

REPORT TO: POLICY AND RESOURCES COMMITTEE – 10 MARCH 2014

REPORT ON: PROBLEM GAMBLING

REPORT BY: CHIEF EXECUTIVE

REPORT NO: 52-2014

1. PURPOSE OF REPORT

1.1 This report suggests actions which can be taken to tackle and heighten awareness of the social problems caused by gambling.

2. RECOMMENDATIONS

2.1 It is recommended that the Committee:-

- i) calls on the Westminster Government to review the Gambling Act 2005 and return power to local government to allow the location and number of betting offices to be restricted where appropriate, on grounds of overprovision
- ii) calls on the Westminster Government to introduce greater regulation and restriction of the advertising of all gambling establishments and sites
- iii) calls on the Scottish Government to press its Westminster counterpart to devolve control of location and number of betting offices back to local Councils, and to regulate and restrict advertising of all gambling establishments and sites
- iv) calls on the Scottish Government to review and revise the Town and Country Planning (Use Classes) (Scotland) Order 1997 to designate bookmakers a *sui generis* use
- v) authorises and instructs the Chief Executive to implement a block on access to all gambling sites on all staff and publicly accessible Council computers
- vi) remits to the Chief Executive to consider and report back at a future date on what action the Council might take to improve the provision of local support for those who are addicted to gambling, or who are adversely affected by problem gambling on the part of a family member.
- vii) refers this report to Dundee City Licensing Board and invites them to support these recommendations.

3. FINANCIAL IMPLICATIONS

3.1 None of these actions will impact on Council budgets.

4. BACKGROUND

4.1 Early in 2013 a group of members of the community came together under the joint auspices of the City Council and the Poverty Alliance EPiC programme.

4.2 EPiC is designed to support and train community based organisations and individuals to get involved in local and national policy making. The Dundee Group fitted that profile and was set up to offer feedback on the Council's Fairness Strategy.

4.3 Based on their research and personal experiences, they identified a gap in the Fairness Strategy and Action Plan in relation to gambling as a significant problem in areas of poverty and deprivation.

4.4 Problem gambling is defined as behaviour that is out of control and that disrupts personal, family, financial and employment relations. It is linked to financial problems such as debt and bankruptcy, divorce, lost productivity, crime (such as fraud and theft), depression and suicide.

4.5 According to NHS Choices, the on-line access to information on the NHS, there may be 450,000 problem gamblers in the UK. NHS Choices also points to there being a link between

gambling and alcohol abuse. Many gambling addicts are also addicted to alcohol. Rates of depression and suicide among gambling addicts is around double the national average. Gambling addicts are also more likely to go to prison as a result of criminal activity, almost always theft and/or fraud.

- 4.6 In 2012, the Scottish Health Survey recorded that 7 in 10 adults in Scotland had gambled in the previous 12 months. That reduces to 1 in 12 when the National Lottery is excluded. Problem gamblers were identified as 0.7% of Scotland's adult population (30,500 adults). A further 1% were at moderate risk of harm, and a further 3% at low risk of harm. The odds of being a problem gambler were 11.6 times higher for men than for women, and those living in Scotland's most deprived areas (SIMD Quintile 1), were around 7 times more likely to be a problem gambler than those in the least deprived areas (SIMD Quintile 5).

It is not suggested that the Council should seek to restrict participation in the National Lottery. Nor is there any suggestion that simple fund-raising raffles (small lotteries) used by community groups etc should be discouraged. These are not generally the source of problem gambling activity.

- 4.7 The results of the British Gambling Prevalence Survey showed a significant correlation of problem gambling with household income, with those in the lowest income categories nearly three times as likely as the average to be defined as a problem gambler. Those not in paid work and those in manual occupations were also significantly more likely to be problem gamblers.

- 4.8 Gambling behaviour is increasingly a subject of public health and policy interest in Britain. In the past decade, the gambling landscape in Britain has changed significantly. This is evident with the rise in on-line gambling opportunities and also with the implementation of the Gambling Act 2005 which overhauled the way commercial gambling is licensed, advertised and regulated in the UK.

