

Licensing Committee

(Special Meeting)

at 6.30pm on Tuesday, 13th November 2018
in the Belle Vue Suite at the Belle Vue Square Offices, Skipton

Committee Members: The Chairman (Councillor Myers) and Councillors Baxandall, Graham, Heseltine, Ireton, Jaquin, Madeley, Moorby, Mulligan, Solloway, Thompson and Welch.

AGENDA

1. **Apologies for absence**
2. **Confirmation of Minutes** of meeting held on 25th September 2018.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “***disclosable pecuniary interest***” under Appendix A to the Council’s Code of Conduct, or “***other interests***” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Review of Taxi Fares** – Report of the Licensing Manager. Attached.

Purpose of Report – To consider adoption of the Fares Table (with or without amendment) following expiry of the consultation period.

6. **Taxi Licensing Policy** – Report of the Licensing Manager. Attached.

Purpose of Report – To consider proposed amendments to the Taxi Licensing Policy.

7. **Gambling Act 2005 – Statement of Principles 2019-2021** – Report of the Licensing Manager. Attached.

Purpose of Report – To consider adoption of the Statement of Principles in relation to the Gambling Act 2005.

8. **Licensing Committee** – The Committee is asked to agree to put back the next Licensing Committee scheduled for 8th January 2019 to 22nd January 2019 in order to facilitate reports on CCTV in licensed vehicles and the proposed Penalty Points System.
9. Any other items which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact Officer:

Vicky Davies, Committee Administrator
Tel: (01756) 706486
E-mail: committees@cravendc.gov.uk

5th November 2018

Emergency Evacuation Procedure

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

LICENSING COMMITTEE

25th September 2018

Present – Councillors Myers (Chairman), Baxandall, Jaquin, Ireton, Madeley, Moorby, Solloway, and Welch.

Officers – Solicitor to the Council, Legal Services Manager, Licensing Manager and Committee Administrator.

Apologies for absence were received from Councillors Heseltine and Thompson.
Councillor Madeley arrived at 6:33pm

Start: 6.30pm

Finish: 7:14pm

The minutes of the Committee's meeting held on 21st August 2018 were confirmed and signed by the Chairman.

Minutes for Report

LIC.210

PUBLIC PARTICIPATION

Mr Nasser Hussain, a Craven taxi driver/operator and a Skipton resident addressed the Committee about the proposed fares tariff including a new discretionary booking fee. He requested that the taxi trade were notified when Licensing Committee meetings were taking place and that they were fully consulted and their views taken into account regarding the fares tariff. He also mentioned that issues on the ranks which had been raised some while ago had still to be sorted.

The Chairman reassured Mr Hussain that the taxi trade's responses to the proposed amended fares table would be fully considered as part of the consultation exercise and that any other issues they had would always be explored by the Council's Licensing team and remedied as appropriate.

LIC.211

REVIEW OF TAXI FARES

Further to Minute LIC.207/18-19, the Licensing Manager submitted a report seeking approval from Members to undertake a statutory public consultation exercise on a proposed amended fares table as set out in Appendix A to the report which included a discretionary distance to pick up charge. A proprietor had also proposed the inclusion of a hiring charge based on 'time'.

However, following officer research involving the Institute of Licensing it appeared that comparable local authorities had not adopted this type of tariff. Craven's tariff card already included a 'waiting time' which was calculated when the meter was activated and whilst the engine was running. If an hourly rate was to be included a problem would occur if the driver switched the engine off whilst waiting as the meter would then reset itself. From an enforcement perspective including an option for an hourly rate to be used rather than the usual formula of distance including a waiting time element would be difficult to regulate and enforce. The Licensing Manager, therefore, did not recommend a tariff based on time being included in the proposed fares tariff.

At the meeting a letter was circulated from a licensing consultant who represented the Skipton Private Hire and Hackney Carriage Taxi Association. The Association welcomed the proposed introduction of a booking fee but did not feel the proposed fares accurately reflected the cost of travelling to a customer's pick-up location. The Association proposed an amendment to the fares tariff and that their proposals were given due consideration during the consultation process.

During the course of the ensuing discussion, Members indicated that whilst it was important for the Council to have a fares table that was acceptable to taxi drivers and covered their costs they wanted to ensure that taxis remained affordable and did not become prohibitively expensive for the travelling public.

Resolved – (1) That, the Solicitor to the Council is authorised to consult on the proposed amendment to the fares tariff as set out in Appendix A to the report now submitted to include a 'distance to pick up point charge' and 'soiling charge'.

(2) That, the proposed fares take effect from the day after the objection period ends provided that no objections to the proposals are received.

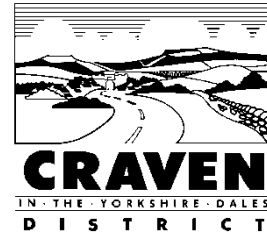
(3) That, any responses from the consultation be reported to the next Licensing Committee which shall fix the table of fares.

Minutes for Decision

- None -

Chairman.

Licensing Committee – 13 November 2018



REVIEW OF TAXI FARES

Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – Members are asked to consider and adopt a fares table (with or without amendments) following expiry of the public consultation period. On 24 July 2017 a request was received from a taxi proprietor for the fares applicable to Hackney Carriages to be reviewed to include a further charge that could be applied to journeys which take place within Craven in certain circumstances.
 - 1.1 At a meeting on 19 September 2017 members considered a report and asked officers to seek further legal advice about the proposal of including a discretionary booking fee in the fares tariff and to seek alternative ways of allowing hackney carriage proprietors to legally charge for journeys which commence a considerable distance away from where the journey was booked. A further report was presented to the Licensing Committee on 17 May 2018 and a consultation process on the introduction of a discretionary booking fee was subsequently undertaken.
 - 1.2 At a meeting of the Licensing Committee on 21 August 2018 members resolved to defer consideration of the revised fares table until a future meeting following advice from the Council Solicitor that it could not be considered at that meeting on account of section 65(4) of the Local Government Miscellaneous Provisions Act 1976. It was also noted that the Licensing Manager had received a proposal from the trade to consider the possibility of including a hiring charge based on ‘time’ in the fares table.
 - 1.3 Members asked the officers to research the possibility of including a hiring charge based on ‘time’ in the fares table with a view to a further report being presented to the Licensing Committee on 25 September 2018 with a view to providing authorisation for a further consultation process to take place regarding the proposed fares table.
 - 1.4 On 25 September 2018 the Licensing Committee resolved that the proposed fares table be subject to re consultation as the timeframe for consideration of representations received as a result of the earlier consultation had expired.
 - 1.5 A letter has been received from A2Z Licensing (attached at Appendix A) who represent the Hackney Carriage trade in Craven which outlines the view of the trade and how the draft table should be amended to reflect the actual cost per mile to travel to the pick up point.
2. **Recommendations** –

Members are asked to consider this representation alongside the draft revised fare table and:-

- 2.1 Resolve to amend the fares table as requested by the trade and their representative; or
- 2.2 Resolve to amend the fares table as members may see fit which may include some of the suggestions made by the trade and their representative; or
- 2.3 Reject the request and adopt the revised fare table as advertised.

3. **Report**

- 3.1 Section 67 of the Local Government (Miscellaneous Provisions) Act 1976 allows a Hackney Carriage to also be used a Private Hire Vehicle.
- 3.2 With regards to Private Hire Operators, Drivers and Vehicles - these licence holders are able to set their own fares and charge the customer effectively what they like as long as the fare has been agreed between the driver or operator before the journey commences.
- 3.3 Hackney Carriage fares on the other hand are set by the Local Authority and are made under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. It is an offence under Section 58 of the Town Police Clauses Act 1847 to charge more than the fare shown on the meter plus any legitimate extras. A Hackney Carriage Driver must not turn the meter on until such time as the passenger is collected.
- 3.4 The Table of Fares set by the Local Authority applies to any journey undertaken by a Hackney Carriage within the administrative district regardless of whether the journey is pre booked or hailed in the street or on a Hackney Carriage Rank.
- 3.5 Under Section 54 of the same Act it is allowable for an agreement to be made in advance of the hiring of a hackney carriage for a sum less than that shown on the meter at the end of the hiring to be paid. Section 55 however outlaws any agreement to pay more than the fare shown on the meter, irrespective of what may have been agreed beforehand.
- 3.6 As authorised by members at the Licensing Committee on 19 September 2017 advice was sought from James Button & Co Solicitors a leading legal practice that specialises in licensing law. His advice is detailed below:-

“The problem you have identified is that hackney carriage drivers (and by extension, possibly proprietors) are charging a “pick up” or “call out” charge when the journey is commencing outside the town centres, to cover the cost of the vehicle travelling to the pick-up point. Whilst such an arrangement would be lawful for a private hire operator, as there is no control exercised by the Council over private hire fares, it is specifically illegal under hackney carriage law. That is the case however the vehicle was hired, even where the hiring was arranged by a third party “booking agent”. This point was confirmed by the High Court in Stratford-on-Avon District Council v Dyde.

Legally, there is no problem in incorporating a “booking fee” or a “distance to pick up” fee in your table of fares. It falls within the element of the power contained in section

65 that covers 'and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle'.

A number of local authorities have a booking fee. This can be applied when a hiring has been arranged other than by means of either hailing the vehicle, or approaching it when stationary, either at a hackney carriage stand or elsewhere. Such fees tend to be a flat fee, and will not of themselves cover the full cost of the journey to the collection point.

A "distance to pick up point" fee would aim to cover that such a cost, either in whole or in part. The initial suggestion was for a maximum fee, but concerns have been raised that this would be applied universally, thereby discriminating against some passengers. I agree that some form of graduated fee seems to be the best approach.

I also think that it needs to be made clear that the fee applies from either the registered address of the vehicle proprietor, or where the vehicle is located when the booking is accepted, whichever is nearer the location of the pick-up point.

This is necessary because there is no concept of a hackney carriage operator and therefore no obvious starting point for such a charge. Without this, again, there may be abuse of the system and exploitation of passengers.

A third possibility might be where there is an established hackney carriage booking agent, and evidence to demonstrate that all bookings for a particular vehicle are taken through that agent. In that case, the location of the agent could be the starting point, again unless the vehicle is already closer to the pick-up point.

The number of levels of charge, and the amount of the charge will be a matter for your Council to determine. However, for the purposes of public confidence and some degree of certainty, I think a small number would be more satisfactory. I appreciate that Craven is a large district, and however the lines are drawn, there will be degrees of unfairness, with some passengers being charged less for journeys that are only slightly shorter, and some drivers having to drive further for no greater reward. However, short of allowing the meter to be used on the standard charge for all elements of a journey (out and back) that is an inevitable consequence.

As regards the amount of the charge, I feel there should be a tiered approach, building up to the £12 maximum charge on Tariff 1 and £15.00 on Tariff 2 requested and referred to in your report. This could be based on mileage to pick up, perhaps in 2-mile bands up to a maximum of 12 miles at say £1.00 per mile. That is just a suggestion, based on Tariff 1 which currently allows £3.80 for just over a mile (1778.6yards). That may be reasonable, as the existing tariff will take account of dead mileage, although I am not certain how your existing tariff is calculated. Such an approach would lead to the following:

Mileage up to	Tariff 1 Charge	Tariff 2 Charge
2	£2.00	£2.50
4	£4.00	£5.00
6	£6.00	£7.50
8	£8.00	£10.00

10	£10.00	£12.50
12 or over	£12.00	£15.00

It will then be necessary to determine how such a charge is levied. As these are all pre-booked journeys, there will be room for some negotiation, but ultimately, the table of fares must prescribe the maximum charge, to protect passengers. The driver or booking agent can be expected to have a reasonable knowledge of the district, and can therefore make a reasonable estimate of the distance from the starting point (as detailed above) to the pick-up point, and tell the customer which band the cost will fall into. This can then be entered onto the meter as an extra charge, and will therefore be displayed to the customer.

It may be possible to programme a meter to record the mileage to the pick-up point, and reduce the charge to the lower band if the estimate was wrong. If the estimate was under, there should be no mechanism to increase it.

I do not know whether meter technology will accept this type of approach, but I think it should be possible. It would be sensible to discuss this with your local meter providers before proceeding.

The further problem will be whether the drivers will accept such restrictions on their current (illegal) practices. That will be a matter of enforcement.

I also agree that the soiling charge should be included in the table of fares as well.'

- 3.7 Further advice was sought regarding a proprietors request to include a hiring charge based on 'time' in the table of fares.

The question posed was:-

"Do hackney carriage drivers still have the option to charge on a time driven basis rather than distance?

Some customers that come into our office want to book a taxi for the day or half a day. This happens a lot at weddings in the rural areas where taxis have been paid to wait at a specific pickup point, usually the church, and shuttle people to the night venue and take the odd person home.

We also take tourists on a half day or full day tour of the dales and surrounding area some customers have there own route with stop offs for lunch or to take photographs.

We usually say the taxi costs this much for this long or so much per hour. Is this still allowed? This practice allows us to give customers a definite price for a journey."

- 3.8 The legal position is that the current Hackney Carriage Byelaws already provide for such a situation with the proviso that the meter must run for the length of the journey and that regardless of any agreement beforehand, any fare eventually charged must not exceed the fare shown on the meter (although it may of course be less) - byelaw 5(b) states:-

5b) *before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;*

- 3.9 As requested the Licensing Manager carried out research and contacted the Institute of Licensing of which the Licensing Authority is a member and asked them to post a question on the members forum asking other Licensing Authorities to come back with their fares table which includes a tariff based on 'time' as well as 'distance'. The research has covered comparable districts with a similar demographic to Craven DC and it would appear that the proposal to include a time based charge as has been suggested, has not in general been adopted by other authorities.
- 3.10 The tariff card already includes a 'waiting time' which is calculated when the meter is activated and whilst ever the vehicle is running. As the meter must be used for all journeys taking place within the Craven District then an element of time is already included within the fares table.
- 3.11 The meter must be engaged at all times when the vehicle is being driven within the Craven District – if an hourly rate was to be included in the fares table then the problem would arise where the driver would switch of the vehicle whilst waiting for a customer and therefore the meter which would reset itself. From an enforcement perspective including an option for a 'hourly' rate to be used rather than the usual formula of 'distance including a waiting time element' would create an extremely difficult issue to regulate and enforce.
- 3.10 Attached at Appendix B is a revised fares table which would include a 'distance to pick up charge' as suggested which could be charged in circumstances which fell into the journey categories described and would be calculated from the point where the booking is taken – either at the address of the vehicle proprietor, wherever the vehicle is located when the booking is accepted or the address of the booking office used, whichever is nearer the location of the pick-up point.
- 3.11 In addition a 'Soiling Charge' has been included so that drivers and passengers are aware that if a vehicle has to be taken off the road for example because a passenger is sick in the car, then the driver can make a charge for the inconvenience that would be caused to him/her by having to stop working and get the vehicle cleaned before being able to work again. Where a 'Soiling Charge' is not included it can become a contentious subject should an incident occur and a passenger feels that they are being 'ripped off' by a driver – including this would minimise this risk. This charge is also a maximum so a lower charge could be agreed.
- 3.12 The consultation process is laid down under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and is as follows:-
- (1) A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in

respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.

- (2)(a) When a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.
- (b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.
- (3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- (4) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.
- (5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if it were included in hackney carriage byelaws made thereunder.
- (6) On the coming into operation of a table of fares made by a council under this section for the district, any hackney carriage byelaws fixing the rates and fares or any table of fares previously made under this section for the district, as the case may be, shall cease to have effect.
- (7) Section 236(8) (except the words “when confirmed”) and section 238 of the Local Government Act 1972 (except paragraphs (c) and (d) of that section) shall extend and apply to a table of fares made or varied under this section as they apply to byelaws made by a district council.

3.13 The consultation took place and a notice was placed in the Craven Herald on 4 October 2018 (attached at Appendix C) as well as being posted on the Council Website, the Facebook pages of the Council and a notice displayed at the Reception of the Council Offices. The period for objections expired on 18 October 2018.

- 3.14 As a result of the consultation a letter (dated 15 October 2018) has been received from A2Z Licensing who act on behalf of the Craven Hackney Carriage Association. This is attached at Appendix A. The trade have asked that consideration is given to the call out charge being amended to £1.50 per mile on Tariff 1, £1.80 on Tariff 2. £2.45 on Tariff 3 and £2.25 on Tariff 4.
- 3.15 The Association also suggests that any proposed booking fare structure must allow for a price per mile to be charged for each complete mile up to a distance of approximately 25 miles.
- 3.16 In addition it has been suggested that the table of fares should make it very clear to customers that this is the prescribed maximum booking fee / distance to pick up point charge and that customers are free to negotiate a lower charge with the booking office.
- 3.17 The Association have said that use of the booking office is considered preferable to that of the driver's home address for the point of charging as the customer has no easy way of identifying the home address, and it is also preferable to using the point from which the car will travel because, at the time of booking, this may well be an unknown location.
- 3.18 Not all hackney Carriage Proprietors work through a booking office and work from just the rank or by telephone booking direct to themselves whilst they may be at home or elsewhere in the District. Members are asked to consider this when making a decision whether or not to amend the fares table and where the charge can be applied from.
- 3.19 Attached at Appendix D is an alternative fares table incorporating the suggestions made by the trade so that members can see what the alternative proposal would look like.

Implications

- 4.1 **Financial Implications** – The cost of placing the advertisement was £623.20 and is recoverable under the Hackney Carriage Application fees. As stated in Legal Implications if no change to the tariff card are approved then costs could be incurred both to the Council and the Trade should prosecutions be brought against drivers who have been found to be overcharging customers.
- 4.2 **Legal Implications** –The report sets out the procedure for setting fares for Hackney Carriages in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The Licensing Authority, in specifying fares, sets the maximum. An individual driver can choose to charge a lower amount if they wish.

It is an offence under section 55 of the Town Police Clauses Act 1847, for which the Licensing Authority may prosecute, for a Hackney Carriage Driver to charge a sum higher than the applicable tariff set by the Licensing Authority.

- 4.2 **Contribution to Corporate Priorities** – Promoting the wellbeing of Craven's communities

- 4.4 **Risk Management** – The Licensing Manager has stated in discussions with the trade that Hackney Carriage Drivers charging higher than the applicable tariff is unlawful. If a Call Out Charge is not agreed there is a risk that the provision of taxi services provided in outlying villages may deteriorate for financial reasons, which would result in a lack of service for our rural residents.
- 4.5 **Equality Impact Assessment** –The Council’s Equality Impact Assessment Procedure **has not been** followed. The process of setting the fares table is a statutory process that applies regardless of ethnicity, gender, religion or other such characteristics.
- 4.6 **Consultations with Others** – Enquiries made with local authorities and Institute of Licensing members about fare tariffs.
- 5. **Access to Information : Background Documents** – Sections 65 and 67 Local Government (Miscellaneous Provisions) Act 1976
Legal Advice sought from James Button & Co Solicitors
- 7. **Author of the Report** – Deborah Bragg – Licensing Manager 01756 706343

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendices

Appendix A – Letter from A to Z Licensing dated 15 October 2018

Appendix B – Table of Fares as published to include distance to pick up and soiling charges

Appendix C – Notice of Public Consultation published 4 October 2018

Appendix D – Alternative Table of Fares incorporating suggestions from A to Z Licensing following the letter at Appendix A.

Ms Deborah Bragg
Licensing Manager
Craven District Council
1 Belle Vue Square
Broughton Road
Skipton
North Yorkshire
BD23 1FJ

Our Ref: CW / SPH&HCTA
Your Ref:
Date: 15 October 2018
Please ask for: Chris Woodrow

Sent by email only to:
dbragg@cravendc.gov.uk

Dear Ms Bragg,

Skipton Private Hire and Hackney Carriage Taxi Association
Objection to proposed table of fares for hackney carriages
Local Government (Miscellaneous Provisions) Act 1976, section 65

Skipton Private Hire and Hackney Carriage Taxi Association (the Association) object to the proposed table of fares in relation only to the proposed charge for travelling to pick-up a pre-booked hirer.

Although you kindly said you would present my letter of 24 September 2018 to the Licensing Committee as part of the consultation process, as you asked me to expand upon and explain why the Association requested a different fare structure, I write afresh in the hope that I can more thoroughly and clearly explain their views.

For the sake of clarity, the Association welcomes the introduction of a regulated 'booking fee'. It is simply the level of that fee and it being capped at £12.00 that is objected to.

The Association believes that the published table of fares does not accurately reflect the cost of travelling to a customer's pick-up location. This is because the proposed table uses a cost of travel of £1.00 per mile (for tariff 1) when the actual cost of travel, using the taxi meter, would be £1.50 per mile.

The current proposed table of fares also proposes capping the booking fee at £12.00 for journeys of "12 miles or over", even though the Council acknowledged that many journeys involve an even longer journey than this to the pick-up point, in some cases up to 26.5 miles of unpaid travel (Report to Meeting of Licensing Committee of 21 August 2018, Appendix H).

The Association submits that any proposed booking fare structure must allow for a price per mile to be charged for each complete mile up to a distance of approximately 25 miles.

Many journeys involve a lengthy journey to the pick-up point to then collect the customer and travel a very short distance, often dropping off even further away from where the vehicle began its journey. The return mileage, having dropped the customer off, is unpaid 'dead' mileage.

The proposed banded booking fee approach, going up in increments of two miles, would result in the booking fee for a journey that involved travel to pick up just into a band paying the same booking fee as someone whose pick up was almost two miles further away. Whilst the members of the Association want to be properly remunerated for their services, they do not want that to be achieved in a way that is inherently unfair to some of their customers.

For example, a customer whose pick up was 4.1 miles away could be charged exactly the same booking fee as another customer would pay that involved a pickup 6 miles away, with both being charged £6.00.

The Association believes that a fairer approach would be to incorporate a booking fee that relates to the distance covered in travelling to the pick-up, charged at for only complete miles.

I calculate that the actual cost of travel per mile (excluding the initial 'flag-fall') of the current metered tariffs are as follows:

Tariff 1 £1.50 per mile

Tariff 2 £1.80 per mile

Tariff 3 £2.45 per mile

Tariff 4 £2.25 per mile

The Association suggests that the table of fares is amended to show a booking fee / distance to pick up point charge is chargeable for each complete mile from the booking office address to the pickup address at the above rates.

The table of fares should make it very clear to customers that this is the prescribed maximum booking fee / distance to pick up point charge and that customers are free to negotiate a lower charge with the booking office.

The use of the booking office is considered preferable to that of the driver's home address, as the customer has no easy way of identifying this, and it is also preferable to using the point from which the car will travel because, at the time of booking, this may well be an unknown location. Put simply, the booking office address is both easily identifiable and immovable.

Whilst not yet authorised, I understand this is the basis on which most of the trade has operated for many years, if not decades.

The Association hopes that now the Council is aware of the long-established basis on which the trade has charged, the Licensing Committee will regularise those charges by amending the proposed table of fares accordingly.

I would be obliged if I might be allowed to address the Licensing Committee in respect of this objection and to answer any questions Members might have in relation thereto.

In any event, on behalf of the Association, I should wish to take this opportunity to thank you and the Licensing Committee in anticipation of the careful consideration I am sure this matter will receive.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Woodrow'.

Christopher Woodrow

Licensing Consultant

Email: chris.woodrow@a2zlicensing.co.uk

Mobile: 07931 633200



Section 65 Local Government (Miscellaneous Provisions) Act 1976

TABLE OF FARES

Tariff 1 – 0600 hrs to Midnight

Up to 1 st 838 yards	£3.00
Each subsequent 117.6 yards	10p
Waiting time per minute	17p
Distance to pick up point charge – see table below	

Tariff 2 – Midnight to 0600 hrs

Up to 1 st 838 yards	£3.30
Each subsequent 196.6 yards	20p
Waiting time per minute	17p
Distance to pick up point charge – see table below	

Tariff 3 – 1800 hrs on Christmas Eve until 0600 hrs on the 27 December and from 1800 hours New Years Eve until Midnight on New Years Day

Up to 1 st 838 yards	£4.21
Each subsequent 143.2 yards	20p
Waiting time per minute	17p
Distance to pick up point charge – see table below	

Tariff 4 – Vehicles when carrying 5 or more passengers

Up to 1 st 838 yards	£4.00
Each subsequent 156.9 yards	20p
Waiting time per minute	24p
Distance to pick up point charge – see table below	

Distance to Pick Up Point Charge

This charge can only be applied if it is agreed with the hirer before the journey is booked and the hirer is aware of the reasons it has been applied.

The amount applied should be calculated from one of the following points (whichever is the nearer to the pick-up point):-

Registered address of the vehicle proprietor;

The point where the vehicle is parked when taking the booking (e.g. rank);

The address of the booking office that the journey was booked through.

