



2. Section 5 – I note the unusually broad and loosely worded definition of those falling within Section 158 c) of the Act – i.e. those representing persons who i) live sufficiently close to premises to be likely to be affected by the authorised activities or ii) have business interests that might be affected by the authorised activities. I do not believe that the current draft catch-all wording for such representatives is appropriate - in short and with respect, it is not for the Authority to “deem” that certain bodies will automatically represent Interested Parties.

Rather, the question of whether someone is a representative of an Interested Party within the section, should properly be a matter for consideration on a case by case basis. This is in keeping with the main wording in s158 that “...a person is an interested party in relation to an application... if, in the opinion of the licensing authority,.... the person represents persons who satisfy a) or b)”. My submission is also in keeping with the Commission’s Guidance on this (paras 8.06 and 8.17), which does not refer to the categories included in the Draft, but rather to e.g. democratically elected representatives, trade associations, trade unions, residents associations or community groups. The Guidance also refers to the licensing authority having to satisfy themselves on a case by case basis that a person does in fact represent an Interested Party and suggests obtaining a letter of confirmation from the Interested Party.

The Draft’s more general approach to categories seems to relate more closely to the concept of Responsible Authorities. However those bodies are already defined in S 157 of the Act and, again with respect, it is not for the Authority to add to those definitions or categories; instead it is a matter for parliament.

3. Section 6 – I 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.
4. Section 8 – protection of children and other vulnerable persons. As is alluded to elsewhere in the Draft, it is perfectly legal for children to take part in some limited gambling activities (Category D machines). As such it is not appropriate to refer to this objective as meaning that children should be prevented from taking part in gambling. Perhaps this could be clarified.
5. Sections 10, 11, 13, 14 and 15 - while the Draft suggests that for AGCs, FECs and Tracks, the Authority may consider measures (examples of which are listed) to meet the licensing objectives, curiously these are not repeated for bingo premises, nor betting premises. This is inconsistent. No reason is given as to why such matters are not relevant to Bingo or Betting premises and I suggest that the provisions should be mirrored.

I hope that the above proves useful. If you have any questions, please to not hesitate to contact me.

Yours faithfully,

Elizabeth Speed

Group General Counsel

**Novomatic UK**

**2. From: Tracey Rose**

> Sent: 31 May 2018

14:33 To: AHS Licensing <Licensing@durham.gov.uk>Subject: Gambling Act 2005 - Review of Durham County Council's Gambling Statement of Principles

**Gambling Act 2005**

**Review of Durham County Council's Gambling Statement of Principles**

I refer to your attached copy letter of 24<sup>th</sup> May and write to enquire as to whether the Council intends publishing a draft consultation proposal, or whether you are looking to receive comments on the current policy at the following link:-

<https://www.durham.gov.uk/media/1060/Gambling-Act-Statement-of-Principles/pdf/GamblingAct2005StatementOfPrinciples2016.pdf>

I look forward to hearing from you.

Kind regards

**Tracey**

**Tracey Rose**

Senior Legal & Licence Compliance Administrator

**LUXURY LEISURE, TALARIUS LTD & RAL LTD**

NOVOMATIC GROUP

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NE11 0PZ

**3. From: Catherine Sweet**

Sent: 12 June 2018 11:46

To: AHS Licensing <Licensing@durham.gov.uk>

Subject: Gambling Act 2005 - Review of Durham County Council's Gambling Statement of Principles

Hello,

Thank you for your letter, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the Gambling Commission.

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 you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see [www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/](http://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/)
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process

comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,

Catherine

Catherine Sweet

Head of Marketing and Communications

#### **4. From: Susan Smith**

Sent: 31 May 2018 01:36

To: AHS Licensing <Licensing@durham.gov.uk>

Subject: Gambling

The current notices used by gambling companies such as 'when the fun stops, stop' and 'gamble responsibly' are both pretty meaningless. I therefore suggest it be made a legal requirement for all gambling outlets to have large notices stating 'ONLY GAMBLE WHAT YOU CAN AFFORD TO LOSE'. This notice should also be displayed in the window of establishment in at least an A3 size.

