



## Review of Gambling Act 2005 Statement of Principles 2019 - 2021

### A. Changes proposed by DCC Licensing Services for and on behalf of the Licensing Authority

Section and pages	Recommended Change
Appendix 3 page 69; Responsible Authorities, Useful Contacts	Change HMRC postal address in accordance with information provided.
4.6 Local Risk Assessment; page 32 (preparing local risk assessments)	Proposal to include reference to GambleAware’s recently published interactive maps, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

### B. Changes proposed by respondent consultees

Consultees	Proposals	Recommendations
<b>HM Revenue and Customs Excise</b> Processing Teams BX9 1GL	Good Morning  Thank you for sending us details of your draft gambling policy.	Change HMRC postal address in accordance with information provided.

<p>United Kingdom</p>	<p>As one of your named Responsible Authorities, I thought I should let you know our postal contact address is now:</p> <p>HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom</p> <p>Our contact telephone number is now 0300 322 7072 Option 7.</p> <p>Our email address is now, NRUBetting&amp;Gaming@hmrc.gov.uk</p> <p>Kind Regards</p> <p>Janet (Marron) Excise Processing Team HM Revenue &amp; Customs BX9 1GL United Kingdom 0300 322 7072 Option 7</p>	
<p>Natalie Simpson Company Secretary <b>GambleAware.org</b></p> <p>Phone+44 (0) 20 7287 1994 - note that we are currently</p>	<p>Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published interactive maps useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in</p>	<p>Proposal to include reference to GambleAware's recently published interactive maps, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as</p>

<p>remote working so please contact us by email</p> <p>Email:  <a href="mailto:natalie.simpson@gambleaware.org">natalie.simpson@gambleaware.org</a></p> <p>Website:  <a href="http://begambleaware.org">begambleaware.org</a></p>	<p>each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.</p> <p>GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach">https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach</a></li> <li>• <a href="https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales">https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales</a></li> </ul> <p>GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.</p>	<p>usage of, and reported demand for, treatment and support for gambling harms.</p> <p>Point noted and welcomed</p> <p>Point noted – further work outside the policy will be required for the creation of local area profiles</p>
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	<p>Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the National Gambling Helpline on 0808 8020 133 and also <a href="http://www.begambleaware.org">www.begambleaware.org</a>. Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.</p> <p>Best regards, Natalie</p>	<p>Point noted</p>
<p>Durham Police and Crime Commissioner's Office Police Headquarters Aykley Heads Durham DH1 5TT Tel: 0191 3752001 Email: <a href="mailto:general.enquiries@durham.pcc.pnn.gov.uk">general.enquiries@durham.pcc.pnn.gov.uk</a> Website: <a href="http://www.durham-pcc.gov.uk">www.durham-pcc.gov.uk</a></p>	<p>I am writing in response to Durham County Council's formal consultation on the Gambling Act 2005 Statement of Principles.</p> <p>I would also like to increase engagement with Durham County Council in respect of taking a public health approach to gambling, in order to reduce the impact that it has on crime and disorder.</p> <p>Firstly, I'd like to say that there is support for the licensing objectives in principle, but I also set out some recommendations for the Council to consider in its new Gambling policy.</p> <p><b>1</b> We know that problem gambling has a link to crime and on intergenerational harm (<b>Crime</b></p>	<p>Point noted and welcomed</p> <p><b>1</b> Point noted and accepted</p>