Mileage	Tariff 1	Tariff 2	Tariff 3	Tariff 4
From 2 miles	£2.00	£2.50	£2.50	£2.50
Up to 4 miles	£4.00	£5.00	£5.00	£5.00
Up to 6 miles	£6.00	£7.50	£7.50	£7.50
Up to 8 miles	£8.00	£10.00	£10.00	£10.00
Up to 10 miles	£10.00	£12.50	£12.50	£12.50
Up to 12 miles and over	£12.00	£15.00	£15.00	£15.00

Soiling Charge

A maximum soiling charge of £50.00 is payable to cover cleaning the vehicle and loss of earnings when a passenger(s) soils a vehicle by whatever means.

The meter must be engaged for each and every journey, whether the vehicle has been pre-booked or not. The driver cannot charge in excess of this table of fares for any journey with the Craven District.

If the hiring takes the journey outside the District of Craven, the driver cannot charge more than this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.

These are maximum charges and drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

Public Notices

Section 65 Local Government (Miscellaneous Provisions) Act 1976
Notice is hereby given that as a request of the Hackney Carriage Proprietors, Craven District Council are to amend the table of fares for licensed Hackney Carriages as set out below:-

TABLE OF FARES

Tariff 1 - 0600 hrs to Midnight
Up to 1st 838 yards.....£3.00
Each subsequent 117.6 yards.....10p
Waiting time per minute.....20p
Distance to pick up point charge - see table below

Tariff 2 - Midnight to 0800 hrs
Up to 1st 838 yards.....£3.30
Each subsequent 196.6 yards.....20p
Waiting time per minute.....20p
Distance to pick up point charge - see table below

Tariff 3 - 1800 hrs on Christmas Eve until 0600 hrs on the 27 December and from 1800 hours New Years Eve until Midnight on New Years Day

Up to 1st 838 yards.....£4.21
Each subsequent 143.2 yards.....20p
Waiting time per minute.....20p
Distance to pick up point charge - see table below

Tariff 4 - Vehicles when carrying 5 or more passengers
Up to 1st 838 yards.....£4.00
Each subsequent 156.9 yards.....20p
Waiting time per minute.....24p
Distance to pick up point charge - see table below

DISTANCE TO PICK UP POINT CHARGE

This charge can only be applied if it is agreed with the hirer before the journey is booked and the hirer is aware of the reasons it has been applied.

The amount applied should be calculated from one of the following point(s) whichever is the nearer to the pick-up point:-

Registered address of the vehicle proprietor;

The point where the vehicle is parked when taking the booking (e.g. rank);

The address of the booking office that the journey was booked through.

Mileage	Tariff 1	Tariff 2	Tariff 3	Tariff 4
From 2 miles	£2.00	£2.50	£2.50	£2.50
Up to 4 miles	£4.00	£5.00	£5.00	£5.00
Up to 6 miles	£6.00	£7.50	£7.50	£7.50
Up to 8 miles	£8.00	£10.00	£10.00	£10.00
Up to 10 miles	£10.00	£12.50	£12.50	£12.50
Up to 12 miles and over	£12.00	£15.00	£15.00	£15.00

Selling Charge

A maximum selling charge of £50.00 is payable to cover cleaning the vehicle and loss of earnings when a passenger(s) soils a vehicle by whatever means.

The meter must be engaged for each and every journey, whether the vehicle has been pre-booked or not. The driver cannot charge in excess of this table of fares for any journey with the Craven District.

If the hiring takes the journey outside the District of Craven, the driver cannot charge more than this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.

These are maximum charges and drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

It is proposed that the above fares and charges will take effect from 19 October 2018. Should any person wish to make objections to the above fares and charges taking effect, they should put their objections in writing addressed to the person named below, as soon as practicable, and in any case before 18 October 2018.

Ms Deborah Bragg - Licensing Manager, Craven District Council,
1 Belle Vue Square, Broughton Road, Skipton, North Yorkshire BD23 1FJ



DONALD PERCY

BARNFATHER (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the aforementioned deceased, late of 19 Oakhead Terrace Cross Hills Keighley West Yorkshire, who died on 03/07/2018, are required to send particulars thereof in writing to the undersigned Solicitors on or before 14/12/2018, after which date the Estate will be distributed having regard only to claims and interests of which they have had notice.

AWB CHARLESWORTH

SOLICITORS LIMITED

23 Oley Street Skipton

North Yorkshire BD23 1DY

7540732

BARBARA HELEN CHEW

(Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the aforementioned deceased, late of 4 College Court Bradley Keighley West Yorkshire BD20 9EA, who died on 20/04/2018, are required to send particulars thereof in writing to the undersigned Solicitors on or before 14/12/2018, after which date the Estate will be distributed having regard only to claims and interests of which they have had notice.

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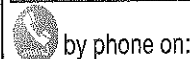
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NORTH YORKSHIRE COUNTY COUNCIL

Temporary Prohibition of Traffic, Chapel Street, Settle, Order 2018, No. 372

We have made this Order to prohibit any vehicle from using Chapel Street, Settle for a temporary period of 4 weeks (subject to access to premises) between 08/10/18 & 08/04/19 due to works. The closure period will be indicated by traffic signs & a local alternative route will be signed on site where appropriate. All enquiries to Divert Traffic Solutions 0844 5670909

Temporary Prohibition of Traffic, Oughtershaw Road, Oughtershaw, Order 2018, No. 373

We have made this Order to prohibit any vehicle from using Oughtershaw Road (in the vicinity of Oughtershaw Hall), Oughtershaw for a temporary period of 1 week (subject to access to premises) between 08/10/18 & 08/10/19 due to works. The closure period will be indicated by traffic signs & a local alternative route will be signed on site where appropriate. All enquiries to Customer Resolution Centre 01609 780780.

Temporary Prohibition of Traffic, C235 Coniston Cold to Bell Busk, Order 201X, No. 386

We intend to make this Order to prohibit any vehicle from using C235 Coniston Cold to Bell Busk Road for a temporary period of 3 weeks (subject to access to premises), between 22/10/18 & 22/04/19, due to works. The closure period will be indicated by traffic signs & a local alternative route will be signed on site where appropriate. All enquiries to Northern Powergrid 0800 0113332. For more information on these orders see https://www.northyorks.gov.uk/roadworks-map

Goods Vehicle Operator's Licence

Craven District Council trading as of 1 Belle Vue Square, Skipton, North Yorkshire BD23 1FJ is applying to change an existing licence as follows:-

To add an operating centre to keep 12 goods vehicles at Hailton East Waste Transfer Station, Hailton East, Skipton BD23 6AD.

Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use of enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representations must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A guide to making representations is available from the Traffic Commissioner's office.

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Notice under Article 13 of the Town & Country Planning (Development Management Procedure) Order 2015, Section 67 & 73 of the Planning (Listed Buildings and Conservation Areas) Act 1980, and Regulation 5 & 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990. Craven District Council has received the following applications that are required to be advertised it under the above legislation for the reasons stated.

Application No: 2018/19735/COU. Proposal: Change of use and alterations and conversion from retail, storage and warehouse to retail, bar/restaurant and holiday accommodation for JW & RJ Garnett Property. **Location:** J W Garnett Electrical Ltd Market Place Settle BD24 9EF

Reason(s): Affects the character and appearance of a Conservation Area. Affects the setting of a Listed Building. **Application No: 2018/19550/FUL. Proposal:** Change of use of land from Former Railway Goods Yard to site 9 no. holiday lodges (Phase 2) for Adams Park Homes. **Location:** Former Railway Goods Yard Clapham Station Clapham LA2 8ES

Reason(s): Affects the setting of a Listed Building. **Application No: 2018/19739/COU. Proposal:** Change of use from retail to a microbar for Mr Simon Greaves. **Location:** 9 - 11 Court Lane Skipton BD23 1DD

Reason(s): Affects the character and appearance of a Conservation Area. Affects the setting of a Listed Building. The applications are available to view and for comment online at <https://publicaccess.cravencdc.gov.uk/online-applications> or electronically at 1 Belle Vue Square, Broughton Road, Skipton, BD23 1FJ.

Representations can also be sent in writing to Development Management, 1 Belle Vue Square, Broughton Road, Skipton, BD23 1FJ so as to arrive no later than 25th October 2018. All comments received will be available for public inspection and will be viewable on the internet along with the application details.

However, we will endeavour to prevent signatures, telephone numbers and email addresses from appearing on the comments published on the internet.

In the event of an appeal against a refusal of planning permission for a householder (HH) application, that is considered on the basis of representations in writing. Any representations made will be sent to the Secretary of State and there will be no further opportunity to comment at the appeal stage.

Decisions are normally made within eight weeks (11 to 13 weeks for major planning applications). Details of the decision will not automatically be sent to those that have made comments. The applications progress can be tracked at <https://publicaccess.cravencdc.gov.uk/online-applications>

David Smurthwaite, Strategic Manager,
Planning and Regeneration Dated 4th October 2018





Section 65 Local Government (Miscellaneous Provisions) Act 1976

TABLE OF FARES

The meter must be engaged for each and every journey, whether the vehicle has been pre-booked or not. The driver cannot charge in excess of this table of fares for any journey with the Craven District.

If the hiring takes the journey outside the District of Craven, the driver cannot charge more than this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.

Tariff 1 – 0600 hrs to Midnight

Up to 1 st 838 yards	£3.00
Each subsequent 117.6 yards	10p
Waiting time per minute	17p
Distance to pick up point charge	
£1.50 for each completed mile up to a maximum of 25 miles	

Tariff 2 – Midnight to 0600 hrs

Up to 1 st 838 yards	£3.30
Each subsequent 196.6 yards	20p
Waiting time per minute	17p
Distance to pick up point charge	
£1.80 for each completed mile up to a maximum of 25 miles	

Tariff 3 – 1800 hrs on Christmas Eve until 0600 hrs on the 27 December and from 1800 hours New Years Eve until Midnight on New Years Day

Up to 1 st 838 yards	£4.21
Each subsequent 143.2 yards	20p
Waiting time per minute	17p
Distance to pick up point charge	
£2.45 for each completed mile up to a maximum of 25 miles	

Tariff 4 – Vehicles when carrying 5 or more passengers

Up to 1 st 838 yards	£4.00
Each subsequent 156.9 yards	20p
Waiting time per minute	24p
Distance to pick up point charge	
£2.25 for each completed mile up to a maximum of 25 miles	

Soiling Charge

A maximum soiling charge of £50.00 is payable to cover cleaning the vehicle and loss of earnings when a passenger(s) soils a vehicle by whatever means.

Distance to Pick Up Point Charge

This charge is a prescribed maximum that can be charged (Tariff 1 - £1.50 per mile, Tariff 2 - £1.80 per mile, Tariff 3 - £2.45 per mile and Tariff 4 - £2.25 per mile) and can only be applied if it is agreed with the hirer before the journey is booked and the hirer is aware of the reasons it has been applied. The hirer can negotiate a lower fare with the driver or booking office.

The amount applied should be calculated from one of the following points (whichever is the nearer to the pick-up point):-

- Registered address of the vehicle proprietor;
- The point where the vehicle is parked when taking the booking (e.g. rank);
- The address of the booking office that the journey was booked through.

These are maximum charges and drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

Licensing Committee – 13 November 2018



TAXI LICENSING POLICY – Proposed amendments

Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – This report seeks to bring to the attention of members a number of issues that have arisen since the introduction of the Taxi Policy on 1 June 2018.
- 1.2 Members are asked to consider the issues raised and where considered appropriate revise the taxi policy and any associated conditions to reflect those changes.
2. **Recommendations** – Members are recommended to:
 - 2.1 Look at each of the issues raised and where deemed appropriate determine to amend the relevant parts of the taxi policy and any associated conditions.
 - 2.2 Where appropriate and deemed necessary authorise the Licensing Manager to seek further information and/or bring back a further report and draft policies for consideration at a future Licensing Committee.
3. **Report**
 - 3.1 On 1 June 2018 the revised taxi licensing policy came into force and has been applied to all new applications received by the Licensing Authority as well as renewal applications and any reviews of licences determined by the Licensing and Appeals Sub Committee.
 - 3.2 As a result there are a number of areas of the policy which it is deemed appropriate to bring back before the Licensing Committee to seek approval (or otherwise) to amend the policy and any associated conditions. This should ensure that the safety of the public is still achieved and this remains at the heart of the policy, but the proposals in this report should simplify administration by allowing routine decisions on particular applications to be delegated to the Licensing Manager to determine on a case by case basis, thereby avoiding the need to convene Licensing and Appeals Sub Committees to determine applications of the type set out herein, but always subject to the basis that there would be a right of appeal to the Licensing and Appeals Sub Committee arising out of any decision made by the Licensing Manager. .
 - 3.3 The areas that have been highlighted are:-

Vehicle Testing – in particular the requirement for vehicles over a certain age (5 years) to be tested quarterly i.e. three times a year;

English Language Testing by Trinity College London for new applicants – in particular a person being able to demonstrate that they have the equivalent or higher educational achievement;

Safeguarding Training - in particular a person being able to demonstrate that they have received equivalent or higher standard of awareness training;

Executive Hire Vehicles – in particular the requirement to display vehicle signage etc in circumstances where the person can demonstrate that the type of work that they undertake as the their business is chauffeur type work etc;

Advertising/Branding on Licensed Vehicles – in particular allowing licensed vehicles to be allowed to display signage particular to that company (branding) that meets certain criteria.

- 3.4 **Vehicle Testing** - Under the new policy vehicles are now required once they reach the age of five to have a vehicle inspection three times a year – once with an MOT and two further inspections.

The Local Government (Miscellaneous Provisions) Act 1976 does make provision that a vehicle can be inspected up to three times a year:-

Section 50(1) Provided that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.

A letter has been received from A2Z Licensing who are instructed and act on behalf of the Craven and District Taxis Association that it is their belief that the Licensing Authority may be acting unlawfully as in their view we would be in fact testing vehicles four times a year. Their letter is quoted below:-

“As an example: If a vehicle is first tested and licensed on 1 January 2018 it will undergo ‘quarterly tests’ on or about 1 April 2018 and 1 August 2018. That would be lawful, but if the vehicle is subject to an application for renewal of licence, it will require a fourth test within a period of 12 months, because the renewal test would have to be carried out before the anniversary of the first test / grant of the existing licence.

I must make clear that the Association is not opposed to there being a requirement for three tests per year, but the Council cannot operate a regime in which it knows it is acting unlawfully by inadvertently requiring four test to be undertaken in any 12 month period.”

We are aware that A2Z have successfully argued this point with the District Auditors in Barnsley and may have challenged this elsewhere in the Country however the

matter is down to the interpretation of the law and we could seek our own legal advice on the issue which may prove to be an alternative view point.

Informal discussions have taken place between the Licensing Manager, Legal Services Manager and the three elected members who proposed the changes to the taxi policy and the general consensus was that a pragmatic solution would be preferable, bearing in mind the numbers of vehicles licensed by the Authority and the costs involved in dealing with any legal challenges (whether successful or otherwise) the most appropriate course of action would be to amend the taxi policy as follows:-

Vehicles that are aged 3 or over will be tested twice a year and receive a 6 month licence and plate.

Any vehicles which have applied to be licensed since the introduction of the 4 month test and are renewing their tests in the intervening period will automatically have their licence and plate extended to what would have been their renewal date in 2019 and then the twice a year regime as set out above shall operate.

- 3.5 **English Language Testing by Trinity College London for new applicants –** Under the new policy all new driver applicants are required to take a formal English Language assessment done by Trinity College London at one of their centres in Leeds or Manchester. This test is to B1 which is the equivalent of GCSE Grade 5.

Grade 5 is the equivalent to a high C or low B on the old grading system.

On 18 October 2018 Licensing and Appeals Sub Committee considered a request from a new driver to waive the requirement to undertake the English Test requirement as he had qualifications that met and exceeded the English B1 Test.

The members sitting on the panel agreed to waive the requirement and accept his qualifications.

The current policy does not stipulate that where an applicant may have formal qualifications that are the equivalent or exceed the English B1 Test requirement that an alternative can be accepted.

Members are asked to consider amending the policy as follows:-

In addition to the knowledge test new applicants will be required to demonstrate that they have abilities in English by either undertaking the English Language Test B1 provided by Trinity College details of which will be provided as part of the application process or providing evidence (to the satisfaction of the Licensing Manager) of suitable English qualifications.

In the case of existing licence holders this requirement will only be required where the Licensing Authority has received a validated complaint (in respect of the English language) and completion of the test would indicate that the knowledge of English is satisfactory so as the licence holder is still 'fit and proper' to hold a licence.

Where an applicant has evidence that they have qualifications that are the equivalent to the English Skill Test Level B1 (GCSE Grade C or above) and those qualifications have been issued in the United Kingdom then consideration will be given to accept those qualifications as a substitute for the Trinity College English Test – this will be at the discretion of the Licensing Manager.

If an applicant is aggrieved by the decision of the Licensing Manager not to accept the evidence provided then they can appeal to the Licensing and Appeals Sub Committee in the first instance.

3.6 Safeguarding Training – Under the new Policy all drivers (new and renewal) are required to undertake safeguarding training.:-

The Council believes all passenger transport drivers whose role demands high standards in driving and customer service would benefit from training that includes customer care, meeting the needs of people with disabilities, road safety, the handling of emergencies and how to diffuse difficult situations and manage conflict, in addition to training around safeguarding issues.

As such, applicants (who are not existing licence holders) whose application for a drivers licence is determined on or after the date on which this policy becomes effective will be required to provide evidence that they have undertaken the following:

- *Satisfactory completion of an approved training/awareness raising course in relation to safeguarding children and vulnerable people. This course must have been approved by Craven District Council Licensing Service.*

Suitable providers will be sourced by the Council along with information around costs and availability of the course.

In addition to the above, all drivers that are licensed on the day that this policy is introduced, or are issued with a licence after this date, will be required to undertake awareness raising sessions on safeguarding children and vulnerable adults before their licence is renewed.

This training must be approved by Craven District Council's Licensing Team. All licensed drivers will be required to have undertaken this training in accordance with the implementation scheme determined by the Council.

An approved provider has been sourced and we are in the process of signing a contract with Baranardo's for their online safeguarding training package for taxi drivers.

As with the English Skills Test there is no provision for an applicant/licence holder to provide evidence of an alternative safeguarding training course being undertaken which may meet the standard of the Barnardo's Online Training.

Members are asked to consider adding a paragraph to the policy as follows:-

Where an applicant has evidence that they have undertaken an appropriate and relevant safeguarding training course around children and vulnerable people then consideration will be given to accept that evidence as meeting our requirements – this will be at the discretion of the Licensing Manager. The training must be relevant to the role of a taxi driver.

If an applicant is aggrieved by the decision of the Licensing Manager not to accept the evidence provided then they can appeal to the Licensing and Appeals Sub Committee in the first instance.

3.7 **Executive Hire Vehicles** – the policy currently states the following:-

Limousines and Executive Hire

Any limousines with 8 seats or less must be licensed as a Private Hire Vehicle.

Vehicles used for this purpose must meet the requirements for Private Hire Vehicles.

These vehicles must display appropriate signage, issued by this Council, which states details of the vehicle, issue date and the number of persons allowed to be carried. This disc must be displayed on the front and rear windows of the vehicle.

Drivers of limousines and executive vehicles must complete the licensing application process in the same way as any other licensed driver.

Further guidance and conditions to be agreed and be in place by 31 December 2018.

The Licensing and Appeals Sub Committee considered a request from a licence holder on 18 October 2018 to be exempt from displaying the signage for his licensed private hire vehicle as the work he undertook was ‘executive hire’.

Evidence was provided at the hearing about the type of service offered by his company, the type of vehicle used and how the business was considered to be executive rather than normal taxi work.

Under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 the Licensing Authority has the discretion to issue a notice to a vehicle proprietor exempting them from displaying the plate and signage:-

“Where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence may, by a notice in writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection (6) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not so apply while the notice is carried in the vehicle; and on any occasion on which by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) of this Act shall not apply to the driver of the vehicle.”

There is no legal definition of 'executive hire' and it is for the applicant to demonstrate how he intends to distinguish his business model from the normal definition of what is considered Private Hire work which would require the display of the identification plate and internal disc.

Members are asked to consider amending the policy to include the section 75(3) information and the following paragraph:-

If a licence holder operates a business which they consider is 'Executive Hire' then application can be made in writing to the Licensing Manager providing written evidence of such. This should include information on the type of work undertaken, details of contracts that will be undertaken and any other supporting information that demonstrate that the type of work being undertaken is 'executive hire' in the opinion of the applicant.

A decision will then be taken by the Licensing Manager whether a notice under Section 75(3) is appropriate which would include conditions that will be required to be complied with which are:-

- ***All bookings must be recorded in a separate set of booking records;***
- ***The vehicle will not be used for any other type of work (including school contract work and other hire and reward journeys;***
- ***The windscreen disc will be displayed as normal which shows the plate number of the vehicle so that in the event of a complaint members of the public/customers are able to note those details in order that they can be passed to the Licensing Authority and any complaint be investigated fully;***
- ***The licence plate issued alongside the licence will be kept in the boot of the vehicle at all times and made available for inspection upon request from any authorised officer of the Licensing Authority or Police Officer;***
- ***The Notice issued under Section 75(3) will be kept in the vehicle at all times and made available for inspection upon request from any authorised officer of the Licensing Authority or Police Officer.***

If an applicant is aggrieved by the decision of the Licensing Manager to refuse to issue a notice then they can appeal to the Licensing and Appeals Sub Committee in the first instance.

3.8 Advertising/Branding on Licensed Vehicles – the policy currently states the following:-

Advertisements

Limited advertising will be allowed on Private Hire Vehicles subject to the approval of the Council. Advertisements must be in accordance with the requirement set out in Appendix O – which is attached at the rear of the report at Appendix A.

6.16 Additional Provisions for Hackney Carriage Vehicles Only

Advertisements

Only the telephone number and the name of the company/proprietor will be permitted on the roof signs of Hackney Carriage Vehicles – no other advertisement will be permitted including door signs.

In relation to **Private Hire Vehicles** the conditions attached to licences are as follows:-

4 IDENTIFICATION PLATE, SIGNS, NOTICES ETC.

The following must be in place at all times:

- (a) A licence plate permanently affixed to the rear of the vehicle
- (b) A notice permanently fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
- (c) A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.

The sign / plates and notices referred to above will be issued or approved for use by Craven District Council.

The signs / plates and notices must be affixed to the vehicle in accordance with the requirements set out by the council.

No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicles except as may be required by any statutory provision or required or permitted by these conditions, provided however, that this condition will not apply to any indication on a taximeter fitted to the vehicle.

A private hire vehicle must not display:-

- (a) *Any sign or notice which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural or 'hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or*
- (b) any sign, notice, mark, illumination or other feature which, having regard to that time and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.

In relation to **Hackney Carriages** the conditions attached to licences are as follows:-

6. Identification Plate, Signs, Notices etc.

The following must be in place at all times and permanently affixed:

- A licence plate permanently affixed to the rear of the vehicle
- A sign / notice permanently affixed to each front door of the vehicle
- A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.
- A notice permanently fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
- A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.
- A properly constructed roof sign complying with the following conditions:

the sign is not more than 7” in height;
it is displayed across the width of the car (not diagonally) and does not extend beyond the edge of the roof;
it displays only the name and/or telephone number of the proprietor of the vehicle or firm by which the proprietor is employed, or the word ‘Taxi’.

The sign / plates and notices referred to above will be issued or approved for use by Craven District Council.

The signs / plates and notices must be affixed to the vehicle in accordance with the requirements set out by the council.

No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever must be displayed on, in or from the vehicles except as may be required by any statutory provision (including by-laws) or required or permitted by these conditions, provided however, that this condition will not apply to any indication on a taximeter fitted to the vehicle.

At the Licensing and Appeals Sub Committee on 18 October 2018 members heard from three applicants who were requesting that the policy and conditions applicable to either their Hackney Carriage or Private Hire Vehicle licences be dis-applied for varying reasons:-

- An applicant wishing to licence Hackney Carriages which are professionally wrapped vehicles with their company branding which is specific to their company and is part of their company image;
- An existing licensed Hackney Carriage Vehicle proprietor wishing to be allowed to continue to display a sign on the doors of his vehicle which advertises the name of his company in Skipton as part of his branding.

- An existing licensed Private Hire Vehicle Operator and Vehicle Proprietor who has currently got a professionally wrapped licensed vehicle which is branded with his company name that includes the word 'cab' also.