- 4.9 Gambling is now positioned as a legitimate recreational and leisure activity, with policy responsibility held by the Department for Culture, Media and Sport. While gambling policy is a reserved matter, some limited functions in relation to the setting of conditions for premises licenses are exercised by Scottish Ministers. There is widespread recognition among policy makers, industry and health care professionals that, like alcohol consumption, some people who engage in gambling activity can experience harm. However, unlike alcohol consumption, there are no specific policy targets relating to harm minimisation.

- 4.10 However, the Gambling Act 2005 does contain 3 core licensing objectives. These are to:

- prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- ensure that gambling is conducted in a fair and open way, and
- protect children and other vulnerable groups from being harmed or exploited by gambling

- 4.11 Raising awareness is particularly important in Scotland. As the pre-2005 legislation had restricted gambling in this country for so long, many individuals were simply not aware of the risks gambling can pose, nor are they aware of the availability of services to treat it. For example, less than half of the population have ever heard of Gamblers Anonymous, and only one in five problem gamblers has ever sought help for their difficulties. (Research on the Social Impacts of Gambling 2006).

- 4.12 Disadvantaged social groups who experience poverty, unemployment, dependence on welfare, and low levels of education and household income are most likely to suffer the consequences problem gambling. (Scottish Health Survey 2012). That research also showed that availability and convenience are strongly associated with problem gambling. Electronic Gaming Machines that are located outside casinos and are widely dispersed throughout the community in bars, hotels and clubs can encourage impulse gambling and are associated with the highest rates of problem gambling worldwide. In addition, EGMs are the fastest growing sector of gambling markets, often displacing other forms as they spread to new venues. Their popularity among women has led to a trend that has been described as a 'feminisation' of problem gambling. In Britain a new type of electronic machine located in casinos and betting shops – Fixed Odds Betting Terminals (FOBTs) – have become associated with increasing reports of problem gambling.(Research on the Social Impacts of Gambling).

- 4.13 Another example of how easy it is for a variety of premises to take advantage of the more open regime created by the 2005 Act is that of some Taxi Operator premises in Dundee where it has been possible to set up a 'staff club' for employees which then grants them an automatic entitlement to apply to install two gaming machines with a £70 jackpot limit so staff can gamble before or after shifts.
- 4.14 Across the UK there is a frequent correlation between locations of gambling establishments, premises licensed to sell alcohol, and areas of multiple deprivation. The appendix to this report illustrates that correlation in Dundee.
- 4.15 There has also been a large scale growth in advertising and promotion of on-line gambling including casino type games and bingo. Gamble Aware, administered by the Responsible Gambling Trust, estimates there are around 2500 on-line gambling websites accessible from the UK and promotion of such sites via television, internet and mobile phones is intense and frequent. It is estimated that as many as 1 in 25 television adverts is promoting one form of gambling or another.
- 4.16 In 2011 Young Scot also expressed concern about the growing number of young people involved in gambling – they found that problem gambling in young people may be as high as 9%, with a further 15% at serious risk of developing problems.
- 4.17 As things stand, betting, gaming and lotteries are all matters reserved to the Westminster Government, with certain limited powers granted to Scottish Ministers. Councils can use over provision as a ground to refuse applications for hot-food take-aways, sex shops and, where Licensing Authorities have over-provision policies in place, premises licensed to sell alcohol, but cannot do so in relation to betting offices.
- 4.18 The Town and Country Planning (Use Classes) Order 1997 groups various uses within 'Use Classes'. The purpose of this is to enable the use of properties to adapt to changing trends and demands without always requiring planning permission. Uses within the same Use Class will thus raise similar issues such as noise, traffic generation, parking etc. As a result, Betting Offices fall into Class 2 – Financial, Professional and Other Services. Bingo Halls and Casinos fall into Class 11 – Assembly and Leisure, alongside swimming pools, cinemas and concert halls.
- 4.19 The assumption is that if one use of a property is acceptable, uses within the same Use Class will also be acceptable in planning terms. The Scottish Government discourages planning authorities from restricting the freedoms granted by the Use Classes Order.
- 4.20 Planning authorities could be given more control by revising the Use Classes Order to change Betting Offices from class 2 to that of being "sui generis" i.e. of its own kind, or unique in its characteristics. Sui Generis uses already include such things as hot food take-aways and amusement centres.
- 4.21 While this might give planning authorities a greater measure of control, it has to be borne in mind that decisions to refuse permission must still be based on material planning considerations such as matters of design, noise, or traffic issues etc.,etc. If such a change came into effect, the Director of City Development would prepare guidance setting out the planning considerations which would inform decisions on applications of this type.
- 4.22 Any change to the classification of Bookmakers Office would require a change to the Use Classes Order which would require action at Scottish Government level.
- 4.23 In current gambling licensing legislation, the provisions place an obligation on licensing authorities to seek to permit gambling to take place.
- 4.24 In liquor licensing the Board has discretion to make what is in essence a value judgement, made having regard to the numbers and types of licences in a locality, when assessing whether there is an overprovision.
- 4.25 The Courts have traditionally given Boards considerable latitude in using their local knowledge of an area in making an assessment on which to base a decision. The Licensing (Scotland) Act 2005 also allows areas to be declared overprovided *as a matter of policy*. When such a policy is in place, there is a presumption against granting a licence in these areas unless the applicant can persuade the Board otherwise. The scope for such a liquor licensing policy is currently being explored locally. A similar policy for gambling establishments would give

