

Classification	Item No.
Open	

Meeting:	Licensing & Safety Committee
Meeting date:	11 November 2021 Licensing and Safety Committee 24 November 2021 – Full Council
Title of report:	Review of Gambling Policy - Statement of Principles
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All Wards

Executive Summary:

The Gambling Act 2005 (Section 349) requires the Local Authority to review its Statement of Principles at least every three years. The statement can also be reviewed at any time during the three year period, if any urgent matters were to arise. The existing Statement of Principles ceases to have effect on 22 January 2022.

The report contains the revised proposed Statement of Principles (attached at **Appendix 1**) and details the consultation process. Section 4 outlines the amendments to the statement following the responses to the consultation.

We have been working with our partners across Greater Manchester, which has resulted in the [Greater Manchester Gambling harm and reduction programme](#) being set up. The programme reflects this collaboration across Greater Manchester and as a result, for the first, time, a joint Statement of Gambling Principles has been created, to be approved at a local level. The principles share our aims to prevent and reduce the negative impacts of gambling on individuals, families, and communities. The Statement of Principles appended to the report at **Appendix 1** is the result of this partnership working.

The report also provides a comparison of the proposed Statement of Principles (**Appendix 1**) and the current Statement of Principles (**Appendix 2**), detailed in section 2 of the report.

Recommendation

The proposed Statement of Principles, attached to the report at **Appendix 1**, can be accepted, amended or rejected. To comply with the statute, a revised Statement of Principles must be agreed by Council on 24 December 2021, for the proposed statement to be in place by 23 January 2022.

It is recommended that the proposed Statement of Principles is accepted without amendment. The statement has been widely consulted and any necessary amendments, as detailed in section 4 of the report, have been made.

1.0 Introduction

1.1 The Gambling Act 2005 requires the Authority to prepare and publish a Statement of Principles prior to carrying out functions under the Act. The Statement must be reviewed at least every three years. The current Statement of Principles ceases to have effect on 22 January 2022.

1.2 The Act is based on the promotion of three licensing objectives:

- a) preventing gambling from being a source of crime and disorder
- b) ensuring that gambling is conducted in a fair and open way and
- c) protecting children and other vulnerable persons from being harmed or exploited by gambling

1.3 The Act provides that Authorities should aim to permit gambling in so far as they think it is:

- a) in accordance with issued codes of practice;
- b) in accordance with guidance issued by the Gambling Commission;
- c) reasonably consistent with the licensing objectives; and
- d) in accordance with their Policy Statement

1.4 In preparing the proposed Statement of Principles the Council has had regard to codes of practice guidance issued by the Gambling Commission.

1.5 In relation to this review, we have been working with our partners across Greater Manchester with a shared aim to prevent and reduce the negative impacts of gambling on individuals, families and communities. As part of our innovative public service reform and population health agenda we are working with our partners to ensure that gambling is a safe and enjoyable activity for all those who choose to take part.

Our priorities are:

- Developing our understanding of gambling related harms
- High quality treatment and support
- Supporting interventions to prevent gambling from becoming a harmful activity
- Engaging with people and communities to co-design our work

1.6 The [Greater Manchester Gambling harm and reduction programme](#) reflects the collaboration across the Greater Manchester combined Authorities with, for the first, time a joint Statement of Gambling Principles approved at local level. The

aim is to prevent harm from arising and to ensure that the individuals, families and communities experiencing harm as a result of gambling have access to the right treatment and support

- 1.7 The proposed Statement of Principles (attached at **Appendix 1**) is the culmination of joint working with our Greater Manchester partners.

2.0 Statement of Principles – Comparison

- 2.1 One of the main differences between the proposed Statement of Principles (**Appendix 1**) and the current Statement of Principles (**Appendix 2**) is the change in layout and style. Our work with partners Greater Manchester has produced a uniform document template for each Authority to use.
- 2.2 The proposed document refers to the Greater Manchester harm and reduction programme and its aims.
- 2.3 Both documents contain the relevant legislation and show how, as a Council we will deal with applications.
- 2.4 The geographical information currently in the Executive Summary is now contained in section 2 of the proposed statement. Wording and maps have been condensed and simplified to make the document easier to read.
- 2.5 The proposed document contains additional information, which can be seen in section 3 General Principles – Public Health (3.11-3.21) of the proposed statement. Whilst Public Health is not a 'responsible authority', within the legislation, it is recognised that Public Health offer insights into the impact of gambling in their respective local areas. As such the proposed statement of principles advises that Public Health will be consulted on all premise licence applications.