	<p><b>and-Problem Gambling: A Research Landscape).</b></p> <p>The Council should consider mandating the measures currently proposed in licensing conditions in order to protect and safeguard vulnerable people from further harm.</p> <p>“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:</p> <ul style="list-style-type: none"> <li>• leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and</li> <li>• 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</li> <li>• self-exclusion schemes (and deterrence of multiple accounts)</li> <li>• operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people</li> </ul>	<p>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:</p> <ul style="list-style-type: none"> <li>• the Gambling Commission’s codes of practice</li> <li>• the guidance to local authorities</li> <li>• the licensing authority’s own statement of principles</li> <li>• the three licensing objectives.</li> </ul> <p>Licensing authorities may attach specific conditions to premises licences, in addition to the mandatory and default conditions that apply either because they are set out in the Act or in regulations made by the Secretary of State. In relation to an individual premises, they may also choose to disapply default conditions set out in regulations which would otherwise apply to all premises’ licences.</p> <p>The Gambling Commission’s Guidance to Licensing Authorities (GLA) advises that premises licence conditions issued by authorities should be:</p> <ul style="list-style-type: none"> <li>• relevant to the need to make the proposed building suitable as a gambling facility</li> </ul>
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	<ul style="list-style-type: none"> <li>• posters and leaflets with the NHS Northern Gambling Service and GamCare Helpline and website displayed in prominent locations</li> <li>• external advertising e.g. on windows and entrances to be positioned or designed not to entice passers-by”.</li> </ul> <p><b>2</b> 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 in order to prevent gambling from becoming a source of crime, reduce harm and improve any investigations.</p> <p><b>3</b> 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.</p> <p><b>4</b> 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</p>	<ul style="list-style-type: none"> <li>• directly related to the premises and the type of licence applied for</li> <li>• fairly and reasonably related to the scale and type of premises</li> <li>• reasonable in all other respects.</li> </ul> <p>The GLA also states that ‘decisions on conditions should be taken on a case by case basis. Therefore, a generic, blanket approach to conditions cannot be applied by Councils outside the application mandatory conditions imposed by statute and regulation.</p> <p>The objective of the statement of principles is to provide a vision for the local area and a statement of intent that guides practice: licensing authorities must have regard to their statement when carrying out their licensing functions. The statement cannot create new requirements for applicants outside of the Act, and cannot override the right of any person to make an application under the Act, make representations or seek a review of a licence. However, it can invite people and operators to consider local issues and set out how they can contribute towards positively addressing them.</p> <p>The updates to the licence conditions and codes of practice in 2015 have had a significant impact on the statement of</p>
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	<p>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:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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</li> </ul>	<p>principles. The requirement for operators to prepare local risk assessments in relation to all their premises from April 2016 means that licensing authorities should now set out their expectations of operators' risk assessments, ideally in their statements. Durham County Council has done this. This flexible, case by case, premise by premise, area by area approach theoretically provides a real opportunity for DCC and other councils to reflect local needs and issues in their gambling policies, in a similar way to licensing policy statements prepared under the Licensing Act 2003. Such an approach doesn't not accord with the mandating of measures and a blanket approach to the application of conditions. To do so would fetter the discretion of the Committee and be open to challenge</p> <p><b>Proposal:</b> To leave the policy as it remains and not mandate by policy those measures highlighted in the PCC representation.</p> <p><b>2</b> Point noted and accepted. In line with the principles of better regulation, the Gambling Commission encourage operators and licensing authorities to work together in partnership. The LGA also recognises the value of this approach, having convened a 'Betting Commission' in 2014 to bring together councils and representatives of</p>
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	<p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p>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.</p>	<p>the betting shop industry to discuss council concerns about clustering and fixed odds betting terminal (FOBT) machines.</p> <p>DCC works closely with the GC in relation to enforcement. 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 multiauthority, regional or national importance.</p> <p>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.</p> <p>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.</p>
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		<p>concerns by developing local area profiles to help shape their statements.</p> <p>Although there is no mandatory requirement to do this, the LGA encourages all its members to do so as a matter of best practice.</p> <p>In simple terms, the objective of the profiles is to set out what your area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the licensing authority and operators.</p> <p>DCC as a Licensing authority does not currently have any local area profiles of their own. When they have developed them, licensing authorities are advised to keep their local area profiles separate to their statements, to enable the profiles to be updated without the need to re-consult on amending the full statement of principles. However, the implications of the profiles for their regulatory approaches should be set out in the statement.</p> <p>Should we be able to develop local area profiles for County Durham, they will not be included within the statement of principles but in accordance with the guidance, the implications of such profiles for our regulatory approaches would be set out in the statement.</p>
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		4 points noted but fall outside the remit of the Policy.