

Classification	Item No.
Open / Closed	

Meeting:	Licensing & Safety Committee
Meeting date:	3 October 2024 - Licensing and Safety Committee 13 November 2024 – 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

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 31 January 2025.

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 previously worked 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. 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**.

The report contains the proposed Statement of Principles at **Appendix 1**.

Recommended Options

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 13 November 2024, for the proposed statement to be in place by 31 January 2025.

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.

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Committee 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 24 July 2024 until 4 September 2024. 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 31 January 2025, (28 days) before the current Statement ceases to have effect on the 31 January 2025.

Financial Implications:

If the Authority does not have a revised statement in place by the 31 January 2025 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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Background papers:

Licensing and Safety Committee report and minute – 11 November 2021
Full Council – 24 November 2021

Please include a glossary of terms, abbreviations and acronyms used in this report.

1.0 Background

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 31 January 2025.

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 previously worked 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. 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**).

2.0 Statement of Principles

- 2.1 The proposed document refers to the Greater Manchester harm and reduction programme and its aims.
- 2.2 The proposed document contains the relevant legislation and show how, as a Council we will deal with applications.
- 2.3 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.
- 2.4 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 24 July 2024 and asked for comments to be received by 4 September 2024. 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 From 26 July to 4 October 2023, Department of Culture Media and Sport conducted a public consultation on these measures. Following analysis of the evidence submitted, the government intends to implement the following measures:
 - **Relaxation on casino rules:** allowing 1968 Act casinos to increase the number of their gaming machines to 80 if they meet the size requirements of a Small 2005 Act casino and allowing smaller 1968 Act casinos more than 20 machines, on a pro rata basis commensurate to their size, and permitting betting in all casinos.
 - **Machines in arcades and bingo halls:** allowing a 2:1 ratio of Category B to Category C and D gaming machines in arcades and bingo halls, implemented on a device type basis.
 - **Cashless payments on gaming machines:** removing the prohibition on the direct use of debit cards on gaming machines, subject to the introduction of appropriate player protection measures.
 - **Introduction of a legal age limit of 18 for certain gaming machines:** protecting children and young people by banning anyone under the age of 18 from playing low stake Category D slot-style machines that pay out cash.

- **Licensing authority fees:** increasing the maximum chargeable premises licensing fees by 15%.

Central Government have not yet given any response to the consultation undertaken by the Department of Culture Media and Sport. This will be included in the Consultation conducted by the Licensing Service. No response has been received from Central Government at the time of writing the report.

4.0 Responses to the Consultation

- 4.1 The Licensing Service have received one response from the Public Health Department. The response is contained at Appendix 2.

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 one response to the consultation relating to the proposed Statement of principles.
- 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 03 January 2025 (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 13 November 2024 meeting if a special Council meeting is to be avoided.

Appendix 1 Proposed Statement of Principles 2024-2027



Statement of
Principles - Gamblin

Appendix 2 – Public Health Representation

We as Bury Public Health acknowledge the significant Public Health – Gambling Harm reduction emphasis within the proposed revised document, dated 2024-2027.

Central Government's policy changes referenced in the document also build on an ethos of reducing inequalities caused by gambling in Bury and the mention of neighbourhood's specific data being used to inform gambling licencing decisions is refreshing!

We at Public Health will build on the document and support its reach via Bury JSNA and the inclusion of gambling sites in a planning matrix that will help support local licencing decisions in partnership with a range of partners and stakeholders.