Councils more local control over gambling. This could be done if the legislation was changed to replicate the set-up under liquor licensing so that a set list of potential grounds for refusal is created and if a listed ground is established, the application can be refused.

- 4.26 It is therefore suggested that in light of the frequency with which these establishments, and thus the temptation to gamble, occur in or close to areas affected by poverty and deprivation, the Council should call on the Westminster Government to review the provisions of the Gambling Act 2005 to return control of the numbers and location of betting offices to local Councils via Licensing Boards. The Scottish Government should also be urged to add its weight to the call for returning such power to local Councils.
- 4.27 Government should also be urged to introduce greater regulation of the advertising of all gambling establishments and sites, particularly on-line gambling sites.
- 4.28 At a local level, it would be appropriate for the Council to raise awareness of its concern about the danger of such sites to vulnerable people in poverty and deprivation by adopting a principled stance and introducing a block on access to gambling sites, (similar to the one placed earlier this year on access to payday loan sites) via all Council computers, including those accessible to the public. Advice agencies often have case studies which link easy access to gambling sites financed by equally easy access to payday loan sites.
- 4.29 Problem gambling is by its nature an issue that is often hidden by sufferers and their families, so it is difficult to ascertain the scale of any problem in Dundee. It is correspondingly difficult to measure the impact on individual's and families, but on the basis of the recommendation from the EPiC group it would also be appropriate to investigate this situation further to facilitate consideration of what action, if any, the Council might take to improve and support the provision of local support for those who are addicted to gambling, or who are adversely affected by problem gambling on the part of a family member.
- 4.30 The following illustration is a case study from the Dundee Citizens Advice Bureau -

"Female, lone parent has struggled with a gambling addiction since her teens (mostly machines in arcade type settings). Client has damaged her relationship with her parents because of out-of-control gambling / debts she got into as a result of gambling in her late teens / early twenties. Client did seek help from GP and was signposted to Gamblers Anonymous but found it difficult to access groups locally (because of geography and child care) and that they were mostly male which was also off putting.