3.0 Consultation

- 3.1 The Act requires consultation with a number of statutory defined consultees as detailed in 2.13 and 3.7 of Appendix 1. Public Health are one of the defined consultees.
- 3.2 The consultation commenced on 6 August 2021 and asked for comments to be received by 22 October 2021. The Consultation has also been made available on the Council's website and has been sent to all current licence holders under the Gambling Act 2005.
- 3.3 The advisory letter, detailing the review of the Statement of Principles, has been returned by the post office, from the eight organisations detailed below, as either 'gone away or addressee unknown'. These organisations have therefore been removed from section 2.13 of the proposed Statement of Principles.
 - Be Gamble Aware
 - Businesses in Sport and Leisure (BACTA)
 - Casino Operators Association of the UK (COA(UK))
 - Security Industry Authority
 - Remote Gambling Association

- Society of Independent brewers
- The Rank Group PLC
- Gamestec Leisure Ltd

4.0 Responses to the Consultation

- 4.1 On 7 September 2021 a letter (a copy of which is attached at **Appendix 3**) from Gosschalks Solicitors (on behalf of the Betting and Gaming Council) was received by Oldham Council as a response to their Statement of Principles. As this also related to the Greater Manchester Policy it was circulated to Bury. The same letter was received by the licensing section at Bury Council on 20 October 2021.
- 4.2 The letter was reviewed by Manchester City Council's licensing team in consultation and following consultation with their legal team and a response sent a copy of the response and suggested amendments is attached to this report at **Appendix 4**.
- 4.3 As the response related to the Greater Manchester Statement of Policy it was circulated to Bury. Our policy has been amended in line with the response outlined in Appendix 4.
- 4.4 A statement (a copy of which is attached at **Appendix 5**) was received from Jon Hobday Consultant in Public Health. The statement provides details of the current position in relation to gambling within Bury and lists those who are vulnerable to its effects. The statement also acknowledges that although license betting shops have declined, there has been an increase in 'online' gambling.
- 4.5 In regard to his 'statement' Jon Hobday does not see the need for any changes to the current proposed Statement of Principles.
- 4.6 On 15 October 2021 a letter was received by Manchester City Council from Trafalgar Leisure. The letter (a copy of which is attached to the report at **Appendix 6**) was forwarded to the licensing section for our attention. The letter relates to section 6.14 of the Bury Statement of Principles, which has been amended to reflect the comments in the letter regarding clarity around the operation of gaming machines in bingo premises.

5.0 Conclusion

- 5.1 The current Statement of Principles, which has been in existence for three years, has, to date, not been challenged either formally or informally.
- 5.2 The Licensing Service has received 4 responses to the consultation relating to the proposed Statement of principles. A summary of the responses is detailed within section 4 of the report. The responses have been considered and where appropriate the Statement of Principles amended. These are attached at Appendix 3, 4, 5 and 6.
- 5.3 A policy statement can be reviewed at any time during the three year cycle to take account of emerging issues.
- 5.4 The Authority is required to have a Statement of Principles and it must be published prior to the 3 January 2022 (28 days prior to the current statement expiry) otherwise the Council will be acting unlawfully.

5.5 For the Statement of Principles to be agreed by that date it will need to be placed before Council at the 24 November 2021 meeting if a special Council meeting is to be avoided.

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Panel by the Council's Constitution.

Community impact / Contribution to the Bury 2030 Strategy

The introduction of the Greater Manchester led policy and resultant statement of principles will assist individuals in Bury for whom gambling has a negative impact. This will not only have a positive impact within the community, but it also contributes to the Bury 2030 strategy vision to give everyone an equal chance in life and the opportunity to be the very best they can be.

Equality Impact and considerations:

An Equality Impact Assessment has been undertaken and a copy is available on request.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Risk – If the Statement of Principles is not adopted then any decisions made by the council will not be lawful.	Statement of Principles produced for adoption.

Consultation:

A consultation commenced on 6 August 2021 until 22 October 2021. The Consultation was available on the Council's website and was sent to all current licence holders under the Gambling Act 2005.