Members are asked to consider whether they would wish to see Appendix O of our policy amended to allow 'branding' of both Hackney Carriages and Private Hire Vehicles in the Craven District along with the relevant vehicle conditions attached to licences, which would allow companies to have branding on their licensed vehicle in relation to their company only, see below:-

Appendix 'O'

Policy in relation to the Branding of Licensed Hackney Carriage or Private Hire Businesses on Licensed Vehicles

In order that branding of licensed Hackney Carriage or Private Hire businesses on licensed vehicles are of a standard type, the following conditions shall apply:-

(a) That company branding on a licensed vehicle may only be allowed if:-

- ***The branding is displayed on the rear passenger doors of the vehicle only and shall be the same size as the existing Hackney Carriage or Private Hire door signs issued by the Licensing Authority, or will cover a similar area if different in shape; or***
- ***The branding of the vehicle is done by way of a professional wrap of the vehicle which does not detract from the ability of customers to be able to identify the vehicle as either a licensed Hackney Carriage or Private Hire Vehicle and that those signs and plates issued by the Licensing Authority are clearly visible.***

(d) That no branding should promote tobacco or alcohol products;

(e) That no branding shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;

(f) That no branding shall be displayed without the written approval of the Licensing Manager;

(f) In the case of Private Hire Vehicles, the proposed branding of the company is to be submitted for approval by the licensed operator not individual vehicle owners;

(g) In the case of Hackney Carriage Vehicle proprietors the proposed branding of the company is to be submitted for approval either by the individual Hackney Carriage Proprietor – if they operate as a trading name in their own right, or:-

If a number of Hackney Carriage proprietors work together collectively as a company from a Booking Office then the request can be made from an

individual from that company who is designated in writing and is evidenced as formally the company owner or manager responsible for the day to day running of the business.

- (h) That the licensed operator / hackney carriage proprietor submitting a request for any branding approval shall submit a written request as well as copies of any designs of any proposed signs/wrapping to the Licensing Manager for consideration.*
- (i) In the case of any existing licence holder who has branding on their vehicle which has been professionally wrapped or attached to their vehicle which does not comply with the above requirements or conditions attached to their licence can make a formal request in writing to the Licensing Manager seeking approval to continue to use such branding until such time as their vehicle is replaced.*

If an applicant is aggrieved by the decision of the Licensing Manager to give permission for the branding then they can appeal to the Licensing and Appeals Sub Committee in the first instance.

- 3.9 It is hoped that if members decide to amend the policy and conditions as requested that this will reduce the time taken up by referring such requests to Licensing and Appeals Sub Committee which takes up considerable officer and member time to establish and deal with and will reduce the burden on licence holders/applicants in having to attend such meetings if their request is deemed appropriate and within the policy guidelines and conditions.

Implications

- 4.1 **Financial Implications** – There are no direct financial implications to the Council arising out of the proposals in this report. .
- 4.2 **Legal Implications** – Any changes made to policies and licence conditions are administrative decisions and as such need to be rational, proportionate and capable of justification. Any changes to policy and decisions arising from them could be challenged in Court by an aggrieved party on this basis.
- 4.3 **Contribution to Corporate Priorities** – Promoting the wellbeing of Craven's communities
- 4.4 **Risk Management** –. There are no direct implications for risk management arising out of the proposals in this report.
- 4.5 **Equality Impact Assessment** – The Council's Equality Impact Assessment has not been carried out.
- 5. **Consultations with Others** – None
- 6. **Access to Information : Background Documents** – Craven Taxi Licensing Policy

7. **Author of the Report** – Deborah Bragg – Licensing Manager 01756 706343

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendices – Appendix A – Existing Appendix 'O' to Taxi Licensing Policy

Appendix O



Vehicle Advertisement Conditions

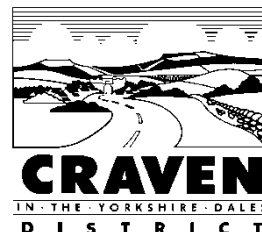
In order that advertisements on vehicles are of a standard type, the following conditions shall apply:-

- (a) That advertisements shall only be allowed on both rear passenger doors and the bonnet of a vehicle;
- (b) That the advertisement shall be the same size as the existing Hackney Carriage or Private Hire door signs, or will cover a similar area if different in shape;
- (c) That no advertisement should promote tobacco or alcohol products;
- (d) That no advertisement shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;
- (e) That no advertisement be displayed without the written approval of the Licensing Manager;
- (f) In the case of private hire vehicles, the proposed advertisement is to be submitted for approval by a licensed operator not individual vehicle owners;
- (g) That the licensed operator / hackney carriage proprietor submitting any advertisement for approval pay an appropriate fee to cover the cost of the administration involved. Fee amount available on request by calling 01756 706226

Signs, Notices, etc.

Any advertisement fitted to a vehicle must not obscure any signs, plates or notices that are required under a condition of licence for a hackney carriage or private hire vehicle..

Licensing Committee – 13 November 2018



GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES – Consultation on Amended Statement for period 2019-2021

Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – Every three years the Council is required by the Gambling Act 2005 to review the Gambling Act 2005 Statement of Licensing Principles (Licensing Policy), and to consult upon any changes proposed. The three yearly review is taking place this year and officers have reviewed the current policy and made suggestions in line with changes to Gambling Commissions Licence Conditions and Codes of Practice and drafted a more up to date and comprehensive Policy – attached at Appendix A.
 - 1.1 On 21 August 2018 members resolved to consult on a revised Gambling Act 2005 Statement of Principles. The consultation period took place between 28 August 2018 and 23 October 2018.
 - 1.2 The consultation process involved a letter being sent to all interested parties including Gambling Industry Organisations, Gambling Operators, all Local Councillors as well as Parish and Town Councils and other Local Authorities. The consultation was also put on the Council's Website and on our Facebook Page.
 - 1.3 We have received one response to the consultation from Gosschalks Solicitors who represent the Association of British Bookmakers. This letter is attached at Appendix B.
2. **Recommendations** –
 - 2.1 That the Licensing Committee approves the adoption of the Revised Gambling Statement of Principles; and
 - 2.2 That the Gambling Statement of Principles is brought before the Full Council on 18 December 2018 for adoption by the Council and to come into force on 31 January 2019.
3. **Report**
 - 3.1 Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31st

January 2007.

- 3.2 The consultation process is laid out clearly 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).
- 3.3 In the last three years there have been a number of issues that have come to the attention of Licensing Authorities nationwide. The most publicly reported of which is the increase in the number of Fixed Odds Betting Terminals and the impact these have had on those using them due to the high stakes that can be placed by gamblers in short spaces of time. This prompted a review by the Government of the maximum stake that can be placed on these machines at any one time resulting in a reduction in the maximum stake from £100 to £2.00.
- 3.4 In addition Leeds City Council commissioned research by Leeds Beckett University to identify problem gambling. This report entitled 'Problem Gambling in Leeds' by Dr Alexandra Kenyon, Dr Neil Ormerod, Professor David Parsons and Dr Heather Wardle published in July 2016 has been widely publicised and detailed a number of groups that are vulnerable to problem gambling. This output of this research is highly relevant because it informs the wider policy context around gambling and for this reason has been included in the revision of the policy.
- 3.5 Contact was made with the Gambling Commission before commencing the review and comments received have been included in the draft and a more robust policy has been drafted encompassing best practice from around the country so that Craven will have the best policy it can in order to protect the public in Craven who may use gambling premises or carry out gambling that we are responsible for regulating. The policy has taken into account the requirements of the Regulators Code, that guide our regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance. The code has the following principles:-
- Regulators should carry out their activities in a way that supports those they regulate to comply and grow;
 - Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views;
 - Regulators should have mechanisms in place to engage those they regulate, citizens;
 - Regulators should base their regulatory activities on risk;
 - Regulators should share information about compliance and risk
 - Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
 - Regulators should ensure that their approach to their regulatory activities is transparent
- 3.6 As a result of the consultation process we have received one response on behalf of the Association of British Bookmakers from Gosschalks Solicitors. This is attached at Appendix B.

- 3.7 In relation to page 5 onwards of the letter and ‘Considerations specific to the Draft Statement of Policy 2019 to 2021’ our response is that every application is treated on its own merits and that Craven although a rural district sits very closely to West Yorkshire and the bigger conurbations. Indeed Craven is part of the ‘Leeds City Region’ and the research undertaken does have relevance to the district of Craven. Indeed the output of the research, specifically categorised the differing high risk/vulnerable groups and this is considered valuable for regulators (both the Gambling Commission and Licensing Authorities) to be aware of. Of course, the Council would acknowledge that research is only a guide and any person or group can fall victim to issues raised by problem gambling. Indeed partnership working between Licensing Authorities and the Gambling Commission is intended to encourage early intervention in problem areas in the hope that they provide assistance in individual cases, and do not cause greater difficulties for the community, with the associated cost to public services. Attached at Appendix C and D are two relevant documents produced by the Local Government Association and the Gambling Commission about the issue of problem gambling and what research has found and what is expected of Licensing Authorities and partner Agencies in order to tackle the problem.
- 3.8 The proposed Statement of Principles is clear on what responsibilities fall to the Council as Licensing Authority. However in this capacity, it works in close partnership with the Gambling Commission and it will be appreciated that the references to matters for which the Gambling Commission are responsible is appropriate and forms relevant part of the broader context in which the Statement of Principles is developed. The Statement of Principles encourages Responsible Authorities and agencies involved in protecting the public from the harm that problem gambling can create, to work together so as to minimise any negative impact on families and the wider community.
- 3.9 In terms of the letter of representation, the Licensing Manager acknowledges that there are some relevant points about best practice in relation to checklists and other matters and would propose to consider those with a view to improving administrative procedures in this area.

Implications

- 4.1 **Financial Implications** – None
- 4.2 **Legal Implications** – The Council is required to review the Statement of Principles every three years under section 349 Gambling Act 2005. Failure to review and adopt a more up to date Policy to reflect changes to the Gambling legislation and Codes of Practice could lead to legal challenge should an application be received and determined in a way that leads to an appeal.
- 4.3 **Contribution to Corporate Priorities** – Promoting the wellbeing of Craven’s communities
- 4.4 **Risk Management** – No risks identified.

4.5 **Equality Impact Assessment** – The policy is in place to protect everyone in the District and therefore there is no adverse impact on any one group or person.

5. **Consultations with Others** –

6. **Access to Information: Background Documents** – Gambling Commission Guidance to Local Authorities/Existing Gambling Policy ‘Problem Gambling in Leeds by Dr Alexandra Kenyon, Dr Neil Ormerod, Professor David Parsons and Dr Heather Wardle Leeds Beckett University (July, 2016)

7. **Author of the Report** – Deborah Bragg – Licensing Manager 01756 706343

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendices – Appendix A – Proposed Gambling Act Statement of Principles
Appendix B - Letter from Gosschalks Solicitors on behalf of Association of British Bookmakers

Appendix C – Tackling Gambling related Harm – Local Government Association

Appendix D – Gambling related harm as a Public Health Issue – Gambling Commission

Statement of Licensing Policy 2019 – 2021

Gambling Act 2005

Further copies of this document can be obtained from:

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Executive Summary

The Gambling Act 2005 obtained Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31st January 2007.

The consultation process is laid out clearly 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).

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.

Any decision taken by the Council in regard to 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 which 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

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. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The Council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The Council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

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.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council in conjunction with the Gambling Commission. The policy describes the council's enforcement principles and the principles underpinning the right of review.

The policy has three appendices, describing the stakes and prizes which determine the category of a gaming machine, a glossary of terms and exempt gaming in pubs and clubs.

1. The licensing objectives

- 1.1 Under the Gambling Act 2005 (the Act) Craven District Council is the licensing authority for the Craven 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 Craven District Licensing Authority.
- 1.2 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.
- 1.3 More information can be found about how the Council will achieve this in Part B and C of this document.
- 1.4 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.
- 1.5 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.
- 1.6 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 as well as money laundering risk assessment. Specific information about localities is provided in this policy at Section xxx.

2. The District of Craven

2.1 Craven District Council is situated in the County of North Yorkshire, which contains seven District and Borough Councils in total. The Council area has a population of 55,500 making it one of the smaller in the County in terms of population. In terms of area it is one of the larger, covering 454 square miles. The District is mainly rural with several market towns, Skipton being the main town within the District

2.2 The Office for National Statistics' (ONS) annual study of the nation's happiness and well being found that residents of Craven reported the highest levels of happiness in Britain in 2016/17. In their annual study of happiness and wellbeing Craven reported the highest level of happiness, rating their level of happiness as 8.3 out of 10 compared to the national average of 7.5. The area also had the highest levels of life satisfaction 8.5 out of 10 compared to the UK average of 7.7 and the lowest level of anxiety among residents.

2.3 The rolling hills, a 900-year-old castle, cobbled streets, and a popular canal make Skipton a tourist attraction as well as a local commercial hub. And the area boasts a range of independent shops on its high street, good schools, and the picturesque Yorkshire Dales nearby.

3 **Integration with other guidance, policies, objectives and strategies**

Vision for Craven

This policy will from time to time be amended to incorporate the objectives of any Corporate Policies and Strategies adopted by the Council with regards to an overall vision for the District and in which any activities regulated by the Gambling Act that are undertaken in the District do so with no negative impact.

DRAFT

4 The purpose of the Gambling Act 2005 – Statement of Licensing Policy

- 4.1 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.
- 4.2 Craven District Council consulted widely upon this policy statement before finalising and publishing it. The policy was presented for public consultation on the website, and by email and post to solicitors, licensees, support organisation's, responsible authorities, ward members, MPs, trade associations, and parish councils. In total xxx emails and xxx letters were sent advising interested parties of the consultation.
- 4.3 The consultation took place between xxx and xxx and followed the Cabinet Office’s Code of Practice on Consultation. The consultation elicited xxx responses which are available on request. The policy was approved at a meeting of the Full Council on xxx xxxxxx 2018.

5 The licensing framework

- 5.1 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.
- 5.2 The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premises 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 is able to screen applicants and organisation’s 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 l i c e n s i n g 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.
- 5.3 The Council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and is regulated by the Gambling Commission under the National Lottery Act 1993.

6 Declaration

- 6.1 This statement of licensing policy 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.
- 6.2 In producing this document, the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

7 Responsible authorities

- 7.1 The Act empowers certain agencies to act as responsible authorities so that they can employ their particular 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.
- 7.2 The Council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
 - 7.2.1 the need for the body to be responsible for an area covering the whole of the licensing authority's area;
 - 7.2.2 the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.
- 7.3 In accordance with the regulations the Council designates the Local Safeguarding Children Board for this purpose. North Yorkshire Safeguarding Children Board has information on its website which applicants/licenceholders may find useful <http://www.safeguardingchildren.co.uk/multi-agency-procedures>. Applicants may find this useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.
- 7.4 The contact details of all the responsible authorities under the Gambling Act 2005 are available on the council's website within the guidance documents at <http://www.cravendc.gov.uk/licensing>

8 Interested parties

- 8.1 Interested parties are certain types of people or organisation's that have the right to make representations about licence applications, or apply for a review of an existing licence. These 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)”

8.2 The Council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

8.2.1 Each case will be decided upon its merits. The 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 local authorities.

8.2.2 Within this framework the Council will accept representations made on behalf of residents and tenants associations.

8.2.3 In order to determine if an interested party lives or has business interests, sufficiently close to the premises to be likely to be affected by the gambling activities, the Council will consider factors such as the size of the premises and the nature of the activities taking place.

8.3 The Council will provide more detailed information on the making of representations in a separate guidance note. The guidance note has been prepared in accordance with relevant Statutory Instruments and Gambling Commission guidance.

9 **Exchange of information**

9.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.

9.2 The principle that the 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. The Council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

10 **Licensing authority functions**

10.1 Licensing authorities are responsible under the Act for:

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'); and
Maintaining registers of the permits and licences that are issued under these functions.

10.2 The Council will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operator licences.

Part B - Promotion of the licensing objectives

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

- 11.1 The Gambling Commission will take a lead role in keeping gambling crime free by vetting all applicants for personal and operator licences. The council's main role is to try and promote this area with regard actual premises. Thus, where an area has known high levels of organised crime the Council will consider carefully whether gambling premises are suitable to be located there (see paragraph 13.8 and 13.9) and whether conditions may be required such as the provision of door supervision (see paragraph 13.15).
- 11.2 There is a distinction between disorder and nuisance. In order to make the distinction, when incidents of this nature occur, the Council will consider factors such as whether police assistance was required and how threatening the behaviour was.
- 11.3 Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.
- 11.4 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

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

- 12.1 The Council is aware that except in the case of tracks (see section 18) generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 12.2 However the Council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.
- 12.3 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

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

Protection of children

- 13.1 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 particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 13.2 The Act provides the following definition for child and young adult in Section 45: Meaning of “child” and “young person”
- (1) In this Act “child” means an individual who is less than 16 years old.
 - (2) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

- 13.3 The Council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos. This Council has adopted a ‘No Casinos’ resolution which was passed at a meeting of the Full Council on 19 December 2006.
- 13.4 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

Protection of Vulnerable People

- 13.5 The Council is aware of the difficulty in defining the term “vulnerable person”. In most recent literature it is not a term that is used, with the term “adults at risk or abuse or neglect” or “adults at risk” being the preferred terms.
- 13.6 The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term “vulnerable people” 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.”

- 13.7 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”.

- 13.8 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.
- 13.9 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."
- 13.10 In 2016 Leeds City Council commissioned Leeds Beckett University to undertake research into Problem Gambling in Leeds (*Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016*). This research looked specifically at identifying groups of the society that could be considered vulnerable to problem gambling:
- 13.11 **Young people** – rates of problem gambling among young people who gamble are higher than older adults and youth gambling behaviours are consistent with the harm paradox, whereby these age groups are less likely to gamble generally but those that do are more likely to experience difficulties with their behaviour (Wardle, 2015).
- 13.12 **Minority ethnic groups** – There is consistent evidence that those from Asian or Black backgrounds are more vulnerable to gambling problems and there is clear evidence of the harm paradox (Wardle, 2015).
- 13.13 **Unemployed and constrained economic circumstance** – the generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This is highlighted as a concern given the lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011).
- 13.14 There is evidence that those in debt and those using money lenders and/or pawnbrokers are more likely to be problem or at risk gamblers (Meltzer et al, 2012). The relationship between constrained economic circumstances and gambling problems is likely to be complex and multi-faceted. It may be mediated by other economic opportunities and personal feelings about how well off you are compared with others. Despite this complexity, there is a consistent body of evidence showing that, for whatever reason, those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.
- 13.15 **Area deprivation** – There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling behaviour. This was despite having roughly the similar levels of past year gambling participation to those who live in less deprived areas.

- 13.16 Wardle (2015) looked at the distribution of machines and licensed betting offices and argues that there was clear and consistent evidence of a spatial skew, whereby high density machine zones or areas with licensed betting offices are more deprived than others. Recent research has shown that among gamblers who held loyalty cards, rates of problem gambling (28%) were higher among those who lived within 400 metres of a concentration of betting offices than those who did not (22%) (Astbury & Wardle, 2016).
- 13.17 **Homeless** – The rates of problem gambling are higher among those who are homeless than those who are not. Although studies are small, they show that there is a significant relationship with gambling preceding homelessness. Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group.
- 13.18 **Mental ill health** – There is a strong association between mental ill health and problem gambling. Associations were found between problem gambling and general anxiety disorder, phobia, obsessive compulsive disorder, panic disorders, eating disorders, probably psychosis, attention deficit hyperactivity disorder, post-traumatic stress disorder, harmful and hazardous levels of alcohol consumption and drug addiction. Overall three quarters of problems gamblers seeking treatment also experience co-morbid mental health disorders.
- 13.19 Being a problem or at risk gambler is associated with earlier onset of major depressive disorder, alcohol use and dependence, drug use and experience of any mental disorder. Illegal drug use and experience of any mental disorder is also associated with the subsequent onset of at risk and problem gambling. These findings seem to confirm that the conclusion that the relationship between problem gambling and mental ill health may be cyclical.
- 13.20 **Substance abuse/misuse** – The evidence base relating to the relationship between substance abuse/misuse and experience of problem gambling broadly measures that of mental ill health. Evidence from British based surveys has shown that rates of problem gambling were higher among those with alcohol dependence (3.4%) or drug dependence (4.4%) than the general population (0.74%) (Wardle, 2015). A systemic review of those seeking treatment for gambling problems showed that 15% also experience alcohol dependence and 7% have other substance abuse disorders (Dowling et al, 2015). There is strong evidence that alcohol and substance misuse are associated with problem gambling. As with other mental health conditions, these conditions can co-occur at the same time.
- 13.21 **Personality traits/cognitive distortions** – There is a strong body of evidence highlighting the relationship between various personality traits, such as cognitive distortions or impulsivity, with problem gambling. Cognitive distortions, such as erroneous perceptions of gambling and illusion of control are well established risk factors for problem gambling (Johansson et al, 2009). However little research has been conducted to explore the complex interaction of personality traits with other factors and their combined influence on the experience of broader gambling harms. Certain personality traits and/or cognitive distortions are just one potential aspect of vulnerability which is likely to be affected by a range of other factors.

- 13.22 **Problem gamblers seeking treatment** – Because this group is in the process of attempting to recover from gambling problems they should be treated as a vulnerable group in their own right (Wardle, 2015).
- 13.23 Problem gambling can affect anyone at any time. Whilst rates of problem gambling among all adults in Britain tend to be less than 1% (1.4% in large metropolitan areas), there are some groups that are more likely to experience problems. These groups could all be considered vulnerable to gambling problems. Craven District Council and North Yorkshire County Council already works with many of these groups however operators should consider these groups in their Local Risk Assessments, especially in relation to identifying the people in these groups, and mitigating harm experienced by them.
- 13.24 In the case of premises licences the Council is aware of the extensive requirements set out for operators in the Gambling Commission's Code of Practice regarding social responsibility. In this document the Gambling Commission clearly describe 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 gambling responsibly and help for problem gamblers;
 Customer interaction;
 Self-exclusion; and
 Employment of children and young persons

- 13.25 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The Council will communicate any concerns to the Gambling Commission about any absence of this required information.
- 13.26 Applicants may also like to make reference to North Yorkshire Safeguarding Adults Board who have worked with West and North Yorkshire Authorities as well as York Boards to produce a Partnership document entitled "Multi Agency Safeguarding Adults Policies and Procedures – West and North Yorkshire and York" which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This document can be accessed at <http://www.nypartnerships.org.uk/sites/default/files/Partnership%20files/Safeguarding%20adults/Safeguarding%20Adults%20multi%20agency%20policy%20and%20procedures.pdf>
- 13.27 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, such as toilets;

Training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable;

Trained personnel for the purpose of identifying 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 with GamCare Helpline and website in prominent locations;
Windows, entrances and advertisements to be positioned or designed not to entice passers-by.

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

13.29 The Council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

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14 General Requirements

- 14.1 The Council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.
- 14.2 Premises licences are subject to the permissions/restrictions 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 are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.
- 14.3 Applicants should also be aware that 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.

Definition of “premises”

- 14.4 Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to 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.
- 14.5 The Council will 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. 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.
- 14.6 The Council will 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.
- 14.7 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

Location

14.8 The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The 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.

14.9 With regards to these objectives it is the Council's policy, upon receipt of any relevant representations to look at specific location issues including:

The possible impact a gambling premise 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 premise 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; and
Any levels of organised crime in the area.

Local Risk Assessments

14.10 In order for location to be considered, the Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

14.11 The LCCP goes on to say licensees 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.

14.12 The Council will expect the local risk assessment to consider the urban setting:

The proximity of the premises to schools;

The commercial environment;

Factors affecting the footfall;

Whether the premises is in an area of deprivation;

Whether the premises is 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.

14.13 The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected:

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 under age 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; and

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.

14.14 The local risk assessment should 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 that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

14.15 Other matters that the assessment may include:

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;

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.

- 14.16 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.
- 14.17 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.

Local Area Profile

- 14.18 Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council have published a local area profile and this available at Appendix 4 of this document.
- 14.19 The local area profiles should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profiles will be presented to any subsequent licensing sub committee when they determine an application that has received representations.
- 14.20 The Council recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However an applicant who decides to disregard the profiles may face additional representations and the expense of a hearing as a result.

Money Laundering Risk Assessment

- 14.21 The Council requires applicants and licence holders to conduct an assessment of the risks of their business being used for money laundering and terrorist financing. Such risk assessment must be appropriate and must be reviewed as necessary in the light of any changes in circumstances, including the introduction of new technology, new methods of payment by customers, changes in the customer demographic or any other material changes, and in any event reviewed at least annually.
- 14.22 As a gambling business you have a responsibility to uphold the three licensing objectives set out in the Gambling Act 2005 (the Act). The first of those licensing objectives is to prevent gambling being a source of crime or disorder, being associated with crime and disorder, or being used to support crime.

Money laundering in the gambling sector takes two main forms:

Exchanging money acquired criminally for money that appears to be legitimate or 'clean' by gambling on low risk outcomes; and

The use of criminal proceeds to fund gambling as a leisure activity (so called criminal or 'lifestyle' spend).

You should report money laundering to the National Crime Agency (the NCA) and, where appropriate consent is requested, wait for such consent to deal with a transaction or wait until a set period has elapsed before proceeding.

14.23 The Proceeds of Crime Act 2002 ('POCA')

POCA creates several principal offences that apply to everyone and criminalise any involvement in the proceeds of any crime if the person knows or suspects that the property is criminal property.

These offences relate to the concealing, disguising, converting, transferring, acquisition, use and possession of criminal property, as well as an arrangement which facilitates the acquisition, retention, use or control of criminal property.

For example, in the gambling industry, this may involve taking cash, cheque, or card payments, based on funds which are the proceeds of crime, in the form of a bet or wager, or holding money on account for a customer.