Client is determined for the sake of her children to not gamble and had been successful for many years. However, as she recently moved house to another area, she found that she lost connections / support networks and was socially isolated which led to a relapse (on-line gambling). Client is frustrated as she believes that a gambling addiction is not treated / supported in the same way as an alcohol or drug addiction and that it is not really recognised for the harm that it can cause."

5 POLICY IMPLICATIONS

- 5.1 This report has been screened for any policy implications in respect of sustainability, Strategic Environmental Assessment, Anti Poverty, Equality and Impact Assessment and Risk Management. An Equality Impact Assessment is attached.

6 CONSULTATION

- 6.1 The Directors of Corporate Services, Social Work and City Development, together with the Head of Legal and Democratic Services and Head of Communities, have all been consulted on this report. Consultation also took place with the Building Stronger Communities Group and the Dundee Association of Local Management Groups.

7 BACKGROUND PAPERS

- Scottish Index of Multiple Deprivation 2012
- Research on the Social Impacts of Gambling 2006
- Scottish Health Survey 2012
- British Gambling Prevalence Survey 2010

David K Dorward
Chief Executive

03/03/2014

Appendix

Mapping of Gambling and Alcohol Licences in Dundee

All Gambling Licences in Dundee City

There are 30 gambling licences (4 for bingo, 26 for betting shops) within Dundee City.

Gambling Licences in or near 15% MD Areas

Table 1 shows that almost two thirds of all Dundee City gambling licences are in or within 500m of a data zone ranked within the 15% Most Deprived of the SIMD 2012.

Table 1: Gambling Licences in or Near the 15% Most Deprived Data zones

	Gambling Licences	%
15% MD SIMD 2012 or within 500m	19	63%
Non 15% MD SIMD 2012 (excluding City Centre)	3	10%
City Centre	8	27%
Total	30	100%

Map 1 on page 2 shows the location of these 19 gambling licences.

Alcohol Licences in the vicinity of Gambling Licences in or near 15% MD Areas

Table 2 shows the number and percentages of alcohol licences (outside of the city centre area) that are within a 500m radius of one of the 19 gambling licences near deprived areas (as identified in **Map 1**).

Table 2: Alcohol Licences Near Gambling Licences in Deprived Areas

Licence Type	Licences outwith City Centre	Licences within 500m of a gambling licence in or near a 15% deprived data zone	%
Off Sales	113	50	44%
On Sales	230	72	31%
All Licences	343	122	36%

Just under a half of all **off sales** licences (outwith the city centre) are located in the vicinity of a gambling licence in or near a deprived area. These can be seen in **Map 2** on page 3.