Legal Implications:

The Council must comply with the Gambling Act 2005 and the guidance issued to Local Authorities which require the Council to have a Statement of Principles and to carry out a review of this policy at least every three years. Such a review has been carried out and the result of the review is that the policy has been amended. To comply with the legislation the Statement of Principles must be published by the 3 January 2022, (28 days) before the current Statement ceases to have effect on the 23 January 2022.

Financial Implications:

If the Authority does not have a revised statement in place by the 23 January 2022 it will not be able to fulfil its duties under the Act. The revenue budget includes provision for expenditure and income associated the gambling activities covered by the statement. The proposed changes to the statement are not anticipated to result in any significant change to resource requirements.

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Glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
Statement of Principles	A document, prepared by the Council, which outlines the areas that applicants need to consider before applying for a gaming licence.

Background papers:

List of Background Papers:-

Gambling Act 2005

Greater Manchester Harm and Reduction programme

Appendix 1 – Proposed Statement of Principles (embedded click on icon)

Appendix 2 – Current Statement of Principles (embedded click on icon)

Appendix 3 – Letter from Gosschalks Solicitors

Appendix 4 – Manchester City Council review of letter from Gosschalks Solicitors and response

Appendix 5 – Statement from Jon Hobday – Public Health Consultant

Appendix 6 – Letter from Trafalgar Leisure

Appendix 1 Proposed Statement of Principles 2022-2025



Proposed Statement
of Principles.pdf

Appendix 2 – Current Statement of Principles 2019 – 2022



Current Statement
of Principles.pdf

Appendix 3 – Letter from Gosschalks Solicitors

BY EMAIL ONLY
Licensing Department
Oldham MBC

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM /
123267.00001
#GS4082253
Your ref:
Date: 07 September 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**

- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

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 the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- 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.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC 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.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications 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 submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have 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 BGC 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 Gambling Licensing Policy Statement 2022-2025

Paragraph 2.7 refers to the council's "responsibility under the Gambling Act 2005 to decide whether to grant or reject applications..." It is disappointing that this

paragraph which effectively paraphrases s153 Gambling Act 2005 omits the council's responsibility to "aim to permit" the use of premises for gambling. Indeed, this responsibility is not acknowledged until page 8 (paragraph 3.1). As this is a fundamental requirement of the Act, paragraph 2.7 should be redrafted to include a reference to the "aim to permit" principle.

The purpose of the licensing policy statement is to set out the principles that the licensing authority proposes to apply when exercising its functions under Gambling Act 2005. It is not to provide a commentary on research documents or to provide an over simplified precis of research documents taken out of context. Paragraphs 3.11 to paragraph 3.17 are headed "Public Health." The purpose of these paragraphs is unclear, the information provided is oversimplified, their inclusion is pejorative, and they should be deleted.

If these paragraphs are not to be deleted then they must be amended in order that any "research" referred to is properly identified, context is provided, and the correct figures used when calculating the estimated numbers of problem gamblers and at risk gamblers.

Paragraph 3.11 should be deleted. This is, at best misleading. The paragraph indicates that whilst gambling is an enjoyable activity for "some", it is a source of harm for "many." This statement ignores the fact that for the overwhelming majority, gambling is a harmless and enjoyable activity.

Paragraph 3.12 refers to "research", but it is not clear what this research is, when this research was conducted or where. The paragraph refers to a "city region like Greater Manchester" and if it is to be left in the statement of principles, it should be clear that these figures are not figures from Greater Manchester itself.

Thereafter there is a table outlining the estimated number of problem gamblers and the estimated number of at-risk gamblers. The Gambling Commission figures show that the overall rate of problem gambling is stable at around 0.5% of the population. The figures used in the table estimating the number of problem gamblers in the Greater Manchester area are however more than three times this at 1.8%.

Similarly, whilst the Gambling Commission published rates of persons at risk so are 2.7%, the figure used in the table showing the estimated number of at risk gamblers in the Greater Manchester area is almost twice this at 5%.

It is not clear where these inflated figures used have come from and if this table is to remain in the draft statement of principles, the correct figures should be used.