14.24 Customer relationships

You should be mindful that some risk indicators (for example, a pattern of increasing spend, spend inconsistent with apparent source of income or unusual patterns of play) could be indicative of money laundering, but also equally of problem gambling, or both (or, possibly, neither).

Given that you have the responsibility to prevent gambling from being associated with crime and disorder and protecting vulnerable people from being harmed by gambling, you should carry out appropriate enquiries and assessments. It is important that you are able to continually access and understand information relating to gambling activity by the same customer in different parts of the business so that you have a fuller picture of the risks to which you are exposed.

Customer relationships consist of the following three aspects:

Establishment of the business relationship with the customer;
Monitoring customer activity, including account deposits and withdrawals; and
Termination of the business relationship with the customer.

In all instances of the relationship it is necessary to consider whether the customer is engaging in money laundering, including criminal spend, and to [report suspicious activity](#) and seek appropriate consent with the NCA, as well as considering any risk to the licensing objectives.

14.25 Your duties under the Proceeds of Crime Act 2002

POCA imposes duties on all operators to:

Disclose instances where you know or suspect that a person is engaged in money laundering;
Make disclosures in the prescribed form and manner;
Obtain appropriate consent to carry out a prohibited transaction.

In all instances where customer funds are known or suspected of having criminal origins, a [report must be made to the NCA](#) at the earliest opportunity.

Your employees are at risk of committing principal money laundering offences, unless a report is made to the NCA and, where appropriate, consent is obtained.

14.26 Appointing a nominated officer

Whilst only those in the regulated sector (non-remote and remote casinos) need to appoint nominated officers, it is recommended that operators in the non-regulated sector should also consider appointing a nominated officer, as this will help you meet your obligations under POCA more effectively.

Where a nominated officer is appointed, they will normally be responsible for ensuring that information is properly disclosed to the NCA. The decision to report or not to report suspicious activity is the responsibility of the nominated officer.

The nominated officer will:

- Receive internal disclosures under Part 7 of POCA;
- Decide whether these disclosures should be reported to the NCA;
- Make reports to the NCA;
- Ensure that appropriate consent is applied for, as necessary; and
- The nominated officer should record all decisions made.

14.27 Suspicious activity reporting

All operators are required to report where they know, or suspect, that a person is engaged in money laundering, including criminal spend. In order to provide a framework within which suspicious activity reports (SARs) may be raised and considered:

- You should ensure that your employees make reports to the nominated officer, or an employee in a managerial capacity;
- The nominated officer, or manager, should consider each report, and determine whether it warrants the submission of a SAR; and
- You should ensure that your employees are appropriately trained.

Knowledge means *actual* knowledge. Having knowledge means actually knowing something to be true. In a criminal court, it must be proved that the individual in fact knew that a person was engaged in money laundering.

14.28 Whether you hold suspicion or not is a subjective test. Being suspicious of a transaction does not require knowledge of the exact nature of the criminal offence or that the funds are definitely those arising from a crime.

14.29 In order for a report to the NCA to be made, it is not necessary to know or to establish the exact nature of any underlying criminal offence, or that the funds were definitely those arising from a crime.

14.30 Seeking appropriate consent

Handling any proceeds of crime, is committing a principal money laundering offence. However, if you submit a SAR to the NCA, this may provide a defence. The NCA can either grant or refuse the 'prohibited act' going ahead. This is called 'appropriate consent'.

Appropriate consent is granted by the NCA UKFIU Consent Desk. It carries out the necessary internal enquiries, and may contact the appropriate law enforcement agency for a recommendation. Once the NCA has reached a decision you will be given a consent reference number, which should be recorded, along with your record of decisions made.

14.31 Failing to report

POCA creates an offence of failing to report suspicious activity. Where a person nominated by the operator to receive disclosures fails to comply with the obligation to make a report to the NCA as soon as practicable after the information is received, that person is open to criminal prosecution. The criminal sanction under POCA is a prison term of up to five years and/or a fine.

14.32 Prejudicing an investigation

Where a confiscation investigation, a civil recovery investigation or a money laundering investigation is being, or is about to be, conducted, it is a criminal offence for anyone to release information which is likely to prejudice the investigation. It is also a criminal offence to falsify, conceal, destroy or otherwise dispose of documents which are relevant to the investigation (or to cause or permit these offences).

Reasonable enquiries regarding activity that is inconsistent with normal patterns of activity for a customer may be driven by social responsibility concerns. This should not result in the offence of prejudicing an investigation, unless you know or suspect that an investigation is current or impending and, importantly, make the enquiries in a way that it discloses those facts.

14.33 Training

Under POCA, your employees face criminal penalties if they are involved in money laundering, unless they make a report of known or suspected money laundering activity. It is important, therefore, that you make them aware of their legal obligations and how to correctly discharge them. You should also take reasonable steps to ensure that your employees are aware of:

- Money laundering risks;
- Procedures for managing those risks;
- Identity and responsibilities of the person responsible for making reports to the NCA;
- Potential effect of a breach of POCA on your gambling business and your employees.

14.34 Duties and responsibilities under the Proceeds of Crime Act 2002

Further information can be found at <http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/General-compliance/AML/How-to-comply/How-to-meet-your-anti-money-laundering-responsibilities.aspx>

Duplication with other regulatory regimes

- 14.22 The Council will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The 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 proposed conditions which are not able to be met by the applicant due to planning restrictions, should such a situation arise.
- 14.23 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.

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Conditions

- 14.24 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 dealt with.
- 14.25 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 this.
- 14.26 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 is based;
 - Fairly and reasonably related to the scale, type and location of premises;
 - Consistent with the licensing objectives; and
 - Reasonable in all other respects.
- 14.27 Decisions about individual conditions will be made on a case by case basis, although there will be a number of 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.
- 14.28 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;
 - 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 DBS 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; and

Obscuring windows – labelling premises so it's clear that they are gambling premises.

14.29 This list is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

14.30 There are conditions which the Council cannot attach to premises licences which are:

Any condition on the premises licence which makes it impossible for the applicant 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, winnings or prizes.

Door supervision

14.31 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 also 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 record (DBS) check on potential staff and for such personnel to have attended industry recognised training.

15 Adult Gaming Centres

15.22 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 city centres.

15.23 Under the Act a 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 (see Appendix 1).

15.24 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The Council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

- 15.25 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.

16 **Licensed family entertainment centres (FECs)**

- 16.22 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 (see Appendix 1).

- 16.23 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 located 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 supervised at all times;

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.

- 16.24 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The Council will expect applicants 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 machine areas.

- 16.25 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.

- 16.26 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 standards and to the satisfaction of North Yorkshire Police 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.

- 16.27 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 DBS checked.
- 16.28 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.

17 **Casinos**

- 17.22 No Casinos resolution - This licensing authority has a 'no casino' resolution under Section 166 of the Gambling Act 2005.

18 **Bingo premises**

- 18.22 There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view 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 (see Appendix 1).
- 18.23 The Council is aware that it is important that if children are allowed to enter premises licensed for bingo 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 Council will ensure that:

All such machines are located 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 supervised at all times;

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; and

Children will not be admitted to bingo premises unless accompanied by an adult.

- 18.24 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The Council will take this into consideration when determining licence applications for bingo premises.
- 18.25 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.

19 **Betting premises**

- 19.22 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 race courses as well as the general betting premises licences that track operators will require.

Betting machines

- 19.23 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 take into account 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.
- 19.24 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 12.
- 19.25 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.

20 Tracks

- 20.22 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 also 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.
- 20.23 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.
- 20.24 Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The Council will however assess each individual case on its merits before deciding if this is necessary. Where possible the Council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.
- 20.25 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 premises boundary.

- 20.26 Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence. If you require further guidance on this provision please contact the Entertainment Licensing Section.
- 20.27 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, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.
- 20.28 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.

Betting machines

- 20.29 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 take into account the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, in order to ensure they are in a properly segregated area where children are not permitted.
- 20.30 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.

21 Travelling fairs

- 21.22 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.
- 21.23 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 (see Appendix 1).
- 21.24 The Council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 21.25 The Council is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year 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. The Council will work with its neighbouring authorities to ensure that land which crosses the Council boundary is monitored so that the statutory limits are not exceeded.

22 **Provisional statements**

- 22.22 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 in light of 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).
- 22.23 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account 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 Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a) which could not have been raised by objectors at the provisional licence stage; or
 - b) which in the authority's opinion reflect a change in the operator's circumstances.
- 22.24 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.

23 Unlicensed family entertainment centre gaming machine permits (UFECs)

- 23.22 The term ‘unlicensed family entertainment centre’ is one defined in the Act and refers to a 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.
- 23.23 The Gambling Act 2005 contains provision for local authorities to prepare a “Statement of Principles” that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states “In preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.
- 23.24 In line with the above provision the Council has prepared a ‘Statement of Principles’ in relation to unlicensed family entertainment centre gaming machines as follows:

Statement of Principles

- 23.25 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.
- 23.26 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 standards and to the satisfaction of North Yorkshire Police 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.

- 23.27 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 DBS checked.

- 23.28 The Council will also 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 in unlicensed FECs;

That the applicant has no relevant conviction (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.

- 23.29 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.

- 23.30 Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.

24 Gaming machine permits in premises licensed for the sale of alcohol

- 24.1 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 council. The Council can remove the automatic authorisation in respect of any particular 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.

- 24.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the Council 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.*” The 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 harm or being exploited by gambling. The Council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.

- 24.3 All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.

- 24.4 Measures which may satisfy the Council that persons under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisation's such as GamCare.
- 24.5 The Council can decide to grant the permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 24.6 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(s).
- 24.7 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.
- 24.8 Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix 3 of this document.

25. Prize gaming permits

- 25.1 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.
- 25.2 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.
- 25.3 The Gambling Act 2005 contains provision for local authorities to prepare a "Statement of Principles" that they propose to consider in determining the suitability of an applicant for a permit. Schedule 14, Para 8 of the Act states, "in preparing this statement, and/or considering applications, it [the council] 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.
- 25.4 In line with the above provision the Council has prepared a Statement of Principles in relation to prize gaming permits as follows:

Statement of Principles

- 25.5 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.

- 25.6 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; and
 - 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 standards as described PSDB leaflet 09/05 and to the satisfaction of North Yorkshire Police 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.
- 25.7 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 DBS checked.
- 25.8 The Council will also 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.
- 25.9 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.
- 25.10 Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.
- 25.11 There are conditions in the Gambling Act 2005 by which the permit holder must comply. 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.

26. Club gaming and club machine permits

- 26.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming. 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.
- 26.2 To qualify for these special club permits a members 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.
- 26.3 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 in close proximity to 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 organisation's such as GamCare.
- 26.4 Before granting the permit the Council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.
- 26.5 The Council 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 they have 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.
- 26.6 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. 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 the Council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming,
 - (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.

27. Temporary use notices

- 27.1 Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 27.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.
- 27.3 Only persons or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.
- 27.4 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. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.
- 27.5 The Act makes a special reference, in the context of temporary use notices, to a “set of premises” to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The Council considers that the determination of what constitutes “a set of premises” will be a question of fact in the particular 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 will be ready 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.

28. Occasional use notices (for tracks)

- 28.1 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.
- 28.2 The Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will however consider the definition of a ‘track’ and whether the applicant is entitled to benefit from such notice.

29. Small society lottery registrations

- 29.1 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.
- 29.2 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.
- 29.3 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 Craven and want to run such lottery.
- 29.4 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.
- 29.5 To be 'non-commercial' a society must be established and conducted:
- for charitable purposes,
 - for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
 - for any other non-commercial purpose other than that of private gain.
- 29.6 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.
- 29.7 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.

30. Enforcement principles

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

30.2 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the Council 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.

30.3 The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

30.4 Where there is a Primary Authority scheme in place, the Council will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:

Coral	London Borough of Newham
William Hill	City of Westminster
Ladbrokes	Milton Keynes
Paddy Power	Reading

30.5 Further information, including an index of all Primary Authority arrangements can be found at <https://primaryauthorityregister.info/par/index.php/home>

30.6 The Council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.

- 30.7 The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission. In circumstances where the Council believes a premise requires a premises licence for gambling activities and no such licence is in force, the Council will alert the Gambling Commission.
- 30.8 The Council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 30.9 The Council's enforcement/compliance protocols/written agreements will be available upon request.

31. Reviews

- 31.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may be amended or new conditions added.
- 31.2 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 on the basis of whether the request for the review is:
- i) in accordance with any relevant code of practice issued by the Gambling Commission
 - ii) in accordance with any relevant guidance issued by the Gambling Commission
 - iii) reasonably consistent with the licensing objectives and
 - iv) in accordance with this authority's Gambling Act 2005 – Statement of Licensing Policy.
- 31.3 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.
- 31.4 The Council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Appendix 1 Gaming machines

This appendix describes the categories of gaming machine as set out in the Act (and in regulations) and the number of such machines that may be permitted in each type of gambling premises.

- Table 1 below sets out the current proposals for the different categories with the maximum stakes and prizes that will apply. This table will be updated as soon as the proposals are confirmed.
- Table 2 overleaf shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

Table 1

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 (with the option of a max £20,000 linked progressive jackpot on a premises basis only)
¹ B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize	10p	£5
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	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 machine)	20p	£15 (of which no more than £8 may be a money prize)

¹ The category B2 is not actually a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal (FOBTs). These are a new 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.

Table 2

	Machine category						
Premises Type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks operated by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo Premises ¹				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*		No limit C or D machines	
Adult gaming centre ²				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*		No limit C or D machines	
Licensed family entertainment centre ³						No limit C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits ⁴						Maximum of 3 machines in categories B3A or B4 to D*	
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with licensed premises gaming machine permit						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

1. Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.
2. Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.
3. Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.
4. Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.
5. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

Appendix 2 Glossary of terms

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 black jack 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.
Coin 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 is able to 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'.

Term	Description
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.

Term	Description
Odds	The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 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 bookmakers. 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: <ul style="list-style-type: none"> 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. For Craven the RAs include North Yorkshire Police, North Yorkshire Safeguarding Children Board as well as several others.

Term	Description
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 Totaliser, 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 Summary of gaming entitlements for clubs and pubs

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game <u>Other gaming</u> No limit	Poker £1000 per week £250 per day £10 per person per game <u>Other gaming</u> No limit	<u>Cribbage & dominoes</u> No limit Poker £100 per premises per day <u>Other gaming</u> £5 per person per game
Limits on prizes	No limit	No limit	Poker £250 per game <u>Other gaming</u> No limit	Poker £250 per game <u>Other gaming</u> No limit	Poker £100 per game <u>Other gaming</u> No limit
Maximum participation fees – per person per day	Bridge and/or whist* £20 <u>Other gaming</u> £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist* £18 <u>Other gaming</u> £3 (commercial club) £1 (members club)	Bridge and/or whist* £18 <u>Other gaming</u> £1	None permitted
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

* On a day when no other facilities for gaming are provided

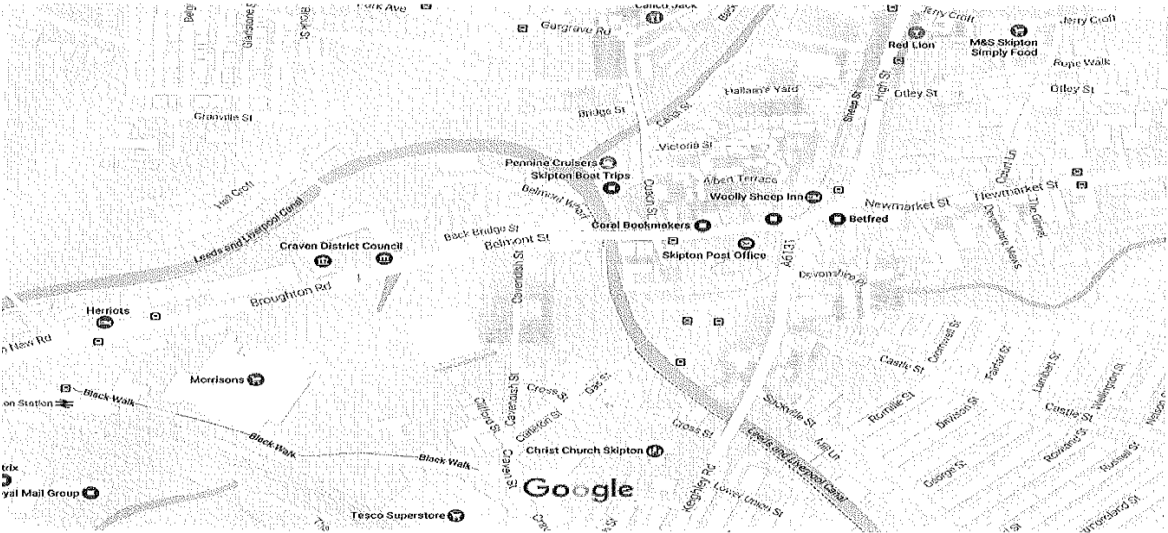
Appendix 4 Local Area Risk Profile

Local Area Risk Profile

The District is the most westerly in North Yorkshire, spread across 450 square miles of land that extends north from a boundary near Skipton, with West Yorkshire to the southeast, Lancashire to the west, and Cumbria to the northwest. The area covers 117,876 hectares (15% of North Yorkshire), and it has a population of 53,600, giving it a population density of 44 people per square kilometre, being in the top ten lowest population density councils in England . (UK average 245 people per sq km).

The District only has three licensed premises which are Betting Shops and these are all within Skipton itself.

These are shown on the map below:



Map data ©2017 Google 50 m

Coral Bookmakers
Off Track Betting Shop · 26 Swadford St

William Hill
Off Track Betting Shop · 3 Swadford St

Betfred
Off Track Betting Shop · Caroline Square, 85-87 High St

Economic Factors

According to figures from North Yorkshire County Council this is the current economic climate in Craven:-

Unemployment in Craven between October 2015 and September 2016 stood at 900 which was 3.1% (calculated as a percentage of the 16+ economically active population).
Claimants for Jobseekers Allowance stood at 108 (64 male 44 female) in January 2017 a fall of 11 for the month and 79 on year (-9.2% and -42.2% respectively).
The number of claimants claiming for over 6 months was 45.5%.
The number of claimants claiming for over 12 months was 27.3%.

The number of 18-24 year olds claiming job seekers allowance was 10 which equates to 9.1% of the total number of claimants.

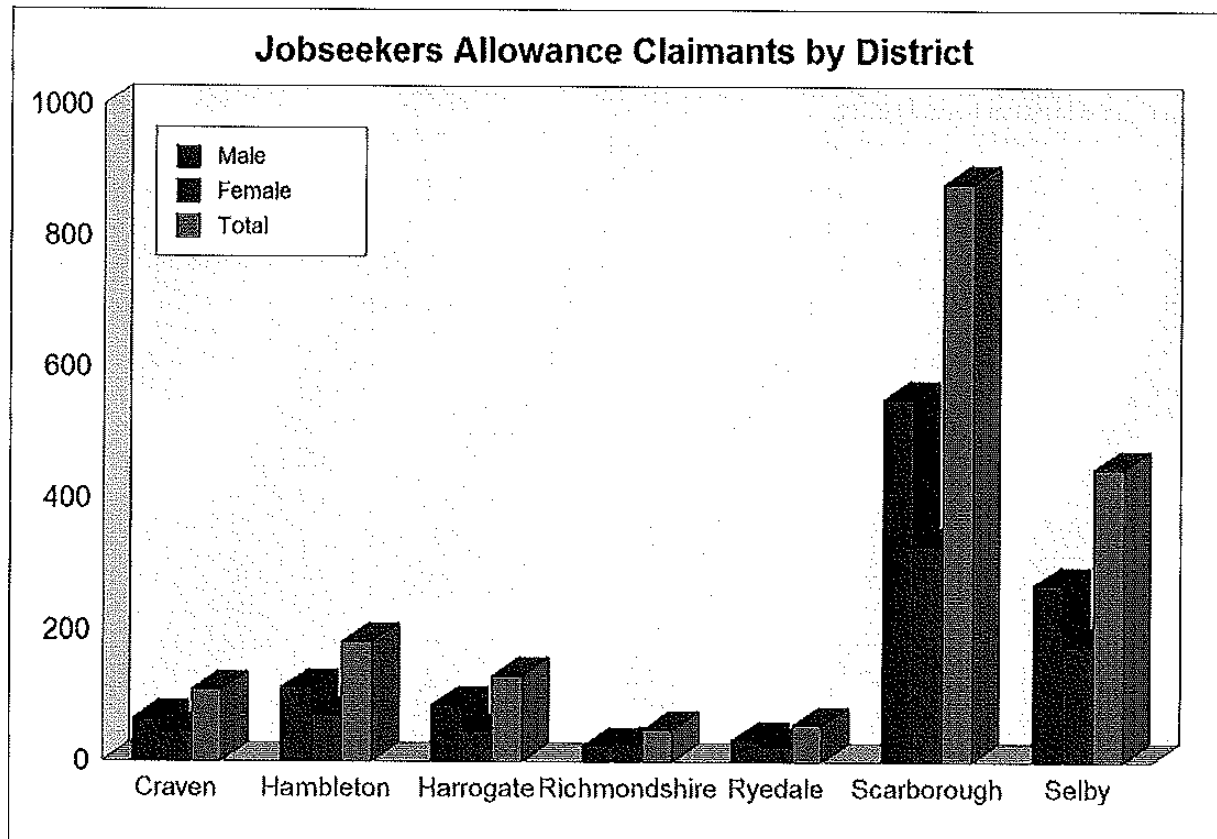
The total number of claims by Ward in Craven stood at:-

WARD-BASED JOBSEEKERS ALLOWANCE CLAIMANT RATES: JANUARY 2017

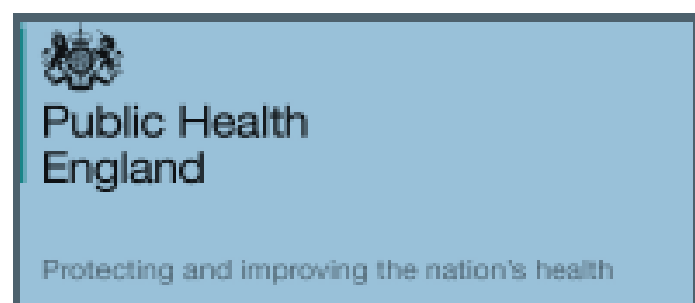
CRAVEN	MALE		FEMALE		TOTAL	
	CLAIMS	RATE	CLAIMS	RATE	CLAIMS	RATE
36UBGB : Aire Valley with Lothersdale	3	0.3	#	#	5	0.2
36UBGC : Barden Fell	#	0.0	#	0.0	#	0.0
36UBGD : Bentham	#	#	#	#	3	0.1
36UBGE : Cowling	4	0.6	3	0.4	7	0.5
36UBGF : Embsay-with-Eastby	#	0.0	#	0.0	#	0.0
36UBGG : Gargrave and Malhamdale	3	0.3	#	#	5	0.3
36UBGH : Glusburn	6	0.5	3	0.3	9	0.4
36UBGJ : Grassington	#	0.0	#	#	#	#
36UBGK : Hellfield and Long Preston	#	0.0	#	0.0	#	0.0
36UBGL : Ingleton and Clapham	4	0.4	#	0.0	4	0.2
36UBGM : Penyghent	#	0.0	#	#	#	#
36UBGN : Settle and Ribblesbanks	4	0.4	#	#	6	0.3
36UBGP : Skipton East	3	0.3	5	0.5	8	0.4
36UBGQ : Skipton North	#	#	5	0.5	7	0.3
36UBGR : Skipton South	9	0.8	4	0.3	13	0.5
36UBGS : Skipton West	12	1.0	8	0.6	20	0.8
36UBGT : Sutton-in-Craven	8	0.7	5	0.4	13	0.6
36UBGU : Upper Wharfedale	#	#	#	0.0	#	#
36UBGW : West Craven	#	#	#	#	3	0.3
TOTAL	64	0.4	44	0.3	108	0.3

NOTES

1. JSA data are published by the Office for National Statistics.
 2. JSA claimant rates are unadjusted for seasonal variations
 3. The denominators used for ward rates are the 2013 resident working-age (16-64) population
 4. # these figures are suppressed by the Office for National Statistics
 5. Compilation: Corporate Information Systems Team, Central Services Directorate, NYCC.
- Contact: economic.statistics@northyorks.gov.uk



The most recent Health Profile completed for the Craven District is below:-



Craven

District

This profile was published on 3 July 2018

Local Authority Health Profile 2018

This profile gives a picture of people's health in Craven. It is designed to help local government and health services understand their community's needs, so that they can work together to improve people's health and reduce health inequalities.

Health in summary

The health of people in Craven is varied compared with the England average. About 7% (600) of children live in low income families. Life expectancy for both men and women is higher than the England average.