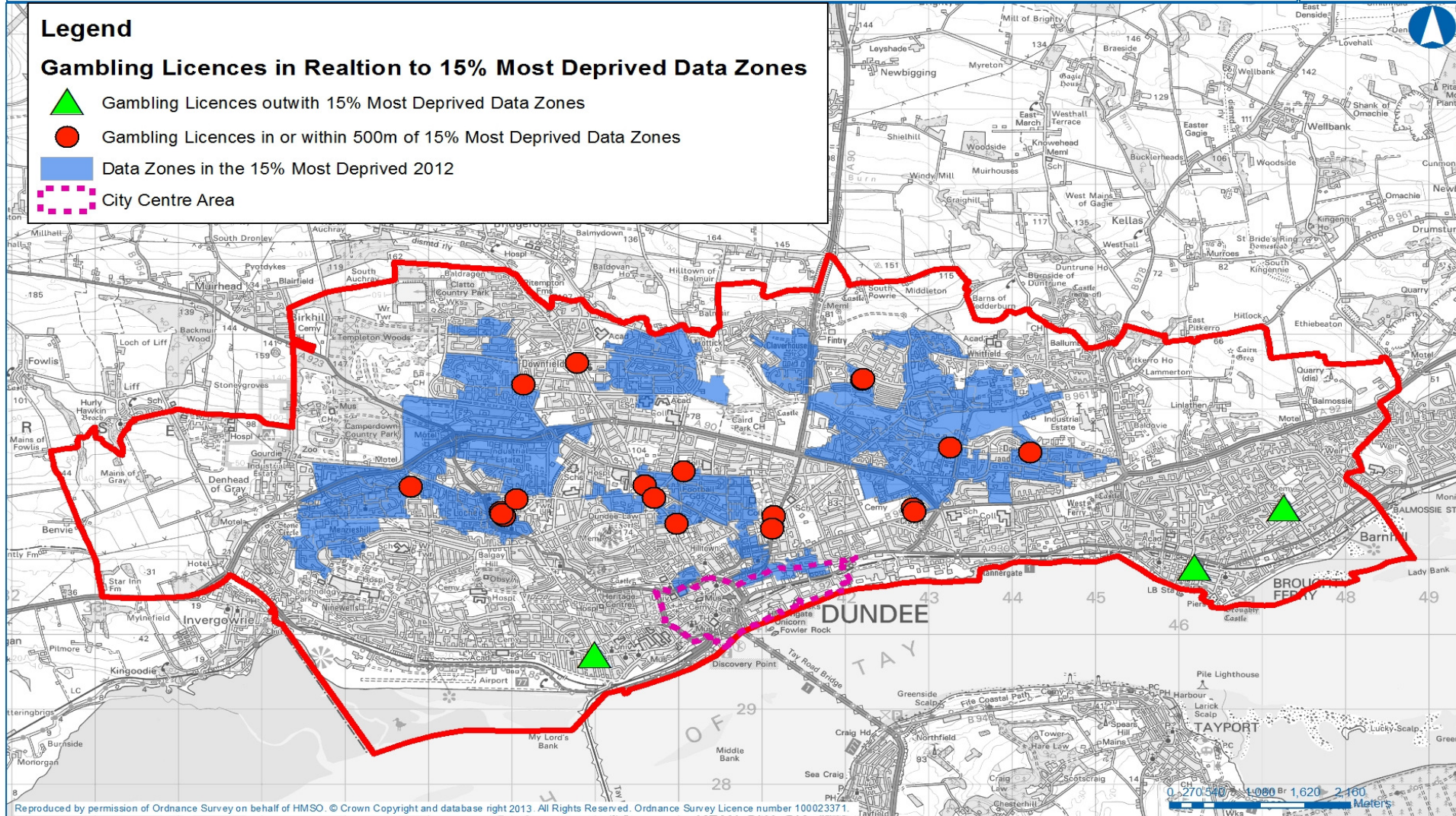
Just under a third of all **on sales** licences (outwith the city centre) are located in the vicinity of a gambling licence in or near a deprived area. These can be seen in **Map 3** on p

Map 1 - DCC SIMD 15% Most Deprived Data Zones and Current Betting and Bingo Licences 07/06/2013

Legend

Gambling Licences in Relation to 15% Most Deprived Data Zones

-  Gambling Licences outwith 15% Most Deprived Data Zones
-  Gambling Licences in or within 500m of 15% Most Deprived Data Zones
-  Data Zones in the 15% Most Deprived 2012
-  City Centre Area