Paragraph 13.13 contains the statement, "Men, younger adults (aged 18-34) and adults from a lower socio-economic or black and minority ethnic background are more likely to be classified as gamblers experiencing some level of harm." This may be correct where those groups do engage in gambling but context is all important. Otherwise, a misleading impression is given. The research (Wardle

2015) states, “where both adults and children of Asian backgrounds were far less likely to gamble than their White British counterparts, yet those that did were more likely to experience problems.” The same research piece stated, “The evidence relating to household income and gambling harms is mixed, showing that generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This was highlighted as a concern given the (likely) lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011). However, as stakeholders noted, there is some unease about labelling all low-income households as vulnerable as income, gambling, debt and money management are likely to interact to shape outcomes.”

The draft statement of gambling licensing policy must include context. Otherwise, the impression is given that all persons on low income/persons from black/Asian backgrounds are automatically to be presumed vulnerable.

Paragraph 3.38 in Section 3 contains a list of bullet points detailing representations that would not be considered. This list should be expanded to include issues of nuisance and whether the proposals have or are likely to be granted building regulation approval or planning permission.

Paragraphs 4.8 to 4.12 inclusive explain the licensing authority’s approach to the imposition of conditions on premises licences. This section would be assisted by a clear explanation 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 it is unlikely that additional conditions will need to be imposed. This section should also state that additional conditions will be imposed only where there is evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.

Paragraphs 5.5 to 5.7 inclusive are headed “Gambling related harm”. It is not clear what the purpose of these paragraphs are, and they should be removed.

Paragraphs 5.8 to 5.17 inclusive explain the requirement for an operator to assess the local risk to the licensing objectives posed by the provision of gambling facilities at its premises and have policies procedures and control measures to mitigate those risks. These paragraphs are overly prescriptive and unnecessary.

Paragraph 5.12 details matters that the authority will expect the local risk assessment to include. This is unnecessary. An operator will always assess risks within the local environment. The issues outlined within paragraph 5.12 occur in all urban landscapes and operators will take into account anything relevant to the licensing objectives when assessing risk. The policy should be clear that the mere presence of any of the issues outlined in the bullet points should not affect the grant of an application as long as an operator has assessed those risks and has control measures and strike control measures, policies and procedures in place to address and mitigate them.

Overall, the draft statement of principles appears to adopt an anti-gambling stance and ignores the fundamental "aim to permit" principle contained within s153.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,

A handwritten signature in cursive script that reads "Gosschalks".

GOSSCHALKS LLP

Appendix 4 – MCC Suggested amendments

Suggested amendments to Licensing Policy following consultation response from the Betting and Gaming Council (BGC)

Introduction

We note that Oldham have received a consultation response from the Betting and Gaming Council (BGC) to the proposed gambling licensing statement of principles. We expect that all 10 licensing authorities in Greater Manchester (GM) have received similar responses. This document addresses the comments made by the BGC and provides suggested amendments to the draft statement of principles.

Considerations specific to the Draft Licensing Policy Statement

This document attempts to navigate licensing leads to the right place in the document. Please note that due to differences in document layout, paragraph numbers may differ in each local authority policy.

Existing text	BGC response	Amendments	Notes
<p>“In Greater Manchester we are thinking differently about gambling with a shared aim to prevent and reduce the negative impacts of gambling on individuals, families and communities. As part of our innovative public service reform and population health agenda we are working with partners across Greater Manchester to ensure that gambling is a safe and enjoyable activity for all who choose to take part.” (Circa – Forward)</p>	<p>Overall, the draft statement of principles appears to adopt an anti-gambling stance and ignores the fundamental “aim to permit” principle contained within s153.</p>	<p>None.</p>	<p>We clearly state throughout the document that licensing decisions will be made in accordance with the Gambling Act “aim to permit” and that our objective is for “gambling to be a safe and enjoyable activity for all who choose to take part”.</p>

