different localities. The existence of a clear and agreed statement of policy will provide greater scope for licensing authorities to work in partnership with local businesses, communities, and responsible authorities to identify and mitigate local risks to the licensing objectives.

Gambling Act 2005 - DCC Statement of Principles review 2021

To seek approval to undertake a public consultation following a statutory three yearly review of the current Durham County Councils 'Statement of Principles' in accordance with statutory requirements, enabling the Council to continue to make decisions when exercising its responsibilities under the Gambling Act 2005 including regulations which aim to protect children and addicts from gambling premises. From April 2016 every bookmaker, casino, arcade and bingo hall in the UK will have to carry out a risk assessment to consider how to protect children and those who consider themselves to have a problem with gambling. Licence holders must conduct a local risk assessment for each of their current premises. This applies to:

- adult gaming centres
- family entertainment centres
- non-remote betting
- non-remote bingo
- non-remote casinos
- remote betting intermediary (trading room only).

They are also be required to conduct or update a risk assessment when:

- applying for a new premises licence
- applying for a variation to a premises licence
- changes in the local environment or your own premises warrant a risk assessment to be conducted again.

The risk assessment should take into account the risks presented by the local landscape, such as the premises' exposure to particular vulnerable groups. An LA would be

expected to challenge an operator's risk assessment where it can be evidenced that there are local risks that the operator has failed to take into consideration. The aim of this requirement is to enable operators and LAs to engage in constructive dialogue at an early stage, reducing the likelihood of costly enforcement action at a later date.

Who are the main stakeholders?

(e.g. general public, staff, members, specific clients/service users):

- The chief officer of police for the authority's area i.e. the Chief Constable of Durham Constabulary
- Persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- Persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- Gaming/gambling establishments and their customers

Screening

Is there any actual or potential negative or positive impact on the following protected characteristics?

Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No, ? = unsure	Positive Impact Indicate: Y = Yes, N = No, ? = unsure
Age	N	Y
Disability	N	Y
Marriage and civil partnership (workplace only)	N	Y
Pregnancy and maternity	N	Y
Race (ethnicity)	N	Y
Religion or Belief	N	Y
Sex (gender)	N	Y
Sexual orientation	N	Y
Transgender	N	Y

Please provide brief details of any potential negative and/or positive impact. Record full details and analysis of any negative impact in Sections 2 and 3 of this assessment.

The Act contains three licensing objectives, which underpin the functions of the

Gambling Commission and the local authority, acting in their capacity as the licensing authority. These objectives are central to the regulatory regime created by the Act and 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;

The impact and outcome will have a positive impact across all equality groups and will not affect relations between different communities or groups. There are no specific targeted actions to promote equality. In conclusion, it is not necessary to conduct a full Impact Assessment.

How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to:

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

The statement of policy is the primary vehicle for setting out the licensing authority’s approach to regulation having taken into account local circumstances. It ensures that operators have sufficient awareness and understanding of the relevant licensing authority’s requirements and approach, including its’ view on local risks, to help them comply with local gambling regulation.

This legislation and the Council’s Gambling policy will help to ensure protection of vulnerable sectors of the community and improved health and mental wellbeing. It will aim to reduce incidence of addictive behaviours and therefore an increase in mental wellbeing

Evidence

What evidence do you have to support your findings?

Please **outline** your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.

Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential <u>negative</u> impact on some/all of the protected characteristics which will proceed to full assessment?	N

If you have answered **NO**, there is no need to proceed to a full assessment. Please complete the sign-off section below and pass the completed form to Mary Readman (Mary.Readman@Durham.gov.uk) Service Equality Rep for Neighbourhood Services.

If you have answered **YES** and the impact is, you need to carry out a full assessment by completing Sections 2 and 3 below.

If you are unsure of potential impact please contact the Policy & Performance Team on 03000 268152 or 03000 268151.

Sign Off

Lead officer sign off: Craig Rudman	Date: 04.07.2024
Service equality representative sign off:	Date:

Section Two: Data analysis and assessment of impact

Please provide details on impacts for people with different protected characteristics relevant to your screening findings. You need to decide if there is or likely to be a differential impact for some. Highlight the positives e.g. benefits for certain groups, advancing equality, as well as the negatives e.g. barriers for and/or exclusion of particular groups. Record the evidence you have used to support or explain your conclusions. Devise and record mitigating actions where necessary.

Protected Characteristic: Age		
What is the actual or potential impact on stakeholders?	Record of evidence to support or explain your conclusions on impact.	What further action or mitigation is required?

Protected Characteristic: Disability		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Marriage and civil partnership (workplace only)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Pregnancy and maternity		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Race (ethnicity)

What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Religion or belief

What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Sex (gender)

What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Sexual orientation

What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Transgender

What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Section Three: Conclusion and Review

Summary

Please provide a brief summary of your findings stating the main impacts, both positive and negative, across the protected characteristics.

Will this promote positive relationships between different communities?
If so how?

Action Plan

Action	Responsibility	Timescales for implementation	In which plan will the action appear?

Review

Are there any additional assessments that need to be undertaken? (Y/N)

When will this assessment be reviewed?
Please also insert this date at the front of the template

Sign Off

Lead officer sign off:

Date:

Service equality representative sign off:

Date:

Please return the completed form to Mary Readman (Mary.Readman@Durham.gov.uk)
- Service Equality Rep for Neighbourhood Services