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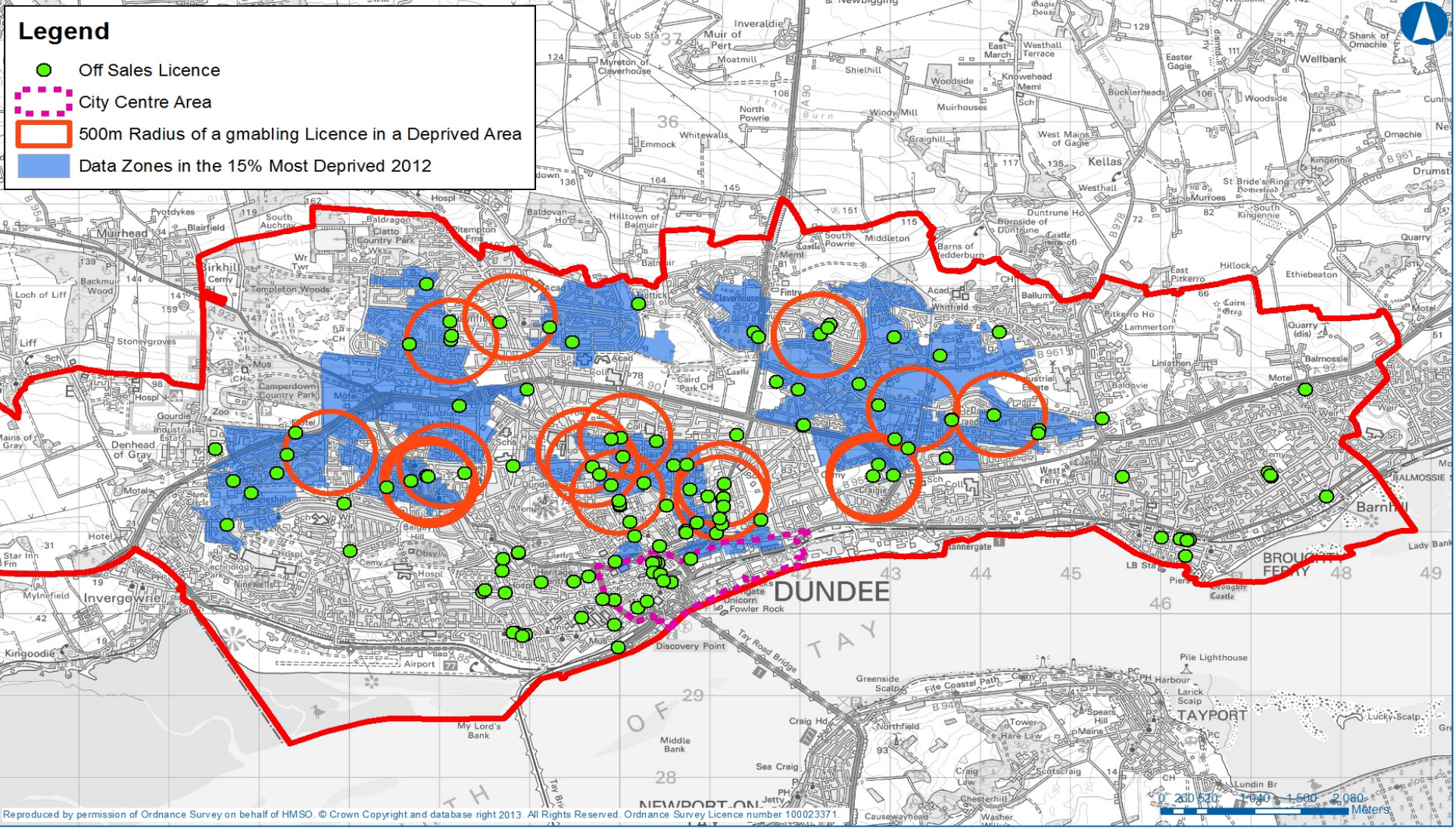