I also believe the gambling outlets should no longer be allowed to advertise their products and offers in their windows. Currently they are on full display and seen by all, including children. Children seeing these adverts leads to gambling being normalized for them.

If you can do anything to implement these suggestions, you could make a real difference to people's quality of life.

Regards

S. Smith

## 5. Form Submission User: ANONYMOUS

URL:

Was this page Useful?

Was this page useful? Yes

How can we make it better? -1

Any Comments?

Totally Agree to reduced slot machine maximum amount to £2 bet NOT £100. Agree with principles

## 6. From: Rachel Stockdale <

Sent: 03 June 2018 14:02

To: Helen Johnson - Licensing Team Leader (N'hoods)

<Helen.Johnson2@durham.gov.uk>

Subject: FW: Review of Durham County Council's Gambling Statement of Principles

Helen,

The only other thing I could see which may frustrate for the future is that when considering an application the LA should not give any consideration to if the premises has or is likely to get planning permission/change of use. That this should be left to the planning committee as an entirely separate matter:

“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.

The Gambling Commission Guidance to Licensing Authorities states:

In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

Durham County Council will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance: When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.”

I appreciate that is what it says now but if we are looking to future proof in line with making planning and licensing run in harmony rather than against each other is this something worth exploring to see if we can be out there, and ahead of the curve to try and align them better – not to over step the law but to make it streamlined and work better for all of us going forward?

Planning have done some brilliant work around children in care and with the planning around the new builds on the old passport site so are really up for doing things differently and challenging where we are.

Just a suggestion – hope this makes sense

Rachel

**7. From: Sean Barry** Sent: 11 June 2018 14:18  
To: AHS Licensing <Licensing@durham.gov.uk>  
Cc: Helen Johnson - Licensing Team Leader (N'hoods) <Helen.Johnson2@durham.gov.uk>; Jacqui Doherty <Jacqui.Doherty@durham.gov.uk>  
Subject: RE: Review of Durham County Council's Gambling Statement of Principles

Good Afternoon

My Ref: SB/2018/068

**I represent the Durham Local Safeguarding Children Board (LSCB)** which is a responsible authority identified under Durham County Council Gambling Act 2005 Statement of Principles.

In reviewing the current Statement of Principles to promote the protection of children and in preparation for a new revised Statement I offer the following comments:

#### Section 4 – Responsible Authorities (page 10)

Currently Durham Local Safeguarding Children Board is identified as the competent body to advise the authority (Durham County Council) about the protection of children from harm. Local child safeguarding structures and framework will be changing due to the introduction of new legislation in the Children and Social Work Act 2017. The time scale for this work is currently autumn 2018 – March 2019.

In short this means Durham Safeguarding Children Board will be replaced at some point by a new (as yet unnamed) safeguarding partnership. It will be this new safeguarding partnership that will undertake the 'Responsible Authorities' duty for licensing. Up until the change the LSCB continues to hold and carry out the statutory duty. Depending on your timescales and ours you may have a new 'competent body to advise the authority (Durham County Council) about the protection of children from harm' or you may still be referencing the LSCB. If the latter is the case you will have to build in a revision of the Statement of Principles to reflect the safeguarding changes once they come into force.

We will update you as we get to know more.

#### Section 15 – Tracks (page 8 and page 30)

While this focuses solely on the gambling element, access and environment of a track. I note that the review of the current Statement of Principles provides an opportunity to address the issue of a child witnessing disturbing scenes due to animal injury. It is suggested that the Statement of Principles could advise as best practice that track owners introduce of warning notices, so that parents can make informed choices before bringing children to track events.

I have no other comments to make on behalf of Durham LSCB.

Regards

Sean

Sean Barry

Strategy and Development Officer  
Local Safeguarding Children Board  
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Tel: 03000 265 434

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