Health inequalities

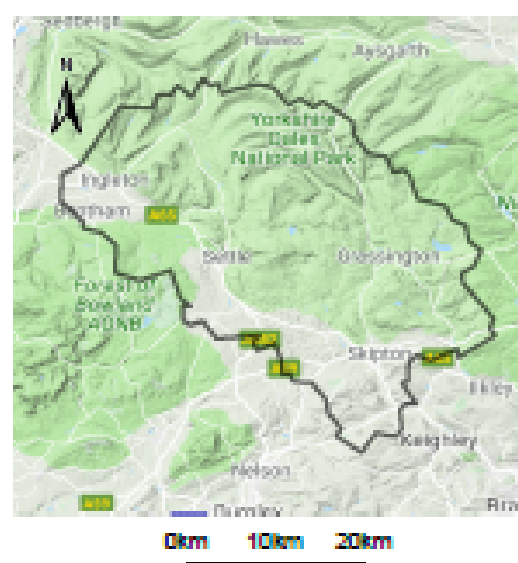
Life expectancy is 3.5 years lower for men and 3.8 years lower for women in the most deprived areas of Craven than in the least deprived areas.**

Child health

In Year 6, 16.9% (89) of children are classified as obese. The rate of alcohol-specific hospital stays among those under 18 is 55*. This represents 6 stays per year. Levels of teenage pregnancy and GCSE attainment are better than the England average.

Adult health

The rate of alcohol-related harm hospital stays is 658*. This represents 400 stays per year. The rate of self-harm hospital stays is 189*. This represents 94 stays per year. Estimated levels of adult excess weight, smoking and physical activity are better than the England average. The rate of people killed and seriously injured on roads is worse than average. Rates of sexually transmitted infections and TB are better than average. Rates of violent crime and early deaths from cardiovascular diseases are better than average.



Contains National Statistics data © Crown copyright and database right 2018
Contains OS data © Crown copyright and database right 2018
Map data © 2018 Google
Local authority displayed with ultra-generalised clipped boundary

For more information on priorities in this area, see:

- www.data.northyorkshire.org
- <http://nypartnerships.org.uk/healthandwellbeing>

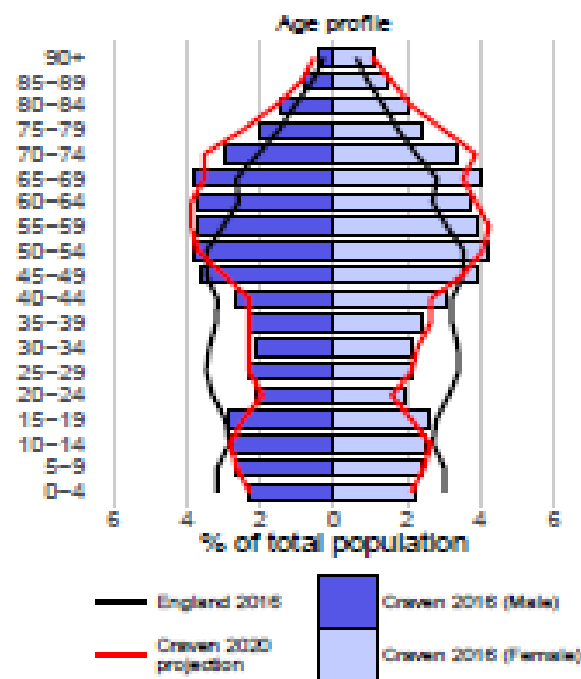
Visit www.healthprofiles.info for more area profiles, more information and interactive maps and tools.

Local Authority Health Profiles are Official Statistics and are produced based on the three pillars of the Code of Practice for Statistics: Trustworthiness, Quality and Value.

Follow @PHE_uk on Twitter

* rate per 100,000 population

Population



Understanding the sociodemographic profile of an area is important when planning services. Different population groups may have different health and social care needs and are likely to interact with services in different ways.

	Craven (persons)	England (persons)
Population (2018)*	58	55,268
Projected population (2020)*	57	56,705
% population aged under 18	18.4%	21.3%
% population aged 65+	25.9%	17.9%
% people from an ethnic minority group	3.2%	13.6%

* thousands

Source:
Populations: Office for National Statistics licensed under the Open Government Licence
Ethnic minority groups: Annual Population Survey, October 2015 to September 2016

Deprivation

The level of deprivation in an area can be used to identify those communities who may be in the greatest need of services. These maps and charts show the Index of Multiple Deprivation 2015 (IMD 2015).

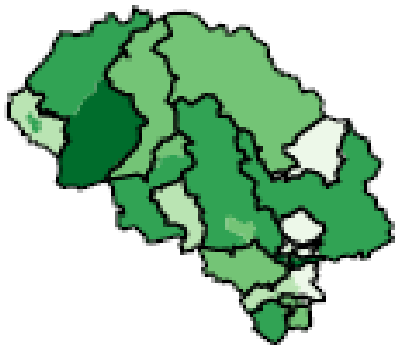
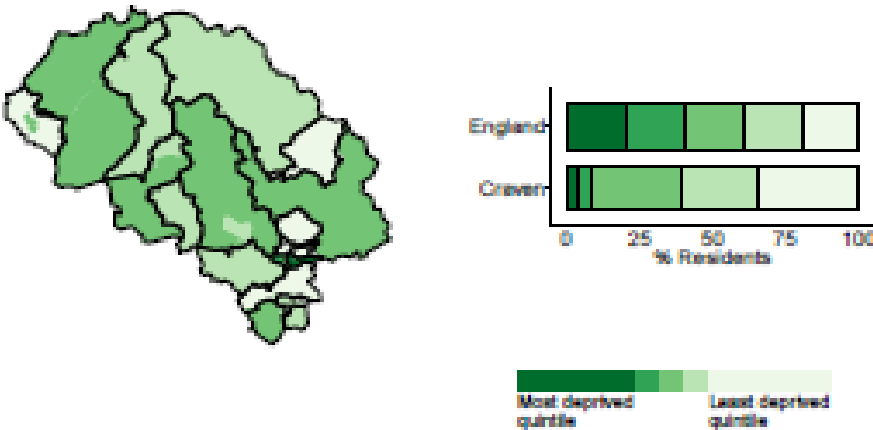
National

The first of the two maps shows differences in deprivation in this area based on national comparisons, using national quintiles (fifths) of IMD 2015, shown by lower super output area. The darkest coloured areas are some of the most deprived neighbourhoods in England.

The chart shows the percentage of the population who live in areas at each level of deprivation.

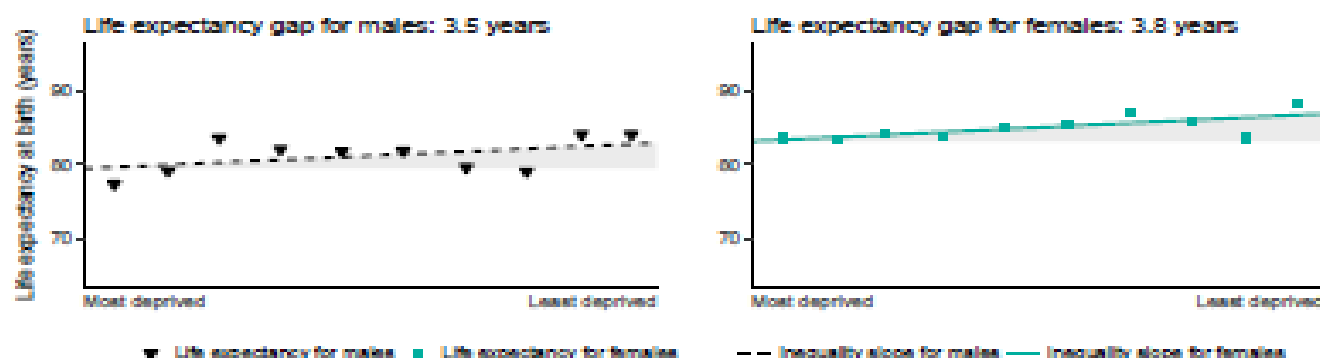
Local

The second map shows the differences in deprivation based on local quintiles (fifths) of IMD 2015 for this area.



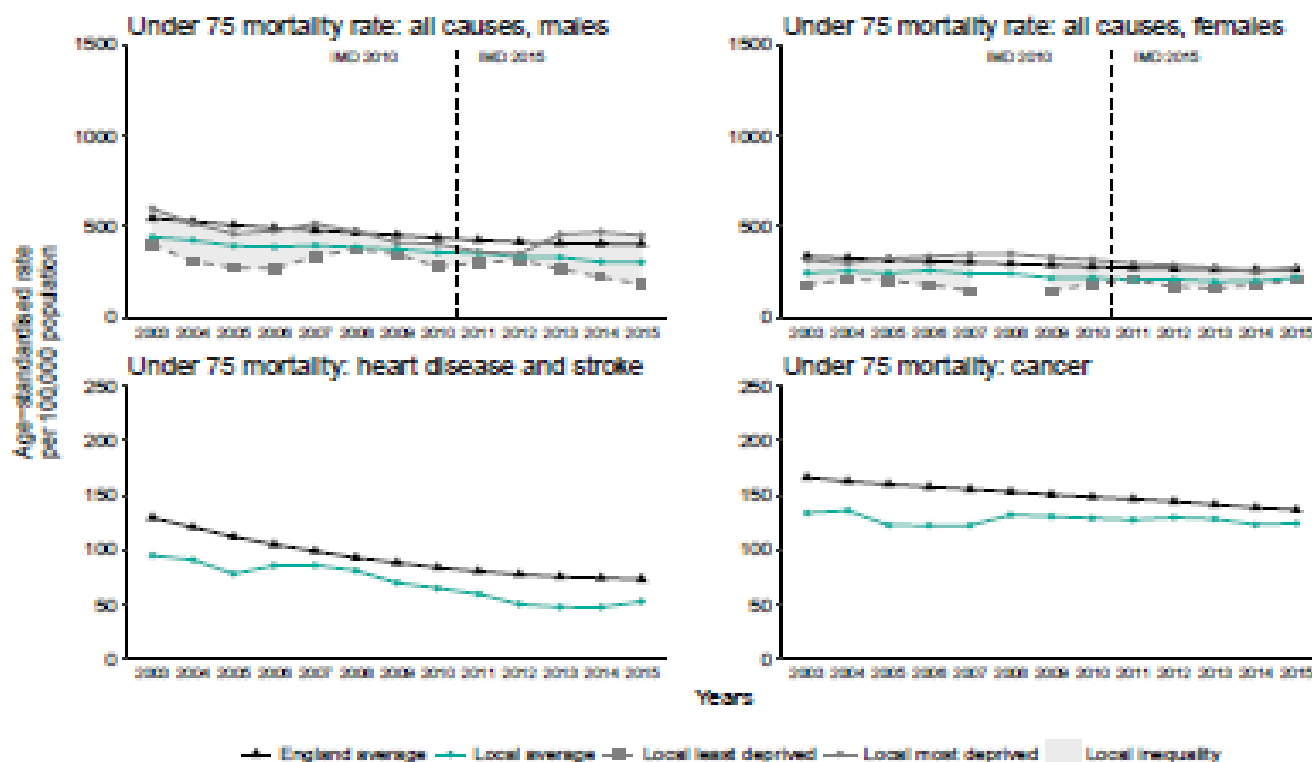
Health inequalities: life expectancy

The charts show life expectancy for males and females within this local authority for 2014-16. The local authority is divided into local deciles (tenths) by deprivation (IMD 2015). The life expectancy gap is the difference between the top and bottom of the inequality slope. This represents the range in years of life expectancy from most to least deprived within this area. If there was no inequality in life expectancy the line would be horizontal.



Trends over time: under 75 mortality

These charts provide a comparison of the trends in death rates in people under 75 between this area and England. For deaths from all causes, they also show the trends in the most deprived and least deprived local quintiles (fifths) of this area.



Data from 2010-13 onwards have been revised to use IMD 2015 to define local deprivation quintiles (fifths), all prior time points use IMD 2010. In doing this, areas are grouped into deprivation quintiles using the Index of Multiple Deprivation which most closely aligns with the time period of the data. This provides a more accuracy of examining changes over time by deprivation.

Data points are the midpoints of three year averages of annual rates, for example 2005 represents the period 2004 to 2006. Where data are missing for local least or most deprived, the value could not be calculated as the number of cases is too small.

DRAFT



BY EMAIL ONLY
Licensing Department
Craven District Council

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / AW / 097505.00005
#GS2230782
Your ref:
Date: 23 October 2018

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take with regard, to the requirements for local area risk assessments.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these would be detrimental to the gambling licensing regime. The ABB also believes it is important that

the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as *"breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Employing additional licence conditions

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent

with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Considerations specific to the Draft Statement of Policy 2019 to 2021

The draft policy should be re-drafted to remove many parts that are irrelevant for the purposes of the statement of licensing policy. The purpose of the policy is explained in paragraphs 2 & 4 of the Executive Summary and at paragraph 4.1. By virtue of Section 349 Gambling Act 2005, the licensing authority is required to publish a statement detailing the principles that it will apply when exercising its functions under the Act. The statement of principles is not intended to be a commentary on the law, or various pieces of research, it is simply intended to outline the principles that will be applied. Accordingly, paragraphs 13.10 to 13.22 inclusive can be deleted. These sections cherry pick statistics and statements from various pieces of research, none of which apply to Craven. These statements are all taken out of context and the draft policy should simply be clear that any individual has the potential to be vulnerable. It is not helpful for the policy to define vulnerability by the colour of an individual’s skin, their heritage, their employment status or relative affluence. The inclusion of these references to this research is pejorative and accordingly they should be removed.

Staff within betting offices are trained to identify behavioral signs of vulnerability and to signpost any individuals displaying such signs and signpost assistance to any individuals displaying such signs.

The draft statement of policy also indicates that all applicants and licence holders are to conduct an assessment of the risks of their business being used for money laundering and terrorists financing. Thereafter, there is a long commentary (over four pages) relating to the proceeds of Crime Act. All of these paragraphs can be removed. It is a requirement of the LCCP that licence holders act in accordance with the Gambling Commissions Guidance on anti-money laundering. Furthermore, as part of their procedures for compliance with the requirements in respect of the prevention and detection of money laundering in the Proceeds of Crime Act 2002 and the

Terrorism Act 2000, licensees are required to take into account the Gambling Commission's advice on the Proceeds of Crime Act 2002.

As these are LCCP requirements there is no need for any mention of them within the statement of principles. These are issues pertinent to the operating licence and not issues into which the licensing authority should trespass.

There is no need for any commentary within the draft statement of policy of the Proceeds of Crime Act 2002. All operators (and indeed individuals) must comply with this as they must comply with all other UK legislation. Accordingly these sections should be deleted.

Thereafter, there are a number of other alterations that should be made to the draft statement of policy. It refers to the "promotion" of the licensing objectives in paragraph 7.1 and indeed in the heading to Part B. In exercising most of its functions under Gambling Act 2005, the licensing authority is required to "have regard" to the licensing objectives whilst applications granted must be "reasonably consistent" with the licensing objectives. There is no requirement of any organization other than the Gambling Commission to promote the licensing objectives. These references to the "promotion" of the licensing objectives should be removed as they are misleading and appear to create similar obligations as are required under Licensing Act 2003.

Sections 14.12 to 14.14 contain lists of matters that the licensing authority expects local risk assessments to consider. These lists should be deleted to remove matters that are not relevant to an assessment of risk to the licensing objectives. For example, the references to street drinking, youths participating in anti-social behavior, drug dealing, graffiti, tagging etc are all issues of nuisance and are not relevant to any assessment of risk to the licensing objectives. Similarly for the requirement to assess "gaming trends that may mirror days for financial payments such as pay days or benefit payments" cannot be relevant to an assessment of risk to the licensing objectives unless the licensing authority has predetermined that persons in receipt of benefits are automatically vulnerable or more likely to commit crime as a result of gambling. The lists within these sections should accordingly be redrafted.

Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,



GOSSCHALKS

Tackling gambling related harm

A whole council approach

Foreword

There is increasing awareness about harmful gambling and its impact on families and local communities, as well as the individuals directly harmed by it. The prevalence of high stakes betting machines on high streets; the significant increase in gambling advertising since the introduction of the Gambling Act over a decade ago; and the rise in online gambling have all contributed to societal concern about gambling in the UK and the harm that can be associated with it.

The recent Government announcement that it proposes to reduce maximum stakes on Fixed Odds Betting Terminal (FOBT) machines to £2 is extremely welcome news, with the LGA and others having long argued that the £100 stake was too high. But it is just one step among many more that need to be taken to prevent and address harmful gambling.

Harmful gambling is increasingly cited as a public health issue which requires a broad response; that is to say, traditional approaches that focus on single interventions do not tend to work at a population level. Harmful gambling is a complex problem with a large number of different but often interlinked factors - no single measure is likely to be effective on its own in addressing it.

Consequently, many organisations have a part to play in addressing the issue of harmful gambling, not least the gambling industry itself. There are several ways in which councils can try to support those individuals and families who are experiencing harm from gambling without taking on responsibility for treatment. This is in addition to their statutory licensing responsibility to try to prevent local gambling premises causing harm through gambling.

For example, councils will be coming into contact with people impacted by problem gambling through a range of services, including housing and homelessness, financial inclusion, children's services and addiction services. Yet few, if any, councils have data on where problem gambling has been a contributory or additional factor in these cases, and we are only just starting to take full advantage of the support that is currently available for problem gambling through the third sector-led treatment system.

Having the support of elected members and the chief executive in changing our understanding of harmful gambling and its impacts is vital. It sends a clear signal that addressing problem gambling is a priority not just for public health and licensing but for the whole council and its wider stakeholders, thereby facilitating cooperation across departments and with local communities and partners.

We have therefore developed this document to provide an overview of problem gambling, and how councils can begin to try to help local residents who are impacted by it. From our work on two of the LGA's policy boards, we know that this is an issue of concern to councillor colleagues up and down the country. We hope you find it useful in understanding how councils can strengthen their work in this area.

Councillor Izzi Seccombe OBE

Chairman, LGA Community Wellbeing Board

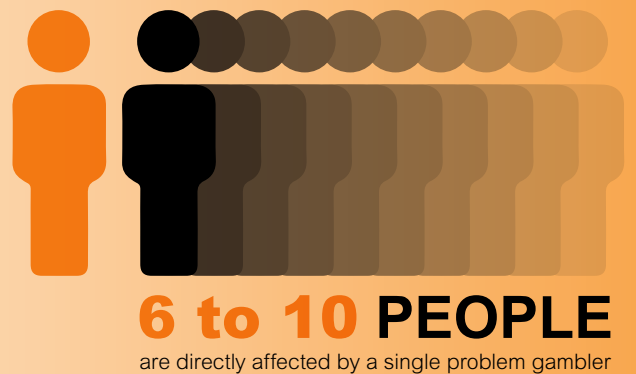
Councillor Simon Blackburn

Chair, LGA Safer and Stronger Communities Board

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There is increasing awareness about harmful gambling and its impact on families and local communities, as well as the individuals directly harmed by it.



Executive summary

Harmful gambling is defined as any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. It can have many and varied impact, including on an individual's physical and mental health, relationships, housing and finances, and affect a wide range of people, such as families, colleagues and wider local communities.

Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas.

Research, education and treatment of harmful gambling is overseen by the Gambling Commission, Responsible Gambling Strategy Board and GambleAware, funded by voluntary donations from the gambling industry. The national network of support for people experiencing harmful gambling is based upon the provision of cognitive-based therapy; residential and psychiatric support is also available for those with more complex problems.

Councils are not responsible for providing treatment for harmful gambling, but there is a range of ways in which different services can seek to support local residents and families who are affected by it.

District and unitary (licensing) authorities have a statutory role regulating local gambling premises and various tools to try to prevent gambling related harm occurring in premises: developing maps highlighting locally specific gambling risks; preparing local licensing

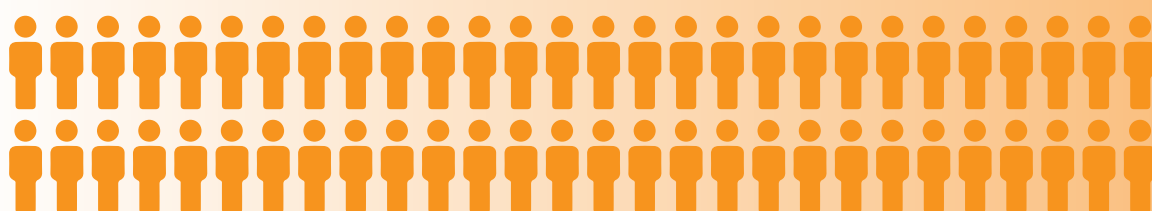
policies setting out expectations of gambling businesses, and undertaking compliance visits to assess whether they are meeting these expectations. Planning teams may also be able to play a role in relation to local gambling premises.

Beyond licensing and planning teams, many council service areas will be coming into contact with people experiencing or impacted by harmful gambling, including children's, family and adult services, treatment services, homelessness and wider housing services and financial inclusion services.

Councils should ensure that frontline staff are provided with training on harmful gambling so they recognise potential cases: there is a significant opportunity for these staff to help local residents access support by signposting to the national treatment network via the National Gambling Helpline. Councils can also seek to work with local partners and build links with support organisations to help develop specific local referral pathways and ensure these can be accessed from across the full range of local services. As frontline awareness and identification of harmful gambling develops, councils should ensure they capture data about it, to help understand the extent of harmful gambling, impacts and costs associated with it.

Public health teams can play a role in ensuring that this data, and related data on groups at particular risk of harmful gambling, is collected and shared. They can also work with local partners and through Health and Wellbeing Boards and Clinical Commissioning Groups, to develop a coherent approach to harmful gambling, including focused preventative work.

“Councils should ensure that frontline staff are provided with training on harmful gambling so they recognise potential cases and there is a significant opportunity for them to help.”



56% of people in England gambled in **2016**



6.6% of gamblers (**3.6%** of people overall) were at low or moderate risk of developing problems with their gambling



6% of gamblers have ever self excluded



0.7% of people are problem gamblers

Understanding harmful gambling

There is comparatively little research and literature relating to problem gambling and gambling related harm, although this has begun to change in recent years. This section provides a summary of the definitions and recent research.

Definitions and prevalence

Gambling behaviours occur along a continuum, with possible harms and benefits¹ present dependent on level of involvement. Harmful gambling² is defined as any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. In its most extreme form, gambling is recognised as an addiction by the American Psychiatric Association (APA), as well as by the World Health Organization (WHO) in the International Classification of Diseases.³⁴ At risk gamblers refers to people who are at higher risk of experiencing negative effects due to their gambling behaviour but who are not classified as problem gamblers.

Gambling related harm is a broad concept that impacts a wide range of people including families, colleagues and those within the wider community who may not have been involved in gambling themselves.

Harms may include financial hardship, relationship breakdown, domestic violence, mental health problems and suicidal thoughts.

The most recent Health Survey statistics for England found that 56 per cent of the population in England have spent money on at least one gambling activity in the past year.⁵ The Health Survey statistics also indicate that in 2016, 0.7 per cent of people in England (approximately 300,000 people) identified as problem gamblers, with 3.6 per cent (approximately 1,610,000 people - 6.6% of gamblers) at low or moderate risk based on their gambling. Due to limitations in how this data is collated, it is likely these estimates are conservative, and may not capture some vulnerable population groups such as homeless people and students. Recent research by Leeds Beckett University for Leeds City Council⁶ has concluded that gambling behaviour and problem gambling are not equally distributed across England and that certain areas experience higher rates of problem gambling (see page 24-25).

1 Forrest, D. An Economic and Social Review of Gambling in Great Britain
<https://infohub.gambleaware.org/wp-content/uploads/2016/02/816-2437-1-PB.pdf>

2 Harmful gambling is also referred to as problem gambling, compulsive gambling, irresponsible gambling, gambling disorder or pathological gambling. It is an umbrella term that captures those who have a diagnosable gambling addiction as well as those experiencing elevated levels of harm due to their gambling behaviour.

3 <https://dsm.psychiatryonline.org/doi/book/10.1176/appi.books.9780890425596>

4 <https://icd.who.int/browse11/l-m/en#/http://id.who.int/icd/entity/1041487064>

5 www.gamblingcommission.gov.uk/PDF/survey-data/England-Health-Survey-Findings-2016.pdf

6 www.leeds.gov.uk/docs/Problem%20Gambling%20Report.pdf

Groups at risk of problem gambling

In 2015-6, Geofutures' Gambling and Place Research Hub undertook research⁷ for Westminster and Manchester City Councils to explore the concept of area vulnerability to gambling related harm.

The first phase of the research involved a detailed literature review aimed at identifying which groups in society are vulnerable to gambling related harm. The research found evidence to support suggestions that the following groups are more vulnerable:

- children, adolescents and young adults (including students)
- people with mental health issues, including those experiencing substance abuse issues (problem gambling is often 'co-morbid' with these substance addictions⁸)
- individuals from certain minority ethnic groups, such as Asian/Asian British, Black/Black British and Chinese/other ethnicity
- the unemployed
- the homeless
- those with low intellectual functioning
- problem gamblers seeking treatment
- people with financially constrained circumstances
- those living in deprived areas.