<p>The Council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licensing applications to decide any conditions to apply where the decision is taken to grant. (circa para 2.7 in "Introduction" section)</p>	<p>This omits a fundamental requirement of the Gambling Act to "aim to permit"</p>	<p>None.</p>	<p>The aim to permit is clearly included in the document at later stage and is referenced as "all decisions are based on the Act".</p>
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<p>“While for some gambling is an enjoyable activity, it is a source of harm for many” (circa para 3.11 under “Public Health”)</p>	<p>This is, at best, misleading.</p>	<p>Suggest an amendment to:</p> <p><i>“While gambling can be an enjoyable activity, it is a source of harm for many”</i></p> <p>With the addition of the following references:</p> <p>Citizens Advice (2018) <i>Out of Luck - An exploration of the causes and impacts of problem gambling</i>. Available at: http://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/</p> <p>IPPR (2016) <i>Cards on the table: The cost to government associated with people who are problem gamblers in Britain</i>, IPPR. Available at:</p>	<p>We consider the original statement to be accurate as every person who directly experiences harm as a result of gambling, between 6-10 others are affected, suggesting that the impact of harm is widely felt beyond just those who participate in gambling, with resulting costs for wider society.</p>
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		https://www.ippr.org/research/publications/cards-on-the-table	
<p>“Research suggests that in a city-region like Greater Manchester there are approximately 39,000 people living with a gambling disorder, with a further 118,000 at risk.” (Circa para 3.12 under “Public Health”)</p>	<p>This refers to “research”, but it is not clear what this research is, when this research was conducted or where</p>	<p>Retain this data but include the following reference:</p> <p><i>Kenyon (2017) Problem Gambling in Leeds: Report to Leeds City Council. Leeds Beckett. Available at:</i> http://eprints.leedsbeckett.ac.uk/id/eprint/3945/1/Problem%20Gambling%20Report.pdf.</p>	<p>This is the most up to date data we have available and incorporated an estimate based on GM population demographics using analysis conducted by Leeds Beckett University specifically looking at urban areas. The national data for gambling harm quoted by the BGC includes areas that bear no similarity to GM (for example, rural areas in Devon), therefore we have used more specific data to inform our estimates so they are relevant to our local population.</p>

<p>“Men, younger adults (aged 18-34) and adults from a lower socio-economic or black and minority ethnic background are more likely to be classified as gamblers experiencing some level of harm.” (Circa para 3.13 under “Public Health”)</p>	<p>This may be correct where those groups do engage in gambling but context is all important. Otherwise, a misleading impression is given.</p> <p>The letter goes on to quote an exploratory piece of research from 2015 looking at vulnerability to gambling harm.</p>	<p>Retain this text but include the following reference:</p> <p><i>Dinos, S. et al. (2020) 'Treatment Needs and Gap Analysis in Great Britain', GambleAware p. 45.</i></p> <p>Available at: https://www.begambleaware.org/sites/default/files/2020-12/treatment-needs-and-gap-analysis-in-great-britain-a-synthesis-of-findings1.pdf</p>	<p>Anyone who gambles is vulnerable to harm, however this data is taken from the most recent surveys conducted by Gamble Aware – more research has been done in this space following the quoted 2015 report. We know that gambling prevalence is lower among people from black and ethnic minority backgrounds so the overall numbers are lower, but of those who do participate more report experiencing harm as a result, therefore this statement is an accurate reflection of the data.</p>
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<p>“The licensing authority will not take into account representations that are</p> <ul style="list-style-type: none"> • Repetitive, vexatious or frivolous • From a rival gambling business where the basis of the representation is unwanted competition • Moral objectives to gambling • Concerned with expected demand for gambling • Anonymous” <p>(Circa para 3.38 – “Factors that will not be relevant”)</p>	<p>This contains a list of bullet points detailing representations that would not be considered. This list should be expanded to include issues of nuisance and whether the proposals have or are likely to be granted building regulation approval or planning permission.</p>	<p>None</p>	<p>Current text sufficiently describes factors which will not be taken into account.</p> <p>There is no legal basis for planning permission to be incorporated into a licensing decision as these are determined on different grounds and therefore is irrelevant.</p>
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<p>How the licensing committee decides what conditions to apply to premises licenses (Circa para 4.8-4.12 "How the licensing committee decides what conditions to apply to premises")</p>	<p>This section would be assisted by a clear explanation 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 it is unlikely that additional conditions will need to be imposed.</p>	<p>None.</p>	<p>The first bullet point of para 4.8 refers to "conditions specified in the Gambling Act 2005".</p> <p>Individual licensing authorities can determine what conditions apply in accordance with the Statement of Principles and the Gambling Act. While some conditions are mandatory these do not describe the minimum conditions that can be imposed on licenses. We consider the current operation of the Gambling Act to provide insufficient protection to gamblers from harm which is why we have developed risk-based conditions which may apply.</p>
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<p>Gambling related harm (Circa para 5.5-5.7 in the "Relevant factors when considering applications and reviews" section)</p>	<p>These are headed "Gambling related harm". It is not clear what the purpose of these paragraphs are, and they should be removed.</p>	<p>None. For conciseness licensing authorities may wish to combine content from paragraphs headed "Public Health (3.7-3.11)" and "Gambling related harm (5.5-5.7)" in one place in the document.</p>	<p>This section provides context to inform the risk assessment and the Statement of Principles. In accordance with the objectives of the GM gambling harm reduction programme these are key factors to consider.</p>
<p>Local risk assessments (Circa para 5.8-5.17 in the "Relevant factors when considering applications and reviews" section)</p>	<p>These paragraphs explain the requirement for an operator to assess the local risk to the licensing objectives posed by the provision of gambling facilities at its premises and have policies procedures and control measures to mitigate those risks. These paragraphs are overly prescriptive and unnecessary.</p>	<p>None.</p>	<p>This section is included specifically to provide clear guidance on what is expected from operators in accordance with our shared aim of preventing and reducing gambling harm.</p>