Originator: Anthony Jenkins

Department: City Development





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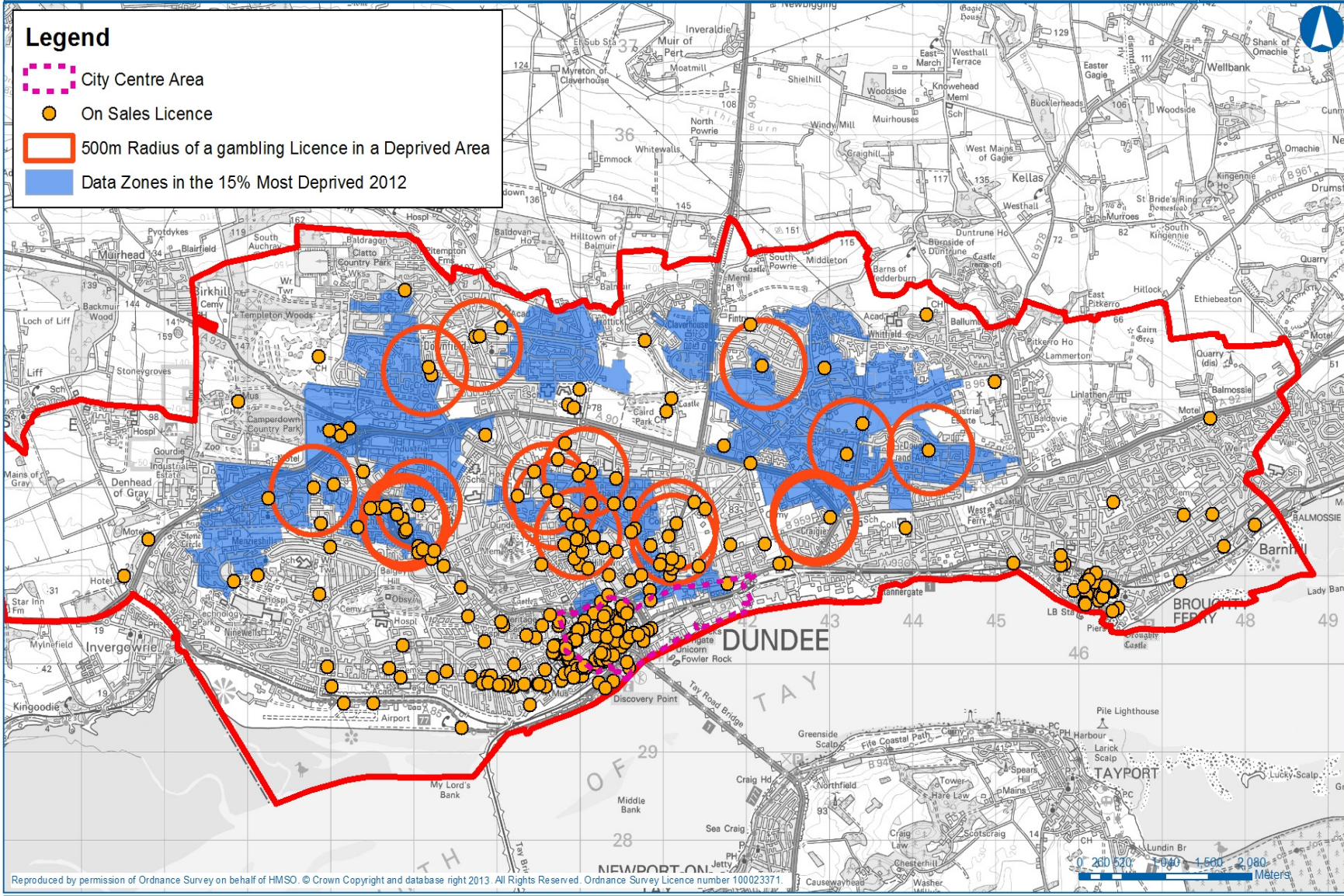
Map 2 - Gambling Licences in or near (within 500m) of SIMD 15% Most Deprived Data Zones and Off Sales Alcohol Licences 2013



Map 3 - Gambling Licences in or near (within 500m) of SIMD 15% Most Deprived Data Zones and On Sales Alcohol Licences 2013

Legend

-  City Centre Area
-  On Sales Licence
-  500m Radius of a gambling Licence in a Deprived Area
-  Data Zones in the 15% Most Deprived 2012



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EQUALITY IMPACT ASSESSMENT TOOL