Using this list as a basis, Geofutures collected local level data to show where people with these characteristics might be. This was combined into a single risk index and mapping tool identifying local hotspots at greater risk of gambling related harm.⁹

The National Centre for Social Research's report Gambling behaviour in Great Britain in 2015¹⁰ includes further analysis of at risk and problem gambling, in particular highlighting significantly higher rates among men compared to women.

Impact of problem gambling

The impact of problem gambling extends beyond individual gamblers themselves. A recent investigation published by Citizens Advice reported research suggesting that for every problem gambler there are on average between six to ten additional people who are directly affected by it.¹¹ The potential impact can extend from those closest to the problem gambler (such as families and colleagues), whose physical, mental and emotional health and wellbeing may be severely affected, and in some cases impact across local communities (for example, where problem gambling is associated with crime or homelessness) and society as a whole (in terms of the costs that may be created by problem gambling).

7 www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/

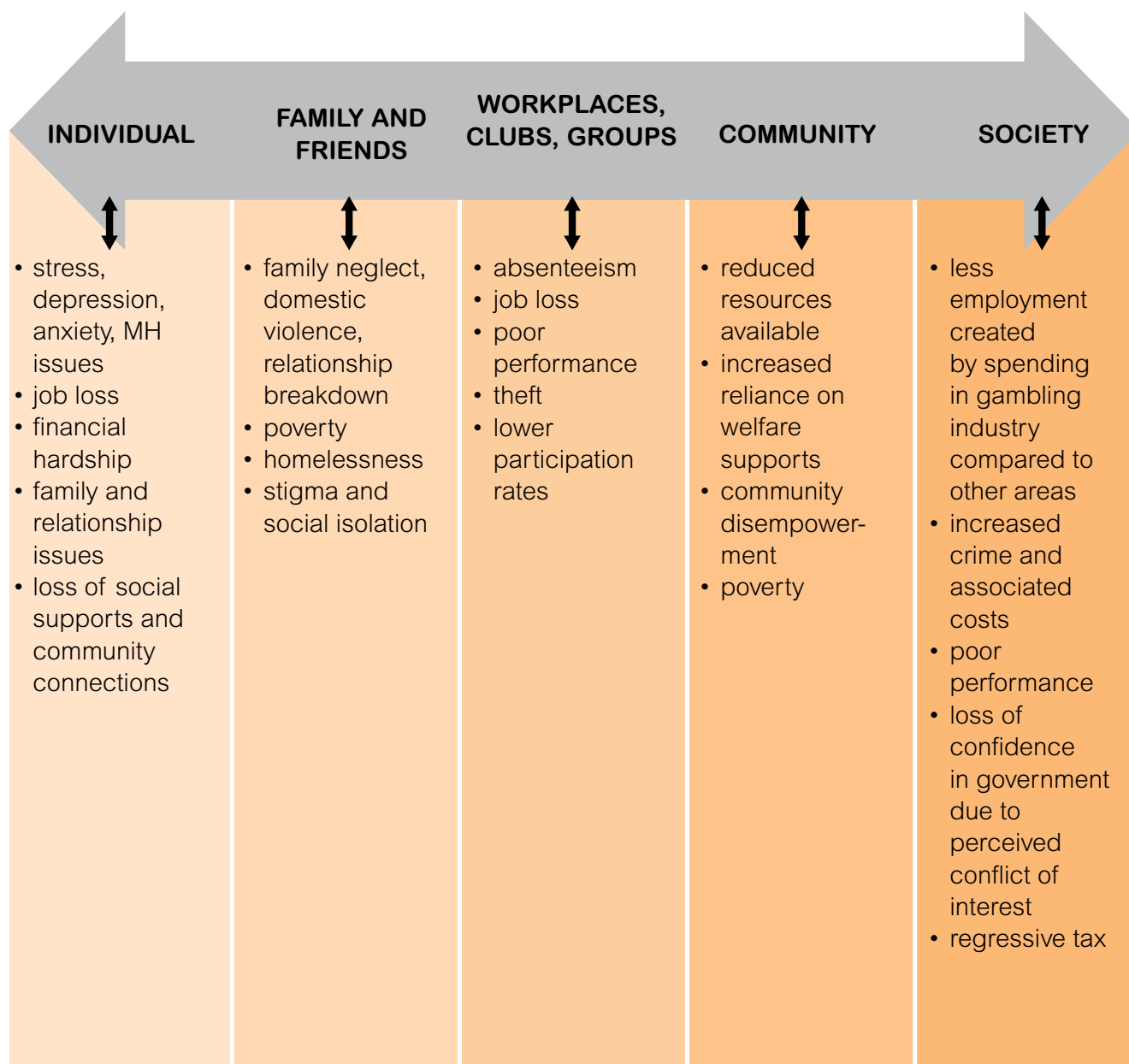
8 See page 4: www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf or the 2012 Health Survey for England

9 www.westminster.gov.uk/gambling-research

10 www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2015.pdf

11 See page 8: www.citizensadvice.org.uk/about-us/policy/policy-research-topics/consumer-policy-research/consumer-policy-research/out-of-luck-an-exploration-of-the-causes-and-impacts-of-problem-gambling/

Levels of Harm from Problem Gambling



Source: Health promotion resource guide for problem gambling prevention in Melbourne North¹²

¹² www.nehc.org.au/wp-content/uploads/2018/01/Health-Promotion-Resource-Guide-for-Problem-Gambling-Prevention-in-Melbourns-North.pdf

Individuals experiencing harm from gambling, or their families or carers, rarely present to health or social care services with problem gambling as their presenting condition, and it can manifest in a range of different ways, including physical and mental health problems, relationship breakdowns as well as social care and financial issues.

These can include:

Health	Relationship	Social and financial resources
<ul style="list-style-type: none"> • unexplained joint / muscle pains • heart palpitations • breathing difficulties • sleep disturbances/ insomnia • Increased blood pressure • headaches • anxiety / depression • narcissistic presentations • self harm and suicidality • confusion • substance misuse • feelings of stigma/shame 	<ul style="list-style-type: none"> • domestic violence/ abuse • relationship difficulties and breakdown • loss of trust • loneliness • Social isolation • neglect / abandonment • anti-social behaviour 	<ul style="list-style-type: none"> • poor concentration • money/debts • housing issues • work / school problems • reduced productivity • criminality • use of food banks

Research commissioned from the Institute for Public Policy Research in 2016¹³ estimated that the cost to government associated with people who are problem gamblers in Britain was between £260 million – £1.16 billion (based on problem gambling rates ranging from 0.4 to 1.1 per cent of the adult population). This was based on six identified specific costs covering primary and secondary health costs, hospital inpatient services, welfare and employment costs, housing costs and criminal justice costs.

The report highlighted an urgent need to fill gaps in the available evidence base on the impact of problem gambling. Many of the costs associated with problem gambling may go unrecognised since problem gamblers will present with other issues rather than a gambling addiction. At the council level, there is a clear need to develop a much greater understanding of the scale and nature of gambling and the harms and costs that are directly associated with this. This is explored in more detail in later sections of this document.

¹³ www.ippr.org/publications/cards-on-the-table

Harmful gambling – framework for prevention and support

National approach to responsible gambling

There is a tripartite arrangement for the research, education and treatment (RET) of harmful gambling between the Gambling Commission¹⁴, the Responsible Gambling Strategy Board (RGSB)¹⁵ and GambleAware¹⁶, as seen in the diagram below. Policy responsibility for harmful gambling rests with the Department for Digital, Culture, Media and Sport (DCMS) at government level.

The Gambling Commission is an independent non-departmental public body sponsored by DCMS, that was set up under the Gambling Act 2005 to regulate commercial gambling in Great Britain in partnership with licensing authorities. Its work is funded by fees set by DCMS and paid by the organisations and individuals they license, and, in respect of National Lottery functions, by a grant from the National Lottery Distribution Fund. The Commission's strategic objectives for 2018-21 include preventing harm to consumers and the public.¹⁷

The RGSB is an independent body comprising members with expertise in issues including gambling research, public health, psychology and medicine and education, as well as in the gambling industry and gambling regulation. The RGSB's objective is to minimise gambling related harm. It develops the National Responsible Gambling Strategy for Britain and provides independent advice to the Gambling Commission and

Government on issues including priorities for research, education and treatment. While the RGSB sets the strategy for responsible gambling, others are responsible for implementing it.

GambleAware is an independent charity¹⁸ tasked with commissioning research, education and a national treatment service to help minimise gambling-related harm in Great Britain, in line with the national responsible gambling strategy.

The Gambling Act applies the 'polluter pays' principle, and GambleAware is funded by voluntary donations from the gambling industry. All gambling operators are required by the conditions of their licence to make a donation towards research, education and treatment (RET) and this is enforced by the Gambling Commission, but the amount they donate is ultimately up to them.¹⁹ The LGA, GambleAware itself and others have argued that this voluntary system should be replaced by a mandatory levy, and the Government has warned the industry that the existing legislation which provides for such a levy will be invoked if the voluntary system fails to deliver sufficient funding.

Currently the majority of research, treatment and education around harmful gambling undertaken in Great Britain is commissioned by GambleAware, although there are instances where gambling companies support initiatives directly such as in Leeds (see page 24) and other stakeholders are now beginning to engage with harmful gambling.

¹⁴ www.gamblingcommission.gov.uk/home.aspx

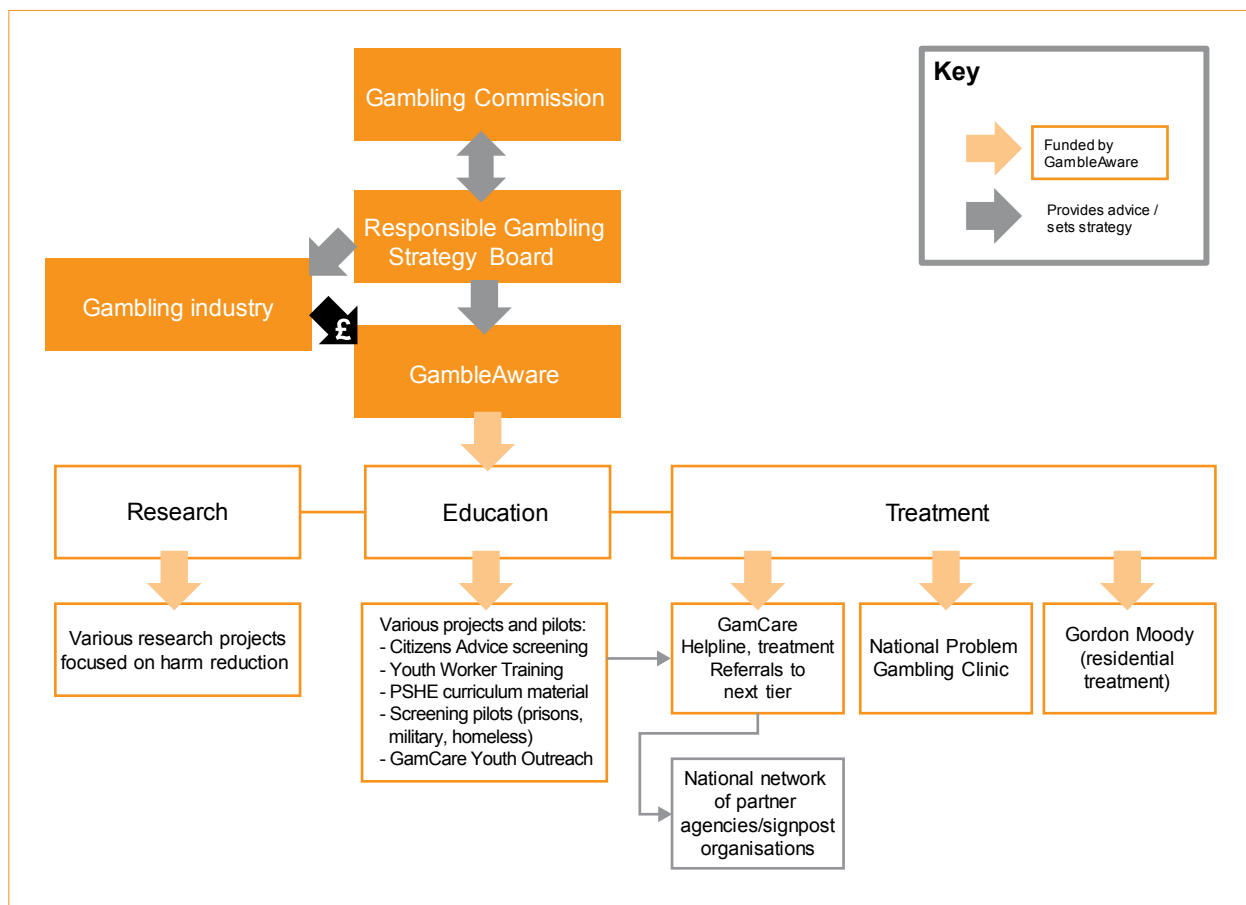
¹⁵ www.rgsb.org.uk/About-us/Governance/Statement-of-intent.pdf

¹⁶ <http://about.GambleAware.org> (formerly the Responsible Gambling Trust).

¹⁷ www.gamblingcommission.gov.uk/PDF/Strategy-2018-2021.pdf

¹⁸ Observers from DCMS, the Gambling Commission and RGSB attend all meetings of GambleAware's Board. In recent years, GambleAware has sought to strengthen its independence from the gambling industry.

¹⁹ There is a suggested donation of 0.1 per cent of profits.



Research

GambleAware awards grants to support research pilots and evaluations that explore gambling practices and gambling related harm, with a view to developing interventions and informing policy and regulation that can help to prevent harm from occurring. Recent areas of focus include harm minimisation measures for online gambling, the impact of gambling advertising on vulnerable groups, and the effects of marketing and advertising on children.

Compared with other topics, however, there is a dearth of high quality research evidence on gambling related harms. There are some positive signs that this is now changing, with several universities and the National Institute for Health Research²⁰ now undertaking research in this field.

²⁰ www.nihr.ac.uk/funding-and-support/funding-opportunities/1804-interventions-to-prevent-or-reduce-gambling-related-harm/7750?diaryentryid=29288

One particular piece of research that may be of most relevance to councils was an exploration of cognitive distortions in homeless gamblers undertaken by the University of Lincoln to develop both a screen to aid in identification and recognition of gambling problems and a brief cognitive intervention to minimise the gambling-related harm experienced by this population. The tools developed are for use by homelessness practitioners.²¹

Education

GambleAware is currently leading a two-year safer gambling advertising campaign and working with social media companies to develop guidance for social media users looking to set preferences that will reduce their exposure to online gambling advertising. It also commissions education campaigns and works with other organisations to tackle harmful gambling.

²¹ <https://about.gambleaware.org/media/1716/gambling-and-homelessness-developing-an-information-sheet-screening-tool-and-resource-sheet.pdf>

Some of the recent education programmes they have funded include:

- **Teacher and youth worker gambling toolkit** – GambleAware has partnered with Fast Forward, a youth education charity, to develop a toolkit about youth gambling and problem gambling, designed to help practitioners who work with young people to design and deliver prevention activities.²²
- **PSHE lesson materials** – GambleAware and Demos have partnered together to pilot an intervention in secondary schools across England and Wales with pupils aged 14-15. Lessons were designed by Demos, the PSHE Association, The Mentor Foundation UK (Mentor UK), the National Problem Gambling Clinic and a range of independent teachers/advisers to build up the resilience of teenagers to the risks related to gambling.²³

GamCare is an independent charity responsible for providing the first level of support for people identified as having gambling issues, as well as for their partners, family and friends. Alongside the treatment services GamCare provides (detailed below), they also work to provide training to frontline organisations who in the course of their work may come into contact with problem gamblers or those directly affected by it, including youth-facing professionals, housing workers, people working in the criminal justice system and for sports clubs and organisations. GamCare is also engaged in outreach programmes working directly with young people to build critical thinking and resilience around issues relating to gambling.

Treatment

Almost half of GambleAware's funding is spent on treatment. GambleAware's national network of support provides predominantly cognitive-based therapy with residential and psychiatric support available for more complex presentations.

The charity expects its network of treatment services to reach just 4 per cent of problem gamblers and affected others, and is keen to explore innovative approaches with local authorities to ensure that those who need its help are aware of how to access services. It has warned the industry that if demand for treatment services rises, then gambling operators will be expected to provide whatever additional funding is needed.

The National Gambling Helpline is the primary entry point into GambleAware's national treatment service network, and many people can be helped through brief interventions offered by the Helpline's advisers. The next level of treatment services are commissioned through three organisations; GamCare, the National Problem Gambling Clinic and Gordon Moody Association.

GamCare is an independent charity responsible for providing the first level of support for people identified as having gambling issues. GamCare runs the National Gambling Helpline, which deals with more than 30,000 calls each year and provides one to one information, advice and emotional support to callers. Where needed, extended support via call backs can be offered by helpline advisers.

Support is provided online through individual or group sessions, using cognitive behavioural therapy and motivational interviewing principles²⁴ and the charity also moderates an online forum and chatroom where users can talk about issues relating to problem gambling. GamCare also offers individual face-to-face counselling for those who need more sustained support, both directly and through its network of partner organisations.

GamCare are a key point of contact for local authorities interested in exploring problem gambling and comprehensive information is also available on their website,²⁵ which would be a useful starting point for local authorities exploring this issue.

²² <http://fastforward.org.uk/gamblingtoolkit/>

²³ www.demos.co.uk/wp-content/uploads/2018/03/Gambling-Education-Teaching-Resource-Booklet-1.pdf

²⁴ www.nhs.uk/conditions/cognitive-behavioural-therapy-cbt/

²⁵ www.gamcare.org.uk/about-us/who-we-are/our-partner-network

The National Problem Gambling Clinic in London²⁶ providing psychiatric treatment for harmful gamblers aged 16 and over with complex needs. These may include having previous unsuccessful structured psychological support for problem gambling, co-occurring mental health problems, substance misuse, serious physical health difficulties or concerns about risk of harm to self or others. Services include individual psychological support in the form of cognitive behavioural therapy and psychodynamic psychotherapy, behavioural couples' therapy, support groups and medication.²⁷

The Gordon Moody Association²⁸ is a charity providing residential treatment services at two locations in the South of England. For men, the residential treatment programme begins with an initial two week assessment followed by 12 weeks of treatment and all clients live at the centre full time for the duration of their stay. For women, a new service combines two short term residential retreats with 12 weekly therapy sessions delivered either online or face to face. They also run an international online support and advice service for problem gamblers through the Gambling Therapy website.²⁹

As problem gamblers are generally referred into the second-tier services (National Problem Gambling Clinic and Gordon Moody Association) from earlier levels of intervention, it is unlikely that councils would need to establish direct contact with these services although individuals themselves can seek to self-refer to any of these services.

Alongside the treatment support funded through GambleAware, other charities also provide support to people experiencing issues with harmful gambling and those around them, some of which are listed below.

The **Citizens Advice Bureau** helps people resolve legal, financial and other problems by providing free information and advice.³⁰ GambleAware recently commissioned Newport Citizen's Advice to undertake a pilot of training across Citizen's Advice services. The pilot focused on providing training to Citizen's Advice staff, so that they are aware of issues connected to problem gambling and able to screen for it, and developed a toolkit³¹ on supporting clients affected by gambling related harm. GambleAware are now working with Citizens Advice to extend this pilot nationally and will contact local authorities when their local service offers this support.

Gamblers Anonymous³² runs local support groups for people with gambling addictions and advocates the same 12-step approach to recovery as Alcoholics Anonymous. Gamblers Anonymous also offers help and support via their website, including a forum, chat room and literature. Anyone who is seeking help for gambling addiction is able to attend meetings.

Gam-Anon³³ is an organisation dedicated to supporting the husbands, wives, partners, relatives or close friends of someone with a gambling problem who have also been affected by the problem. Like Gamblers Anonymous, meetings are held throughout the country, with online support also available.

Betknowmore UK³⁴ are a London based organisation working to raise awareness and deliver support services for harmful gamblers and those around them. The support services are currently only available in London.

Samaritans³⁵ provides confidential emotional support to those in need of support or feeling suicidal, those worried about someone and those bereaved by suicide. They can be contacted by phone, email or in person at one of their branches across the country.

26 Part of the Central and North London NHS Foundation Trust.

27 www.cnwl.nhs.uk/cnwl-national-problem-gambling-clinic/refer/

28 www.gordonmoody.org.uk/

29 www.gamblingtherapy.org/en

30 www.citizensadvice.org.uk

31 www.citizensadvice.org.uk/Global/Public/Education%20resources/Financial%20capability/Resource%20toolkits/Gambling%20toolkit%20v1.0.pdf

32 www.gamblersanonymous.org.uk/#Literature

33 www.gamanon.org.uk

34 www.betknowmoreuk.org

35 www.samaritans.org/about-us

List of gambling treatment helplines and contact details

National Gambling Helpline

www.gamcare.org.uk/support-and-counselling/frontline-services/netline

Telephone: 0808 8020 133

Gamblers Anonymous

www.gamblersanonymous.org.uk

GamAnon

www.gamanon.org.uk

Email: contact@gamanon.org.uk

Telephone: 08700 50 88 80

Gordon Moody Association

Email: help@gordonmoody.org.uk

Telephone: 01384 241292

National Problem Gambling Clinic

Email: gambling.cnwl@nhs.net

Telephone: 020 7381 7722

How councils' regulatory tools can help tackle gambling-related harm

All councils have a role to play in relation to harmful gambling. For example, upper tier authorities may become involved through their public health teams, and different council services at both tiers of local government should have awareness of the issue of harmful gambling and potential interaction with their work. However, licensing authorities (district and unitary councils) also have a statutory role in regulating premises based gambling licensing.

Remote (online) gambling and non-remote gambling

Councils' statutory role in gambling licensing applies to gambling in premises, referred to as non-remote gambling. Remote gambling is the legal term for gambling undertaken other than in a premises, typically over the internet and therefore more commonly known as online gambling. This is regulated by the Gambling Commission.

With the wide availability of smartphone usage, online gambling is an increasing part of the overall gambling market. Gambling Commission statistics for the year ending December 2017 indicate that 51 per cent of gamblers gamble using mobile phones and tablets, an increase of 8 per cent on the previous year.³⁶

There is concern about the impact of online gambling in increasing the availability of gambling. While non-remote gambling is effectively restricted by hours of opening, someone with a smartphone or other access to the internet is able to gamble at any hour of the day. There are also specific

challenges associated with applying under-age checks and self-exclusion measures to online gambling. GAMSTOP is a resource that has therefore been developed to help people restrict their online gambling.³⁷

Councils' regulatory role applies only to non-remote gambling. However subsequent sections of this document focusing on the steps that can be taken to support those experiencing harm from gambling apply equally to harmful gambling issues linked to premises based or online gambling (or for many problem gamblers, a combination of both).

Licensing authority functions

The LGA has provided a comprehensive guide to councils' gambling licensing functions in our councillor handbook on gambling licensing³⁸; further guidance is also available in the Gambling Commission's Guidance to Licensing Authorities.³⁹ This document provides a summary specific to harmful gambling; further resources are listed at the end of this document on page 27.

As with alcohol licensing, licensing authorities are:

- required to develop an overarching statement of principles (referred to as the statement of policy) setting out how they will approach gambling regulation in their areas

36 www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Levels-of-participation-and-problem-gambling/Gambling-participation-and-problem-gambling.aspx

37 www.gamstop.co.uk/about

38 www.local.gov.uk/sites/default/files/documents/10.18%20Gambling%20regulation%20councillor%20handbook_v06_WEB_1.pdf

39 www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx

- responsible for issuing gambling premises licences, monitoring compliance with the terms of these licences and the wider Gambling Act, and taking enforcement action if necessary
- required to have regard to the Gambling Act's licensing objectives, one of which is protecting children and other people from being harmed or exploited by gambling.

Licensing statement of policy, local area profile and risk assessments

The statement of policy and local area profile are intended to help prevent gambling related harm occurring. They provide an opportunity to set out the local approach to gambling regulation, expectations of gambling operators and specific local circumstances. Local area profiles should be separate to the policy itself, so that they can be easily updated. A consultation process is required to update statements of policy, which are legally required to be updated every three years.⁴⁰⁴¹

The local area profile should identify different parts of the local area where there may be greater or specific risks of gambling related harm, whether because of the people likely to be in that area (for example, where there is a treatment centre or hostel); the other types of businesses in the area (for example, in an area with a vibrant night time economy, or where there are already multiple gambling premises), or because of the characteristics of an area (for example, if there are pre-existing issues with anti-social behaviour or crime).

Authorities can draw on some of the existing research highlighted in the first section of this document to identify specific at risk groups, coupled with their local knowledge of relevant issues and premises. This can help identify additional measures or protections that may need to be applied in those areas, for example specific licence conditions or a presumption that it may be harder to get a licence if it is felt that there is a greater risk to the licensing objectives in certain areas.

