

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

- We welcome the position Tamworth Borough Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles.
- Local authorities can play a greater role in reducing gambling harm, particularly for those of our clients who experience harm in land-based gambling venues, due to council's licensing responsibilities.
- It is vital that Tamworth Borough Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area.

A local Area Profile has been produced and is available [Gambling and lotteries | Tamworth Borough Council](#)

- Building on the proactive approach the council is already taking, we would like to see Tamworth Borough Council commit in its statement of principles **to a public health approach** to gambling.

The Act is clear on the licensing objectives. These are:

- ***Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;***
- ***Ensuring that gambling is conducted in a fair and open way, and***
- ***Protecting children and other vulnerable persons from being harmed or exploited by gambling***

We cannot make a fourth licensing objective.

- This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers. GamCare has worked with Haringey Council to implement a similar system, that has received widespread support.

As Above

- In the absence of Cumulative Impact Assessments as a method by which the "aim to permit" approach can be challenged, Tamworth Borough Council should pursue a [Local Area Profile](#) approach that specifically analyses gambling risk, and use this data as a basis from which to scrutinise and possibly oppose a licensing application.

A local Area Profile has already been completed please see:- [Gambling and lotteries | Tamworth Borough Council](#)

- The changes to Tamworth Borough Council's statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment.

In response to the consultation response no officer recommendations are necessary.

Gosschalks/Betting and Gaming Council comments on the revision of the statement of principles:

Paragraph 1.3 refers to the statement of principles, "seeking to promote the licensing objectives set out in the Act..." This paragraph should be redrafted with the reference to the promotion of the licensing objectives being deleted. The purpose of the statement of principles is to outline the principles that will be applied by the Licensing Authority when exercising its functions (s349 Gambling Act 200) and not to promote the licensing objectives. The promotion of the licensing objectives is central to Licensing Act 2003

applications but not applications under Gambling Act 2005. Indeed the only entity upon which GA 2005 confers a duty to promote the licensing objectives is the Gambling Commission. The Licensing Authority's duty is to aim to permit the use of premises for gambling subject to four criteria as clearly stated in paragraph 6.1 whilst applications and operations are required to be reasonably consistent with the licensing objectives.

Paragraph 11.2 contains a bullet point list of factors that the council expects to be considered when conducting a local risk assessment. The bullet point list should be redrafted with the reference to whether the premises is in an area of deprivation being deleted. The relevant affluence of an area cannot be relevant as to whether an operation is/will be consistent with the licensing objectives unless the authority has predetermined that the local residents in deprived areas are more likely to commit crime associated with gambling than in more affluent areas or are to be considered automatically vulnerable.

The second sentence of paragraph 12.10 should be deleted. This suggests that it is possible that a specific policy could be implemented as regards areas where gambling premises should not be located. Any such policy is likely to be unlawful, is contrary to the s153 "aim to permit" principle and the requirement that each application be considered on its own merits.

The section 15, "Licence Conditions" would be assisted by a clear statement that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are intended to be sufficient to ensure operation that is consistent with the licensing objectives and that additional conditions will only be imposed where there is evidence in the circumstances of a particular case that the mandatory and default conditions should be supplemented.

All points suggested officers agree to making the necessary amendments before the draft policy being presented to full council for adoption.