

## **Briefing Note: Gambling Act 2005 Statement of Principles**

### **Report**

**Page 9: Proposed Statement of Principles 2022 to 2025 (changes in red)**

**Page 80: Current Statement of Principles**

**Page 152: Consultation responses and comments**

1. The Gambling Act 2005 (the Act) gives local councils and their regulatory services a 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. **The remit of local authority control over gambling does not extend to on-line gambling, national lotteries, or gambling advertising.**
2. Durham County Council is required by the Gambling Act 2005 to publish a statement of principles (also known as the 'gambling policy') which sets out how we will carry out our work and determine licence applications for a variety of gaming and betting facilities:
3. In Durham County we license:
  - **Casino Premises Licence – 0**
  - **Bingo Premises licence – 6**
  - **Betting premises in respect of track – 2**
  - **Betting premises in respect of premises other than a track - 57**
  - **Adult Gaming Centre (AGC) premise's licence – 17**
  - **Family Entertainment centre Premise's licence – 0**
4. The statement of policy is the primary vehicle for setting out the licensing authority's approach to regulation having considered 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.
5. The statement includes three objectives which underpin the role of the Gambling Commission and the Council in fulfilling their statutory obligations of gambling licensing in County Durham. These 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; and
  - protecting children and other vulnerable persons from being harmed or exploited by gambling
6. The current policy was introduced in January 2019 and is being reviewed. We intend to maintain the above three objectives and we invited comments on our existing policy and any proposals for its revision.
7. The last revision was a comprehensive one which brought the previous policy up fully to date, including several national changes in guidance and legislation that had arisen prior to 2019. Since 2019, little has changed in relation to national guidance and statutory provisions meaning our current policy remains fit for purpose. However, we are legally obliged to consult on our policy every

three years and make any changes to it that may be considered to be necessary or appropriate.

8. The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which we can make clear our expectations of gambling operators who have premises in our area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required. It also reduces the risk of matters being escalated to a licensing committee.
9. The statement of principles sets out several regulatory functions in relation to gambling. These serve as the basis for determining licence applications for a variety of gaming and betting facilities including bingo halls, betting offices, adult gaming centres, licensed family entertainment centres, small society lotteries, permits for unlicensed licensed family entertainment centres, prize-giving and gaming machines in pubs and clubs.
10. Licensing authorities have a broad discretion to regulate local provision of gambling and the Act gives wide-ranging powers to do so. Those include the power:
  - to issue a statement of licensing policy setting expectations about how gambling will be regulated in a particular area
  - to grant, refuse and attach certain conditions to premises licences
  - to review premises licences and attach certain conditions or revoke them as a result
11. Like the Gambling Commission, **licensing authorities are bound by a statutory aim to permit and must grant premises licences so long as applications are in accordance with:**
  - **the Gambling Commission's codes of practice**
  - **the guidance to local authorities**
  - **the licensing authority's own statement of principles**
  - **the three licensing objectives.**

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.
12. At the end of the consultation period, the three responses received were appraised and a couple of changes were made to the current policy statement, leading to the production of a final draft policy for presentation and reporting to the General Licensing and Registration Committee.
13. The responses are set out in the Table of proposed changes in appendix 4. The consultation respondents were HM Revenue and Customs Excise, GambleAware.org and Durham Police and Crime Commissioner's Office. In this table, the responses are copied and against each point, comments are presented, and relevant proposals are made:
  - **HM Revenue and Customs Excise offered alternative contact details (update proposed)**

- GambleAware.org drew our attention to some useful on-line interactive maps and information that may assist the authority (and applicants) in the risk assessment process and signposting details (update proposed)
- The PCC has requested increased engagement with Durham County Council in respect of taking a public health approach to gambling. (No Policy change required)
- She also requested that we mandate certain measures as licence conditions where not adequately addressed by the applicant. Our policy identifies areas that should be addressed by applicants and the law sets mandatory/default conditions.
- The licensing process already allows for representations to be made where applications are deficient in some respect and if not addressed, these may be addressed by the committee at a hearing in promotion of the licensing objectives. i.e., the process allows for shortcomings to be identified and dealt with appropriately either via mediation or by committee hearings. The mandating of measures and a blanket approach to the application of conditions does not accord with a flexible, case by case approach. To 'mandate' such matters may appear to fetter the discretion of the Committee and be open to challenge. We therefore do not see the need to mandate measures under the policy. (no policy changes proposed)
- The PCC advocated closer working between the Council and the Gambling Commission (no policy change proposed)
- The PCC wanted the Council to 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. (no policy changes proposed)
- The PCC wanted a 'whole council approach' to reducing gambling related harm. This is seen as a separate strategic matter that would be much broader than the statement of licensing policy. The proposed policy would fit within such a strategic approach should this be adopted by the Council as a broad strategy. (no policy changes proposed)
- We will be looking to collaborate with our partners over the coming years to develop our own local area profiles (recommended by Gambling Commission) to assist gambling operators to prepare and update their own risk assessments