40 Licensing authorities are required to update their statements of policy by January 2019

41 Local Area Profiles are not a mandatory requirement, but the Gambling Commission and LGA encourage all licensing authorities to produce one.

To help develop their statements of policy, authorities should consult widely and with those who may have an insight or relevant data on any local risks or issues, including:

- organisations working with people who are problem gamblers, such as Gamcare and family support groups
- advocacy organisations, such as the Citizen's Advice Bureau
- homelessness and housing services / associations
- local public and mental health teams and safeguarding boards
- local businesses
- other tiers of local government, if applicable.

Licensing authorities may draw on GamCare data about the number of national helpline calls received from a specific area, or about the numbers of people treated in certain areas. However, as support services may be accessed anonymously these are unlikely to be fully comprehensive: the number of people seeking treatment locally may reflect awareness of its availability and the current map of local providers rather than the actual level of local need.

Given the limitations on data about problem gambling, GambleAware has commissioned a Treatment Needs Assessment, which may provide better assumptions on which to estimate local needs when it reports by the end of 2018.

Some licensing authorities have used mapping tools to help inform their local area profiles. As set out above, Westminster and Manchester City Councils undertook work to develop local risk maps for their areas⁴² using national and local data to identify hotspot areas at particular risk of gambling related harm. A number of other authorities including Warrington, Shropshire, Brighton and Hove and Barking and Dagenham councils have since replicated the approach themselves.⁴³

42 www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/

The methodology and maps are also available at: www.westminster.gov.uk/gambling-research

43 Ref page 5: www.gamblingcommission.gov.uk/PDF/LA-bulletin/Licensing-authority-bulletin-January-2018.pdf

Authorities should also use their statements of policy to identify what they expect gambling operators to do to uphold the licensing objectives. Gambling businesses are required to undertake risk assessments for each of their premises. These must take the statement of policy into account, so it is important that authorities use their policies to set clear guidelines for operators.⁴⁴

Risk assessments are not required to be shared with licensing authorities (unless a business is applying for a new premises licence or to vary an existing one) but authorities can ask to receive copies of them, and can also require that they are kept on the relevant premises. This is a good way to check that the assessments are locally tailored and owned by premises managers rather than being a tick box exercise undertaken by regional or head office.

Working with gambling businesses

Gambling operators must comply with the Gambling Commission's licensing conditions and codes of practice (LCCP).⁴⁵ The social responsibility code requires them to have and put into effect policies and procedures to promote socially responsible gambling and these should reduce the risk of and seek to identify problem gambling. Licensing authorities should ensure that businesses are meeting these obligations and encourage them to strengthen their approaches to social responsibility.

The requirements on gambling premises under the social responsibility code are based upon key areas:

- **Provision of information on gambling responsibly** – for example, the availability of time or monetary limits for players and information on where to get help and advice about gambling.

44 Ref pages 2-3:
www.gamblingcommission.gov.uk/PDF/LA-bulletin/Licensing-authority-bulletin-January-2018.pdf

45 www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice.aspx

- **Customer interaction** – licensees are required to have policies and procedures in place governing customer interaction where there are concerns that a customer is displaying signs of problem gambling. These will include staff training and the types of behaviour that may trigger an intervention or where staff may consider refusing services to customers.
- **Layout of premises** – operators must ensure that the layout of a gambling premises supports the effective supervision of the premises.
- **Self-exclusion**⁴⁶ – licensees must have procedures for self-exclusion that ensure that individuals who wish to self-exclude from gambling are prevented from participating in gambling. Self-exclusion schemes are now required to operate on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.

Alongside the mandatory requirements, many sections of the industry have developed their own voluntary codes to promote responsible gambling, which local premises may also implement. GamCare also work with operators to provide certification⁴⁷ for 'best in class' player protection policies and practices and also provides training courses for industry on issues including identifying customers who may have an issue with gambling and communicating social responsibility messages to all customers, as well as more in depth training around customer interaction.⁴⁸

46 Whereby an individual opts to self-exclude from a gambling premises

47 www.gamcare.org.uk/training-and-certification/gamcare-certification-0

48 www.gamcare.org.uk/training-and-certification/identification-and-intervention-training

Licensing authorities can work proactively with local businesses to support them with their obligations in this area or to encourage them to adopt best-in-class measures, for example by making this a requirement through the statement of policy or specific premises licensing conditions.

Additionally, a number of licensing authorities have worked with local gambling premises to develop Betwatch or other partnership / code of practice schemes. The Gambling Commission have developed a toolkit to support local areas in developing Betwatch approaches.⁴⁹ These are likely to have a wider focus than harmful gambling, for example they may focus on reducing any anti-social behaviour associated with local premises, but can provide a useful forum for engaging with the industry and understanding any specific local work on harmful gambling.

Compliance and enforcement work

Licensing authorities should use their compliance and enforcement work to help ensure that local gambling premises are fulfilling their social responsibility requirements. Statements of policy must set out how authorities will exercise their inspection functions, including inspection activity (and what pre-planned visits will cover) and dealing with non-compliance by premises. There are a number of issues in relation to harmful gambling which authorities may wish to review during pre-planned or proactive compliance visits:

- details of training policies and training undertaken by staff
- records of refusals to serve or admit on age grounds
- the premises' approach to managing self-exclusion, how the premises fulfils the requirement to participate in multi-operator schemes and numbers of people currently self-excluded
- involvement or impact of any work in local

49 www.gamblingcommission.gov.uk/PDF/Betwatch-toolkit.pdf

gambling such as Betwatch schemes

- confirming that appropriate signage and information is in place.

Template assessment forms have been developed to support licensing authorities with their inspection visits.⁵⁰

The Gambling Commission publishes statistics of licensing authority activity⁵¹ in this area. With some returns showing limited or no compliance and inspection work by authorities, it is encouraging them to be more active, for example through additional compliance visits or test purchasing operations.

Many councils already operate their own under age test purchasing through trading standards and licensing teams, particularly in response to complaints or intelligence. Larger operators are now responsible for conducting or taking part in under-age testing and sharing these results with the Gambling Commission. Licensing authorities may choose to ask for copies of test purchasing results as part of their local risk assessment expectations and use this evidence to help target their own activity in this area. Authorities should have a plan in place for dealing with test purchase failures, for example, requiring a premises to undertake certain measures to address this and undergo a follow-up test within a specified amount of time. A second failure would be expected to lead to enforcement action.

What councils can do:

- Ensure there is an up to date local area profile and statement of licensing policy in place for the local area.
- Set out best practice expectations of local gambling operators and risk assessment processes.
- Use compliance visits and enforcement tools appropriately.
- Consider under age sales testing and

50 www.llepbizgateway.co.uk/gambling-act-2005/

51 www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Statistics/Licensing-authority-statistics.aspx

local partnership schemes such as Betwatch.

- Encourage local gambling businesses to apply for Gamcare certification⁵² for best in class player protection policies and undertake the Gamcare training courses.

Location of premises and the planning authority role

Many local authorities have been extremely frustrated at their inability to prevent the development of clusters of gambling premises, specifically betting shops, in their areas. This became a particular issue following the economic downturn of 2008, which saw betting shops relocating into vacant town centre premises. A particular concern has been the associated concentration of FOBTs in these clusters. Research undertaken by Geofutures for GambleAware has shown that clusters of premises and machines have typically been located in more deprived areas: 'areas close to betting shops tend towards higher levels of crime events, resident deprivation, unemployment, and ethnic diversity...players overall tend to live in neighbourhoods with higher levels of resident unemployment, multiple deprivation and economic inactivity.'⁵³

Neither the planning or licensing frameworks have provided clear options for refusing new or additional gambling premises. The Gambling Act includes a statutory aim to permit licensing which has made it difficult to refuse new licence applications. However in 2015 Westminster City Council drew on the work they were doing in developing local area profiling when considering a new premises application.

With the support of and evidence from a large number of residents the council was able to refuse an application for a new betting premises licence in an area with multiple existing premises where the local characteristics had led the authority to identify it as a location with a high risk to those who were vulnerable of harm from gambling. That profiling and evidence also led to the successful review of an existing betting shop in an area that was identified as posing a risk to those who were vulnerable and being a focal point for potential criminal activity.

There have been similar challenges in using the planning system to limit the opening of gambling premises. A number of councils previously sought to use Article 4 directions to remove permitted development rights to convert other types of premises into betting shops without the need for planning permission. However, changes to the planning system in 2015⁵⁴ effectively introduced this approach across all areas. As a result of the change, betting shops in England are now classed as sui generis (a use that does not fall within any use class). This means that any new betting shop must apply for full planning permission. The only exception to this relates to a new betting shop tenant moving into a unit formerly used (as its last known use) as a betting shop. In this circumstance, the new tenant would be able to operate under the previous user's planning use class.

This means that planning authorities now have some powers to manage the opening of new or additional betting shops in their areas. If an authority wished to refuse a new application for planning permission it would still need to do so by reference to its local plan and associated evidence base. Local Plans need to be approved through examination by the national Planning Inspectorate, and councils would need a robust evidence base to include restrictions on betting shops.

⁵² www.gamcare.org.uk/training-and-certification/gamcare-certification-0

⁵³ http://infohub.gambleaware.org/wp-content/uploads/2015/08/b2gamingmachines_finalreport_20150218.pdf

⁵⁴ The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015

Newham Council recently received Planning Inspectorate approval for a pioneering cumulative impact approach in their local plan⁵⁵ which introduces limits to numbers of betting shops (and fast food outlets), ensuring they are separated from each other in the street scene. This new policy prevents new betting shops from locating in areas where there are already three units of the same use within a 400 mile radius (typically a five minute walk) and seeks to achieve a benchmark of 67 per cent of leisure uses in town centres being 'quality leisure' (ie, excluding betting shops and takeaways).

It remains to be seen what impact the Government's proposed reduction of maximum FOBT stakes will have on the presence of betting shops on high streets once it is introduced. There will be a need to monitor how the change impacts the overall market for non-remote gambling and the implications for numbers of different gambling premises, not just betting shops. Depending on this, councils may wish to reflect any changes in trends in their local plans.

What councils can do:

- Update local plans to include planning policies relating to betting shops.
- Consider whether and how planning policies relating other gambling premises should be included within local plans.

⁵⁵ www.newham.gov.uk/Documents/Environment%20and%20planning/EB01.%20Evidence%20Base%20-%20Cumulative%20Impact%20V2.pdf

The role of public health

Harmful gambling is a health inequality and social justice issue that needs to be addressed through partnership between public health and other council teams using national rules and regulations to their full advantage. It is increasingly recognised as a public health issue, with the Responsible Gambling Strategy Board in particular emphasising the need for a public health response.

The LGA and Public Health England are clear that a public health response does not equate to local public health funded services having a responsibility for providing treatment for problem gamblers. Councils are not currently funded to provide support for problem gamblers under the terms of the transfer of responsibility to local government in 2013, and are not part of the treatment framework outlined in section two of this document.

However, both local government and health services can do more to ensure that people experiencing harms from gambling are identified – whether through primary or secondary care, or through council services – and signposted to support and treatment.

It is clear that public health teams can play a strategic role in relation to harmful gambling, and should consider the overlaps between problem gambling and other local public health issues, given the high levels of co-morbidity with mental health problems and the negative financial, health and relationship impacts of harmful gambling on problem gamblers and those around them.

A number of local authorities have undertaken a full strategic needs assessment in relation to gambling. Using public health and spatial mapping tools (such as the Geofutures approach adopted by a number of authorities) it is possible to identify physical areas of vulnerability.

Local public health teams can also engage with the issue by identifying and promoting local pathways of care to existing treatment provision and support for harmful gamblers and their families – and raising awareness of the issue.

It is important to increase public health teams literacy around problem gambling so they can support services to recognise the signs of problem gambling, assess and signpost to appropriate support. GambleAware has commissioned The Royal Society for Public Health to develop e-learning tools to support all those working with members of the public to understand better and respond to gambling-related harms.

The Gambling Commission has produced a briefing note on the issues where it believes public health can play a role, including the development of statements of licensing policy (considered in the previous section) and working with local health professionals to increase awareness of the issue.⁵⁶

⁵⁶ www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf

Sheffield problem gambling service audit 2017-18⁵⁷

Sheffield City Council's public health team undertook a mapping exercise to understand how equipped the city's services are to identify, treat and refer problem gamblers. A survey was sent to community based organisations and service providers, asking whether they had received information or training on problem gambling, screened for problem gambling, offered treatment services or knew where to refer problem gamblers to.

Only one of 31 responding organisations had received information or training in the last year. While a handful reported that they asked questions about gambling as part of routine assessment and care planning, only one organisation used validated screening tools for assessment. Around half of respondents replied that they knew to refer problem gamblers, but there was limited awareness of the local GamCare commissioned provider services (compared with greater awareness of Gamblers Anonymous and Gamcare itself) and therefore a risk that those identified may have been inappropriately referred.

Harmful gambling and suicide prevention

Each and every suicide that takes place is a tragedy. On average in England 13 people take their own lives every day. This affects their families, their friends and people they work and live with. For every death, another six to 60 people are thought to be affected directly. Relationships break down, careers suffer and mental health worsens.

Councils have been active on suicide prevention work in recent years, through the development of mandatory local suicide action plans and their work with health and wellbeing boards. Many have also formed multi-agency suicide prevention partnerships, incorporating health bodies, the voluntary sector, criminal justice system and those affected by suicide.

Suicide audits – led by public health teams – have also been taking place. They have identified the context in which suicides occur, the local groups most at risk and how the picture has been changing over time. Alongside data from the Office for National Statistics and Public Health England, local data on individual suicides has also been gathered from coroners' reports, while health, social care and employment data has provided vital information about risk factors.

Studies have suggested that 49% of people struggling with gambling disorder have suicidal thoughts. However, data on the cause of death in cases of suicide is not recorded centrally with a level of granularity that would list gambling as a factor, and there is therefore a lack of clarity about the number of suicides each year where gambling is involved.

Although there is limited data and research available on this issue, public health teams should consider the potential links between their work on suicide prevention and harmful gambling.

⁵⁷ www.yhphnetwork.co.uk/media/1590/problem-gambling-audit-2017-8-findings-sheffield-city-council.pdf

What councils can do:

- Contribute data and insight to the development of local area profiles to support licensing statements of policy.⁵⁸
- Ensure public health teams are aware of harmful gambling and can support services to screen, assess and signpost to appropriate support.
- Identify local organisations providing treatment and support, to assist signposting.
- Identify appropriate referral pathways.
- Work through the Health and Wellbeing Board to develop a coherent approach to problem gambling, include focused prevention work with potential high-risk groups.
- Clinical Commissioning Groups should be encouraged to raise awareness of harmful gambling amongst primary care professionals and work with local authorities to signpost to local and national support services.
- Mental health service providers should consider how they can best identify harmful gambling and provide access to specialist support, particularly for young people presenting through child and adolescent mental health services (CAMHS).

⁵⁸ Local health profiles may be useful:
www.gov.uk/government/statistics/2017-health-profiles

A council wide approach to identifying people impacted by harmful gambling

As stated previously, there are steps that councils can take to help identify local problem gamblers (and those close to them) and assist and encourage them to access the support that is available from other organisations.

It is clear that a range of different council services will be interacting with problem gamblers, or people who are negatively impacted by it. These include:

- Drug and alcohol treatment services, given high rates of co-morbidity between these addictions and gambling addiction.
- Homelessness services, given the high prevalence of problem gambling among the homeless population.⁵⁹
- Wider housing services, given that problem gambling can be a contributory factor in rent arrears.
- Financial inclusion services, given that problem gambling can be a contributory factor in financial problems.
- Children's services and adult social care, where problem gambling may be a contributory factor to family breakdown or domestic abuse.

However, it is clear that few, if any, councils have an understanding of the scale of harmful gambling in their areas or how it is contributing to demand for local services. This is partly because harmful gambling is often hidden, connected with social embarrassment and therefore not admitted to with few visible signs to make it obvious.

⁵⁹ GambleAware published a recent report on gambling and homelessness - http://infohub.gambleaware.org/wp-content/uploads/2018/04/Sharman_Gambling_Homelessness2018-Final-Report.pdf

It is also because the tools and knowledge are currently not in place to enable councils and their partners to screen for harmful gambling, often due to low awareness of the issue. These factors mean that many people experiencing problem gambling are not accessing support, as highlighted by the gap between the estimated number of problem gamblers and those receiving treatment.

Problem gambling in Leeds – research report and follow up

In 2016, Leeds City Council commissioned Leeds Beckett University to conduct a study⁶⁰ of the prevalence of problem gambling in the city, using funding from a social inclusion fund established alongside the grant of a premises licence for a large casino in the city centre. The subsequent work was led within the council by the financial inclusion team, which since 2014 had been working to support the council's priority of tackling poverty and reducing inequality. The research by Leeds Beckett University demonstrated a clear link between harmful gambling and the council's priority to tackle poverty, as well as with the priorities in the council's health and wellbeing strategy.

The research identified that rates of problem gambling in Leeds are double the national average, with around 10,000 problem gamblers in the city and a further 30,000 at risk. The researchers estimated that problem gambling rates in Leeds (and similar more urban and densely populated areas across London, the north and other metropolitan borough areas) are, at 1.8 per cent, broadly twice the national average.

⁶⁰ www.leeds.gov.uk/docs/Problem%20Gambling%20Report.pdf

Rates of at risk gambling were more consistent with the national average, at 5-6 per cent. Overall, the research found that around 7-8 per cent of people in Leeds were found to be either problem or at risk gamblers, compared with a national average of 5-6 per cent.⁶¹

In the context of above average rates of problem gambling, there was a comparative lack of treatment support available, with just a single counsellor and a lack of awareness of the resource.

The research identified a lack of awareness among council staff and partner organisations about the issue of problem gambling, and a need for staff in a range of services to be more familiar with the issue, including customer contact, libraries, housing, schools, welfare and advice agencies, children's centres and public health.

As a result of the research, Leeds has begun a programme of training for frontline staff, as well as a series of strategic briefings both internally and externally. The council also sought to raise awareness of the issue through a marketing campaign throughout the city (www.talkgamblingleeds.org.uk).

As Leeds council's work demonstrated, there are some straightforward steps that councils can take to understand the scale of problem gambling in their areas, and to start signposting people to the help they need.

Identifying an organisational lead/s on harmful gambling

Councils may find it helpful to identify an organisational lead on harmful gambling at member or officer level to drive work on developing a council-wide approach to gambling related harm. This role may naturally fit with public health teams, although council licensing and financial inclusion teams have played a leading role in some places.

61 www.leeds.gov.uk/docs/Problem%20Gambling%20Report.pdf

Links to support organisations

An important early step is to establish contact with national and local organisations providing support to problem gamblers, and their families to understand the extent of provision and appropriate referrals within the local area. GamCare is an obvious first point of contact and reference point for understanding provision in the local area. Similarly, links to local Gamblers Anonymous and GamAnon groups may be helpful. However, there may also be other local charities working with problem gamblers, for example Betknowmore⁶² in north London, which public health teams or local third sector organisations are likely to be aware of.

Working with local partners

Councils should also think about how they could take forward this work in conjunction with key local partners such as the police, health services, housing associations, faith and community groups and others. There is a growing awareness of harmful gambling as an issue and the steps identified here will apply equally to other public sector organisations.

Training for front line services – screening and signposting

A clear piece of learning from Leeds' work was the need to provide training for frontline staff who may be coming into contact with problem gamblers or people directly impacted by it, such as children's and family services or housing services. For some staff (particularly in partner organisations) it may be appropriate to provide training in some of the formal screening tools that are available, for example, the Problem Gambling Severity Index or Lie/Bet.^{63 64}

62 www.betknowmoreuk.org

63 Ref page 5 www.gamblingcommission.gov.uk/PDF/survey-data/England-Health-Survey-Findings-2016.pdf and <http://infohub.gambleaware.org/document/the-lie-bet-questionnaire-for-screening-pathological-gamblers/>

64 GambleAware have also recently developed the GAST tool, which has recently been piloted.

The key outcome of this should be that relevant frontline staff are aware of the issue and clear about what to do if they identify someone who has a gambling problem. Putting in place effective mechanisms to signpost or refer people to relevant support agencies will be a crucial part of this. As frontline staff begin to identify and refer people with gambling issues, or those affected by them, data on this should be collected and used to support local licensing statements.

GamCare offer a range of paid-for training sessions⁶⁵ which councils can access, including a problem gambling awareness course and a session on identification and brief advice for problem gambling.

Cheshire criminal justice pilot scheme⁶⁶

GamCare and Beacon Counselling Trust undertook a pilot with the criminal justice system in Cheshire in which 250 individuals across the wider criminal justice system were trained to use the Lie/Bet screening tool. 760 individual screenings subsequently took place, with 99 positive results recorded; 29 of these people chose to receive an intervention from problem gambling treatment services.

As part of the pilot, Cheshire police began to screen people for gambling issues at the point of arrest. The police force already screen people for drug or alcohol issues and when questions about gambling were added, 13 per cent of those arrested confirmed that they had a gambling issue –thirteen times higher than the national average.

Improving and collecting data

As processes for screening and signposting problem gamblers become embedded, it is important that councils and their partners build up the evidence base about the prevalence and nature of harmful gambling in the local area. Developing a better understanding of local harmful gambling, the impact of problem gambling on individuals, families and communities, and the cost of this to the public purse and local taxpayers will be extremely helpful, for example in terms of the licensing statement of policy and local joint strategic needs assessment. It will also help to provide evidence about any regulatory changes which may be required to help prevent and address problem gambling.

What councils can do:

- Consider designating an organisational lead for harmful gambling issues.
- Awareness raising and training for relevant frontline staff and partner organisations.
- Develop relationships with local treatment organisations.
- Implement screening processes and strengthen data collection.

⁶⁵ www.gamcare.org.uk/sites/default/files/file_attach/GamCare%20Local%20Authorities%20Brochure%202018%20%28web%29.pdf

⁶⁶ www.gamcare.org.uk/news/gamcare-partner-pilots-problem-gambling-screening-cheshire-police

Other resources and research

Gambling Commission public health and safeguarding toolkit

www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Public-health-and-Safeguarding-toolkit.aspx

Gambling Commission public health briefing

www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf

GambleAware Brief Intervention Guide

<http://infohub.gambleaware.org/resources/>

GamCare local authority resource guide

www.gamcare.org.uk/local-authority-services

Institute of Public Policy Research paper on costs of problem gambling

www.ippr.org/publications/cards-on-the-table

Leeds City Council research into local problem gambling

www.leeds.gov.uk/docs/Problem%20Gambling%20Report.pdf

Yorkshire and Humber problem gambling masterclass

www.yhphnetwork.co.uk/links-and-resources/problem-gambling-knowledge-exchange/problem-gambling-masterclass-260118/

Citizen's Advice toolkit

www.citizensadvice.org.uk/Global/Public/Education%20resources/Financial%20capability/Resource%20toolkits/Gambling%20toolkit%20v1.0.pdf

Responsible Gambling Strategy Board – problem gambling as a public health issue briefing paper

www.rgsb.org.uk/PDF/Gambling-related-harm-as-a-public-health-issue-December-2016.pdf

Chief Medical Officer for Wales Annual Report 2016/2017 'Gambling with our health'

<http://gov.wales/docs/phhs/publications/cmo-report2017en.pdf>

Young Gamblers Education Trust

www.ygam.org/

Demos - A Teaching Resource To Promote Resilience

<http://infohub.gambleaware.org/wp-content/uploads/2018/03/Gambling-Education-Teaching-Resource-Booklet.pdf>

<http://infohub.gambleaware.org/wp-content/uploads/2018/03/FINAL-Gambling-education-slides.pdf>

The Fast Forward Gambling Education Toolkit

<http://fastforward.org.uk/gamblingtoolkit/>

National Centre for Social Research - gambling behaviour in Great Britain 2015

www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2015.pdf

Local suicide prevention planning: A practice resource

www.nspa.org.uk/wp-content/uploads/2016/10/PHE_LA_guidance-NB241016.pdf



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REF 10.23

Gambling-related harm as a public health issue

Briefing paper for Local Authorities and local Public Health providers February 2018

1 Introduction and background

- 1.1** This paper sets out the Gambling Commission's position on why gambling-related harm should be considered as a public health issue, and makes recommendations for how this agenda could be advanced at a local level.
- 1.2** The Gambling Commission (the Commission) is an independent non-departmental public body (NDPB) sponsored by the Department for Digital, Culture, Media and Sport (DCMS). It was set up under the Gambling Act 2005 (the Act) to regulate commercial gambling in Great Britain in partnership with licensing authorities (LAs) (which in Scotland are licensing boards). It also regulates the National Lottery under the National Lottery Act 1993. The Commission permits gambling in so far as it thinks it is reasonably consistent with the three licensing objectives:
- 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.
- 1.3** The Commission has a statutory duty to advise the Secretary of State on gambling matters, which includes providing advice on the incidence and effects of gambling. We work closely with the Responsible Gambling Strategy Board¹ (RGSB), our independent advisers who are responsible for developing a National Responsible Gambling Strategy,² and setting the priorities for research, education and treatment to minimise gambling-related harm. We also work closely with GambleAware,³ the independent charity which raises funds from the gambling industry and commission's research, education and prevention, and treatment services in Great Britain, in line with National Responsible Gambling Strategy.