Part 1: Description/Consultation

Is this a Rapid Equality Impact Assessment (RIAT)?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Is this a Full Equality Impact Assessment (EQIA)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Date of Assessment: 16/01/2014	Committee Report Number: 52-2014	
Title of document being assessed: Problem Gambling		
1. This is a new policy, procedure, strategy or practice being assessed (If yes please check box) <input checked="" type="checkbox"/>	This is an existing policy, procedure, strategy or practice being assessed? (If yes please check box) <input type="checkbox"/>	
2. Please give a brief description of the policy, procedure, strategy or practice being assessed.	This report seeks to raise awareness of the damage caused by problem gambling and the need to review current legislation	
3. What is the intended outcome of this policy, procedure, strategy or practice?	Local awareness of the dangers of gambling raised and pressure put on government to review current gambling legislation	
4. Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.	Fairness Strategy	
5. Has any consultation, involvement or research with protected characteristic communities informed this assessment? If yes please give details.	Problem gambling can affect all sectors of society, so though no specific consultation with protected characteristic communities, community groups were consulted.	
6. Please give details of council officer involvement in this assessment. (e.g. names of officers consulted, dates of meetings etc)	N/A	
7. Is there a need to collect further evidence or to involve or consult protected characteristics communities on the impact of the proposed policy? (Example: if the impact on a community is not known what will you do to gather the information needed and when will you do this?)	No	

Part 2: Protected Characteristics

Which protected characteristics communities will be positively or negatively affected by this policy, procedure or strategy?

NB Please place an X in the box which best describes the "overall" impact. It is possible for an assessment to identify that a positive policy can have some negative impacts and visa versa. When this is the case please identify both positive and negative impacts in Part 3 of this form.

If the impact on a protected characteristic communities are not known please state how you will gather evidence of any potential negative impacts in box Part 1 section 7 above.

	Positively	Negatively	No Impact	Not Known
Race / Ethnic Minorities	X			
Gender	X			
Gender Reassignment	X			
Religion or Belief	X			
People with a disability	X			
Age	X			
Lesbian, Gay and Bisexual	X			
Socio-economic	X			
Pregnancy & Maternity	X			
Other (please state)				X

Report raises awareness which can only be a positive impact.

Part 3: Impacts/Monitoring

<p>1. Have any positive impacts been identified?</p> <p>(We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)</p>	Objective is mainly awareness raising across all sectors of community
<p>2. Have any negative impacts been identified?</p> <p>(Based on direct knowledge, published research, community involvement, customer feedback etc. If unsure seek advice from your departmental Equality Champion.)</p>	No
<p>3. What action is proposed to overcome any negative impacts?</p> <p>(e.g. involving community groups in the development or delivery of the policy or practice, providing information in community languages etc. See Good Practice on DCC equalities web page)</p>	N/A

<p>4. Is there a justification for continuing with this policy even if it cannot be amended or changed to end or reduce inequality without compromising its intended outcome?</p> <p>(If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)</p>	N/A
<p>5. Has a 'Full' Equality Impact Assessment been recommended?</p> <p>(If the policy is a major one or is likely to have a major impact on protected characteristics communities a Full Equality Impact Assessment may be required. Seek advice from your departmental Equality lead.)</p>	No
<p>6. How will the policy be monitored?</p> <p>(How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)</p>	Data monitoring over long term

Part 4: Contact Information

Name of Department or Partnership	Chief Executive's
------------------------------------------	-------------------

Type of Document	
Human Resource Policy	<input type="checkbox"/>
General Policy	X
Strategy/Service	<input type="checkbox"/>
Change Papers/Local Procedure	<input type="checkbox"/>
Guidelines and Protocols	<input type="checkbox"/>
Other	<input type="checkbox"/>

Manager Responsible	Author Responsible
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Designation: Community Planning Manager	Designation: Financial Inclusion Officer
Base: 21 City Square	Base: 21 City Square
Telephone: 01382 434465	Telephone: 01382 434495
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Signature of author of the policy:	Derek Miller	Date: 16/01/2014
Signature of Director/Head of Service:	David Dorward	Date: 16/01/2014
Name of Director/Head of Service:	David Dorward	
Date of Next Policy Review:	N/A	