<p>“The Authority will expect the local risk assessment to consider the urban setting:</p> <ul style="list-style-type: none"> • Proximity of the premises to schools • The commercial environment • Factors affecting footfall • Etc. etc.” <p>(Circa para 5.12 under “local risk assessments”)</p>	<p>The policy should be clear that the mere presence of any of the issues outlined in the bullet points should not affect the grant of an application as long as an operator has assessed those risks and has control measures and strike control measures, policies and procedures in place to address and mitigate them.</p>	<p>None.</p>	<p>Para 5.8-5.10 clearly describes what is expected of the risk assessment and does not suggest that a licensing will not be granted if these conditions are present.</p>
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Appendix 5 - Statement from Jon Hobday

Title: Bury position statement on gambling

Author: Jon Hobday, Consultant in Public Health

Date: September 2021

Background

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.

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.

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.

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.

Council's responsibilities

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; repairing 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.

The research found evidence 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 addictions)
- 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.

A range of issues can be associated with being a problem gambler these include:

- Health Relationship Social and financial resources
- 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
- Domestic violence/ abuse

- Relationship difficulties and breakdown
- Loss of trust
- Loneliness
- Social isolation
- Neglect / abandonment
- Anti-social behaviour
- Poor concentration
- Money/debts
- Housing issues
- Work / school problems
- Reduced productivity
- Criminality
- Use of food banks

The position in Bury

Bury has 19 licensed premises distributed across the following wards
Ward No of Premises

Ward	Number of Premises
East	7
Radcliffe East	2
Unsworth	1
St. Mary's	2
Ramsbottom	0
Redvales	1
Sedgley	2
Church	0
Besses	0
Radcliffe North	0
Holyrood	0
Elton	1
Moorside	0
North Manor	2
Pilkington Park	0
Radcliffe West	1
Tottington	0

As can be seen by the table the ward with the highest number of establishments is East which is expected as it covers the town centre. The number of other establishments across the borough are relatively evenly distributed. While the number of establishments is an important factor the huge increase in online gambling (including through mobile phone apps) has made gambling accessible to all communities.

Appendix 6 – Letter from Trafalgar Leisure



Trafalgar Leisure

RECEIVED

15 OCT 2021

PREMISES TEAM

Premises Licencing
Level 1 Town Hall Extensior
Manchester
M60 2LA

12th October 2021

Comments on the Draft Statement of Gambling Policy – Effective January 2022

Dear Sirs,

Please find comments on the published Draft Statement Gambling Policy (effective January 2022) below, the comments are referenced by way of the paragraph number within the draft policy.

5.13 Gaming Machines at Bingo Premises:

As drafted this implies there is a limit on the overall provision of gaming machines in a *Bingo Premises*, which there is not.

Section 172(7)(b) of the Gambling Act 2005 provides that a *bingo premises licence* authorises the holder to make available any number of Category C gaming machines; and section 172(7)(c) provides that a *bingo premises licence* authorises any number of category D machines to be made available. The restriction on numbers only applies to the provision of category B machines, which must not exceed 20% of the total number of machines available for use.

5.15

5.15 Should make clear that this does not restrict the provision of gaming machines outside the default hours for bingo where substantive facilities for bingo are made available during the default hours.

Kind Regards

Trafalgar Leisure Ltd

Trafalgar Leisure Limited
373 - 375
Station Road
Harrow
HA1 2AW

Company Reg. No. 3705826