Summary recommendations

- **Local public health teams recognise gambling-related harm as a public health issue and its relevance in assessing risk to the wellbeing of their communities**
- **Public health engages strategically to inform the work of their licensing authorities and in particular the review of the gambling Statement of Principles and the local area profile**
- **Awareness of gambling problems and their symptoms is raised with front line health professionals and other agencies where problem gamblers may present themselves eg debt advice**
- **Develop pathways to accredited agencies for gambling support services**
- **Given multiple and interrelated areas of interest public health works with Safeguarding Boards (young and vulnerable) and Child Protection Committees in Scotland to maximise effective delivery**

¹ <http://www.rgsb.org.uk>

² [National Responsible Gambling Strategy 2016-2019](#), RGSB, April 2016

³ <https://about.gambleaware.org/>

2 Gambling-related harm as public health issue

- 2.1** When the new National Responsible Gambling Strategy was published in April 2016, it set out as one of its objectives and priority actions, the acceptance by a wider range of organisations in the public and private sectors (including those with a remit for public health) of their responsibility to help address gambling-related harm, and to use their expertise and resources to work co-operatively in addressing them. To further support this priority, RGSB published a position paper⁴ in December 2016 on gambling-related harm as a public health issue and we and RGSB have been undertaking a series of stakeholder conversations to raise the profile of the issue.
- 2.2** Gambling-related harms are often not recognised and in our view require greater attention. A public health approach aims to understand all the harms and benefits of an activity to society. The legislative framework for gambling recognises it as a legitimate leisure activity that many people enjoy. It generates income, employment and tax revenue. Set against this, it also generates significant dis-benefits such as working days lost through disordered gambling, or the cost of treatment for ill-health caused by stress related to gambling debt. Less easily measured are potentially very significant impacts such as the negative effects of some gambling on family relationships, and the psychological and social development of children. Similarly, there might be some indirect benefits, including positive social impacts when happy gamblers make a greater contribution to societal well-being than they would in the absence of gambling. Much less is known of these effects.
- 2.3** A public health approach to gambling needs to address its effects on young and vulnerable people. Children and young people are a specific focus among those potentially vulnerable. Their needs are different and they may need different approaches to reducing gambling-related harm. Primary prevention efforts can be targeted at young people, often aiming to reach them before they have gambled. Treatment for young people with gambling problems needs separate consideration to adult treatment. In most cases it is likely to require lower-threshold intervention and to address other, co-occurring problematic behaviours.
- 2.4** A public health approach also needs to address the effects of gambling on the families and close associates of gamblers, and on the wider community – as well as on those who suffer harm from their own gambling. It needs to recognise that a successful strategy cannot focus solely on individual gamblers but also needs to encompass products, environments and marketing and the wider context in which gambling occurs. It needs to understand that restrictions on, or interventions related to, any of these aspects can form part of a balanced approach, backed up by accurate, objective, accessible and understandable information. It should seek to ensure efficient distribution of resources for prevention and treatment based upon need.
- 2.5** In our view, where there is potential for risk to the whole population, not just to those who are directly involved, there is a duty upon Government and its agencies to be vigilant and minimise the effects through a public health approach.
- 2.6** However research now exists which gives a clearer picture of those who are likely to be more vulnerable to gambling harm⁵. Amongst the groups where the evidence base for vulnerability is strongest are the following:
- ethnic groups
 - youth
 - low IQ
 - substance abuse/misuse
 - poor mental health.

⁴ [Gambling-related harm as a public health issue](#), RGSB, December 2016

⁵ <https://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/>

- 2.7** The Commission and RGSB have had positive conversations on this topic in Scotland and Wales. We have also seen the launch of new research to explore the public health impact of gambling throughout Wales led by Professor Robert Rogers of Bangor University, Dr Heather Wardle, and Dr Simon Dymond, Professor of Psychology at Swansea University. They will be working closely with Public Health Wales. The Scottish Public Health Network (ScotPHN), which is hosted by NHS Health Scotland has also identified gambling as one of its priority projects and has undertaken a literature review⁶ and published a scoping study⁷ on what public health in Scotland should do to address the issue.

3 The scale of the problem

- 3.1** Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are however some individuals who do experience significant harm as a result of their gambling. It is estimated that there are around 373,000⁸ problem gamblers⁹ in England, 30,000 in Scotland¹⁰ and around 27,000 in Wales^{11,12}. These estimates are likely to be conservative as the surveys do not include certain population groups more likely to be more vulnerable to harm.¹³ (In comparison we know that research by the National Treatment Agency for Substance Misuse estimates that, for the year 2011/12, there were around 293,000 opiate and/or crack cocaine users in England.¹⁴) For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse. In many cases, it is difficult to attribute these negative effects solely or directly to gambling. But the association is too strong to ignore. Younger males, and people from certain social and ethnic groups, are potentially more vulnerable than others.
- 3.2** A recent survey¹⁵ conducted by YouthSight on behalf of the Commission discovered that two thirds of students gambled in the last month and 54% of those do so to make money. A quarter of students gambled more than they could afford and 4% are in debt because of gambling.
- 3.3** Around 1.7 million¹⁶ individuals in England, 180,000 individuals in Scotland¹⁷ and around 95,000 individuals in Wales are classified as being at-risk¹⁸ of problem gambling. There are also some gamblers who would not be classified as problem or at-risk gamblers but who may on occasion experience harm as a result of their gambling (just as not all problem gamblers will necessarily experience harm every time they play). Gambling-related harms are not all directly health harms, but many of the harms – such as debt – are connected with poor health status.

⁶ [Gambling Related Harm: A review of the scope for population health intervention](#), ScotPHN, June 2014

⁷ [Toward a public health approach for gambling related harm: a scoping document](#), ScotPHN, August 2016

⁸ Data from the 2015 Health Survey for England.

⁹ A problem gambler is defined as meeting at least three of the Diagnostic and Statistical Manual of Mental Disorders, 4th Edition (DSM-IV) criteria, and eight or more of the Problem Gambling Severity Index (PGSI) items used in the Health Survey.

¹⁰ <http://www.gov.scot/Topics/Statistics/Browse/Health/scottish-health-survey/Publications/Supplementary2015/Supplementary2016>

¹¹ Data from the 2015 Health Survey for Scotland and the Gambling Commission's Welsh Problem Gambling Survey.

¹² <http://live-gamble.com.cloud.contensis.com/PDF/survey-data/Participation-in-gambling-and-rates-of-problem-gambling-Wales-headline-report.pdf>

¹³ For example, students living in halls of residence, homeless people, armed forces personnel and those in prison.

¹⁴ [Estimates of the Prevalence of Opiate Use and/or Crack Cocaine Use, 2011/12: Sweep 8 Summary Report](#), Centre for Public Health, Liverpool John Moores University

¹⁵ <http://www.gamblingcommission.gov.uk/news-action-and-statistics/news/2017/Commission-raises-awareness-of-potential-risks-for-students-who-gamble.aspx>

¹⁶ Data from the 2015 Health Survey for England.

¹⁷ <http://www.gov.scot/Topics/Statistics/Browse/Health/scottish-health-survey/Publications/Supplementary2015/Supplementary2016>

¹⁸ At-risk gambling is measured using the Problem Gambling Severity Index (PGSI). This identifies people who have experienced some difficulty with their gambling behaviour but who are not classified as problem gamblers. Two groups are identified: gamblers at 'low risk' of harm (a PGSI score of 1-2) and gamblers at 'moderate risk' of harm (a PGSI score of 3-7).

- 3.4** However, it is important to remember that simply counting the number of problem gamblers is likely to underestimate the true extent of gambling-related harm. There can be considerable negative effects experienced by the wider group of people around a gambler. The health and wellbeing of partners, children, and friends can all be negatively affected. Harm can also extend to employers, communities and the economy. The numbers of those who experience harm as a result of gambling by others will be considerably greater than the number of people who harm themselves.
- 3.5** These are not small numbers. They suggest a significant public health issue which has received remarkably little attention relative to other population level concerns.
- 3.6** The Commission is working with of a number of LAs such as Brighton and Hove City Council¹⁹ who is progressing work with their public health colleagues regarding the mapping of those at risk of gambling harm. In a recent report on problem gambling for Leeds City Council²⁰ the research identified the following:

With a few exceptions, and unlike other areas of advice and guidance in Leeds, these services (generic advisory services such as Citizens Advice Leeds, voluntary and charitable agencies, specialist addictions and recovery services) are not well joined up for problem and at risk gamblers. Potential cross-referral pathways are patchy and informal and held back by a lack of understanding about who does what and may suffer capacity constraints. In both the generic and specialist addiction services, there is an almost total lack of any assessment or screening for gambling related harm and this misses opportunity for early (or any) diagnosis of specialist.

Whilst one cannot generalise from this study it would be surprising if similar issues do not exist elsewhere.

Gambling as a co-morbidity

- 3.7** In some cases, problem gambling can be co-morbid with other conditions such as mental health problems or substance misuse. It is often not recognised and/or undiagnosed. Data from the 2012 Health Survey for England^{21,22} on problem gambling as a co-morbidity shows that:
- For male gamblers, alcohol consumption is heavier in those classified as problem or at-risk gamblers with 17% drinking over 35 units versus 11% of male non-problem or non-at-risk gamblers.
 - Problem gamblers are more likely to be smokers (33% versus 20% for non-problem or non-gamblers) and they are also more likely to be heavy smokers²³ (11% for problem gamblers versus 4% for non-problem or non-gamblers).
 - For self-reported anxiety and/or depression; 47% of problem gamblers said they are moderately or severely anxious or depressed versus 20% of non-problem or non-gamblers.
 - For diagnosed disorders 11% of problem gamblers have a diagnosed mental health disorder versus 5% of non-problem or non-gamblers.
- 3.8** Research²⁴ commissioned by the Commission in 2009 provides a helpful description of gambling as a co-morbidity:

Gambling has not been traditionally viewed as a public health matter (Korn, 2000; Griffiths, 2004). However, the social and health costs of problem gambling can be large

¹⁹ <http://www.gamblingcommission.gov.uk/PDF/LA-bulletin/Licensing-authority-bulletin-March-2017.pdf> (pg4)

²⁰ <http://www.leeds.gov.uk/docs/Problem%20Gambling%20Report.pdf>

²¹ We intend to run this analysis again on the 2015 Health Survey for England once the dataset has been archived.

²² The survey does not include data for Wales.

²³ Heavy smokers are defined as those that smoke more than 20 cigarettes a day.

²⁴ [Gambling, alcohol consumption, cigarette smoking and health: Findings from the 2007 British Gambling Prevalence Survey](#), March 2009

on both individuals and society more generally. Personal costs can include irritability, extreme moodiness, problems with personal relationships (including divorce), absenteeism from work, family neglect, and bankruptcy (Griffiths, 2007). Problem gambling often occurs concurrently with other behavioural and psychological disorders, which can exacerbate, or be exacerbated by, problem gambling (Griffiths, 2007). Adult problem gamblers also have increased rates of attention-deficit hyperactivity disorder (ADHD), substance abuse or dependence, antisocial, narcissistic, and borderline personality disorders (American Psychiatric Association, 1994; Griffiths, 2007). There is also some evidence that cross-addictions may differ among demographic subgroups and gambling types (Griffiths, 1994a). For instance, young male slot machine gamblers are more likely to abuse solvents (Griffiths, 1994b).

Previous research has shown a link between gambling and alcohol, nicotine smoking and/or drug use. For example, alcohol can be used as a way of coping with depression and/or anxiety caused by gambling problems, and, conversely, alcohol may trigger gambling desire (Griffiths, Parke & Wood, 2002). Many studies have reported such links in both adults (eg Ramirez, McCormick, Russo & Taber, 1984; Ciarrocchi & Richardson, 1989; Lesieur, Blume & Zoppa, 1986) and adolescents (eg Griffiths & Sutherland, 1998; Wood, Gupta, Derevensky & Griffiths, 2004). More recently, Petry, Stinson and Grant (2005) reported that just under two-thirds of problem gamblers had a nicotine dependence (60%), approximately three-quarters had an alcohol use disorder (73%), and that just over a third had a drug use disorder (38%) el-Guebaly, Patten, Currie, et al (2006) examined psychiatric co-morbidities associated with problem gambling and reported that those with a substance use disorder were three times more likely to be problem gamblers.

Individuals with other disorders may also be prone to a wide variety of medical consequences including stress-related physical illnesses including insomnia, hypertension, heart disease, stomach problems (eg peptic ulcer disease) and migraine (Daghestani, Elenz & Crayton, 1996; Griffiths, Scarfe & Bellringer, 1999; Griffiths, 2004). Problem gambling may also result in health-related problems from withdrawal effects. For instance, Rosenthal and Lesieur (1992) found that at least 65% of problem gamblers reported at least one physical side-effect during withdrawal including insomnia, headaches, upset stomach, loss of appetite, physical weakness, heart racing, muscle aches, breathing difficulty and/or chills. When comparing the withdrawal effects with a substance-dependent control group, they concluded that problem gamblers experienced more physical withdrawal effects when attempting to stop than the control group.

4 The cost to the public purse of problem gambling in Great Britain

4.1 In December 2016 the Institute for Public Policy Research (IPPR) published research, funded by GambleAware, on the cost of gambling-related harm to Great Britain. The report²⁵, estimated that the direct cost of problem gamblers to the public purse was between £260 million and £1.2 billion per year. The report is the first attempt to provide an estimate of this kind and is subject to a number of limitations. The estimates are wide, the availability of relevant data was limited, and it only captures the fiscal impact, and not more personal or social costs. Work is in hand to try to estimate the wider costs and benefits (see next section).

4.2 The research highlights which parts of Government absorb the worst of the costs of gambling-related harm, set out in the table below:

Department/Interaction	Cost range for England only (range low to high)	Cost range Great Britain (range low to high)
Health:		

²⁵ [Cards on the table: The cost to government associated with people who are problem gamblers in Britain](#), IPPR, December 2016

<ul style="list-style-type: none"> • Hospital inpatient services • Mental health primary care • Secondary mental health services 	<p>£110 million-£290 million</p> <p>£10 million-£20 million</p> <p>£20 million-£50 million</p>	<p>£140 million-£610 million</p> <p>£10 million-£40 million</p> <p>£30 million-£110 million</p>
<p>Welfare and employment:</p> <ul style="list-style-type: none"> • JSA claimant costs and lost labour tax receipts 	£30 million-£80 million	£40 million-£160 million
<p>Housing:</p> <ul style="list-style-type: none"> • Statutory homelessness applications 	£10 million-£30 million	£10 million-£60 million
<p>Criminal justice:</p> <ul style="list-style-type: none"> • Incarcerations 	£30 million-£90 million	£40 million-£190 million

5 Gaps in the evidence

- 5.1** The absence of clearly documented evidence of actual harm, systematically collected, aggregated and reported, has made it difficult to persuade relevant agencies that gambling-related harm is an area to which they should commit more of their scarce resources. Part of the issue is that despite the large numbers of problem and ‘at risk’ gamblers, and the even larger numbers of people who are affected by gambling indirectly, the connection between gambling-related harm and resource pressures on the NHS is not as obvious as in the case of alcohol or drug-related harm or obesity. As a result, funding for epidemiological research is very limited.

Measuring gambling-related harm

- 5.2** That is why the National Responsible Gambling Strategy recommended research to define, measure and monitor levels of gambling-related harm, and demonstrate its impact. The aim is to understand more about the types of harm people experience from their gambling, and the gambling of those close to them.
- 5.3** Research is under way, commissioned by GambleAware and overseen by RGSB. A first phase has been carried out to describe the nature and characteristics of gambling-related harm and how to go about quantifying, measuring and monitoring the types of harms identified. This first phase included an assessment of a conceptual framework for measuring harm²⁶ which was developed by Erika Langham and colleagues at Central Queensland University. This framework includes seven ‘domains of harm’ around which indicators and metrics could be developed:
1. Financial harms
 2. Relationship disruption, conflict or breakdown
 3. Emotional or psychological distress
 4. Decrements to health
 5. Cultural harm
 6. Reduced performance at work or study
 7. Criminal activity
- 5.4** The next phase of research will focus on validating the framework proposed by Langham et al and identifying suitable metrics and indicators to measure harm. A different set of metrics will be needed for children and young people who experience harm differently, for example

²⁶ [Understanding gambling related harm: a proposed definition, conceptual framework, and taxonomy of harms](#), Langham et al, 2016

through bullying or school exclusion. We do not underestimate the difficulties in defining and assessing the extent of gambling-related harm. The work is likely to face considerable challenges, not least the attribution of identified harm to gambling rather than other factors and persuading other agencies to collect new data or share what they have already.

The effect of marketing and advertising on children, young people and vulnerable people

- 5.5** One of the most vulnerable groups in our society, and potentially the ones with most to lose, are children and young people. An increase in the volume of gambling marketing and advertising, combined with advances in technology offering new opportunities for promotion, has exacerbated concerns about the effect of marketing and advertising, particularly on children, young people and other vulnerable people. That is why the RGSB Research Programme²⁷ has identified as a high priority, new research (currently out to tender by GambleAware) into the content and tone of gambling marketing and advertising and its effect on behaviour and perceptions of gambling. A key focus of this work will be to explore the influence of gambling marketing and advertising on children and young people between 11 and 18 years of age, and on young adults (those aged between 18 and 24 years of age), who have recently become permitted to gamble and who are a key target market for gambling operators.
- 5.6** From a public health perspective we do not know enough about the effects of a normalised attitude to gambling on the development and wellbeing of children and young people.

6 Current treatment provision

- 6.1** The majority of treatment for those affected by gambling-related harm in Britain is funded via GambleAware and currently consists of three main services offering psychosocial interventions ranging from brief information and advice, through counselling and Cognitive Behavioural Therapy (CBT), psychiatric care and residential treatment. The largest of the funded providers is GamCare, which operates the National Gambling Helpline and a partner network of 15 treatment organisations across Great Britain providing counselling. The Gordon Moody Association offers 12 week residential care at centres in Dudley, West Midlands, and Beckenham, Kent. The National Problem Gambling Clinic, based within the Addictions Service at Central North West London NHS Trust, offers CBT and psychiatric care and is also largely funded by GambleAware. The absence of any other dedicated NHS provision is striking.
- 6.2** GambleAware spent in the region of £4.8 million on treatment services in 2016-17 and the services it funds saw around 8,800 clients across Britain between them. Waiting lists at GambleAware funded treatment agencies are relatively short. But it is noteworthy that, for whatever reason, only a very small proportion of those adults who would be classified as problem gamblers access such treatment. Some may not recognise the need for change. Some are likely to recover naturally, possibly as the circumstances of their life change. Some may be attempting self-help, for example through attending meetings of Gamblers Anonymous. Others will be receiving some form of intervention through the NHS, more usually directed at co-morbidities associated with problem gambling rather than at problem gambling itself. It is likely, however, that a significant number of those who would benefit from treatment are not receiving it, in any form.
- 6.3** The RGSB Research Programme includes a project which GambleAware will commission shortly on what we know about who is affected by gambling-related harm and who presents for treatment. This gap analysis will provide insight into unmet need, demand and service capacity, to enable strategic development of treatment and support, and in the longer-term, early intervention, prevention and education. It will include specific questions on the demand

²⁷ [Research Programme 2017-2019](#), RGSB, May 2017

for, and availability of, treatment for young people. GambleAware is also piloting a common screening tool in five services which it hopes to be able to roll out more widely later in the autumn. The common screening tool is designed to be used by specialist and non-specialist providers to screen and triage those who may require treatment for their gambling.

7 Current prevention actions and approaches

- 7.1** Much less attention has been given to, and much less is spent on, the prevention of gambling-related harm. However, GambleAware is funding pilots of different approaches to prevention, including work in schools and other educational contexts to educate children about the risks of gambling and how these risks can be avoided. It is also funding projects that are addressing some groups thought to be especially vulnerable (such as professional sportspeople and the homeless), and projects to raise awareness of gambling-related harm among professionals working on related topics (for example debt counselling). There are also some prevention actions being carried out by the gambling industry itself – including a Responsible Gambling Week from 12-18 October 2017 – and GambleAware is helping with the evaluation of some of these.
- 7.2** In common with other areas of public health, while ‘prevention may be better than cure’ implementing effective prevention is difficult, not least because outcomes are tricky to measure. GambleAware, working within its evaluation framework is assessing all of its projects, and will build its prevention activities based on the evidence generated by these evaluations, as well as knowledge from other areas of public health prevention.
- 7.3** Children and young people are naturally a specific focus for prevention efforts because of their age, vulnerability and the fact that they are, as a group, able to be reached through school. But, given the many demands on schools, it has proved difficult to embed gambling-specific education in the curriculum. However, evidence suggests that educational approaches which develop young people’s generic skills for dealing with risky situations may be more effective than topic-specific interventions: gambling-related harm prevention could in this way be included in schools’ personal social and health education.
- 7.4** Targeting parents is also a potentially effective way of reaching young people. But evidence from other fields (and limited experience in the gambling field) has demonstrated how difficult it is to engage parents, especially those with children who are more vulnerable; and even if they can be engaged, difficult to convert this interest into simple action, such as having a conversation with their children about gambling. Nevertheless, there is scope for developing creative approaches to involving parents in gambling-related harm prevention.

8 Recommendations for local authority and public health engagement

- 8.1** That local public health teams recognise gambling-related harm as a public health issue and consider it as a key issue when assessing risk to the wellbeing of their communities.
- 8.2** Whilst public health is not listed as a responsible authority²⁸ under the Act, we consider that they can have an important strategic role in informing the way that licensing authorities²⁹ carry out their gambling responsibilities.

²⁸ There is already scope for this as one of the responsible authorities listed is described as ‘an authority which has functions by virtue of an enactment in respect of minimizing or preventing the risk of pollution of the environment or of **harm to human health** in an area in which the premises are wholly or partly situated’ (s157 (g)).

²⁹ Knowsley Metropolitan Borough Council specify in their Statement of Principles for gambling the following ‘4.5 The Licensing Authority will consult the Director of Public Health on all premises licence applications’

- 8.3** LAs are required to publish a Statement of Principles as a part of their duties under the Act. The next Statement is required to be published in January 2019. The current Guidance to Licensing Authorities (Sept 2015) encourages LAs to develop a local area profile³⁰.

*An effective local area profile is likely to take account of a **wide range** of factors, data and information held by the licensing authority and its partners. An important element of preparing the local area profile will be proactive engagement with responsible authorities as well as other organisations in the area that can give input to map local risks in their area. These are likely to include public health, mental health, housing, education, community welfare groups and safety partnerships, and organisations such as GamCare or equivalent local organisations.*

Good local area profiles will increase awareness of local risks and improved information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks. The local area profile will help to inform specific risks that operators will need to address in their risk assessment.³¹

- 8.4** Such a risk based approach helps in both ensuring that the LA targets inspection and enforcement activity where it is needed most but also ensures gambling operators have all the appropriate safeguards in place to protect those most at risk of gambling harm.
- 8.5** More specifically front line health professionals³² and those working in other agencies where problem or at risk gamblers may present themselves such as debt advice centres and CABs should be trained to identify the signs of gambling issues. (For example Newport, South Wales CAB delivers training to their staff along these lines and Sheffield Safeguarding Board deliver training to gambling staff and others on the protection of young people.)
- 8.6** When encountering an individual with gambling related harm agencies have the knowledge in order for them to be referred to appropriate accredited agencies for help and support (eg the National Problem Gambling Helpline, GamCare or others financed by GambleAware).
- 8.7** At a strategic level, the Safeguarding Boards³³ or equivalent (and Child Protection Committees in Scotland) for both young people and vulnerable people have a specific remit for the groups who are often at greatest risk of gambling harm. By working closely together, Safeguarding Boards and public health can deliver synergies and efficiencies in achieving enhanced protections for these two groups.
- 8.8** Given the range of co-morbidities (**3.6** above) it is highly likely that a percentage of those presenting with other conditions (eg. mental ill health and addictions) are also either experiencing or are vulnerable to gambling-related harm. However as the Leeds report identified (**3.5** above) they are not being screened for gambling-related harm and/or may not disclose underlying gambling problems. Engagement between safeguarding and public health can contribute to both agencies achieving wider strategic goals.

³⁰ http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Part-6-Licensing-authority-policy-statement.aspx#DynamicJumpMenuManager_1_Anchor_6

³¹ Brighton - <http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Gambling-register-local-area-profiles-07042016.xlsx>

³² ³² <http://www.gamcare.org.uk/news/gamcare-raise-awareness-great-yarmouth>

³³ One of the Responsible Authorities listed under the GA2005 is s157 (h) 'a body which is designated in writing for the purposes of this paragraph, by the licensing authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm'

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