

**Manchester City Council
Report for Resolution**

Report to: Council – 28 November 2018

Subject: Revised Gambling Policy 2019 – 2022

Report of: Head of Planning, Building Control and Licensing

Summary

To inform the Council of the consultation responses received in respect of the revised Statement of Policy under the Licensing Act 2003.

To present for approval the proposed final Statement of Gambling Policy.

Recommendations

That the proposed amendments are approved and that the policy be approved and adopted with effect from 4 January 2019.

Wards Affected:

All Wards

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing Policy and implementation will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

A connected city: world class infrastructure and connectivity to drive growth	Licensed premises play an important role in ensuring an economically successful City, and the Licensing Policy seeks to achieve desirable and high quality premises to help drive that growth.
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Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Manchester City Council Gambling Policy 2016-2019
Gambling Act 2005
Licence Conditions and Codes of Practice (updated 4 April 2018)

1 Introduction

- 1.1 On 16 July 2018, the Policy Committee considered a report seeking members' approval for consultation on the Council's draft revised Gambling Policy.
- 1.2 The revision of the Policy is being undertaken in accordance with section 349 of the Gambling Act 2005 which requires Manchester City Council to prepare and publish a statement of the principles it proposes to apply in exercising its functions as the licensing authority every 3 years.
- 1.3 A 12-week public consultation exercise was undertaken from 25 July to 2 October 2018.

2 Results of the Consultation Process

- 2.1 Two responses were received from:
- 1) The Association of British Bookmakers (ABB) from Gosschalks Solicitors
 - 2) Gamcare
- 2.2 Copies of the original responses are attached at Appendix A.
- Association of British Bookmakers (ABB)**
- 2.3 The response on behalf of the ABB sets out their approach to local gambling regulation including:
- Partnership working with local authorities
 - The ABB / Local Government Association partnership framework
 - Best practice
 - Concerns around increases in the regulatory burden on operators
 - Primary Authority agreements
 - Local area risk assessments
 - Licence conditions additional to mandatory and default conditions
 - The accessibility of any local authority's local area profile
- 2.4 The comments in respect of the above have been noted and it is recognised they relate generally to the carrying on of a council's gambling licensing functions.
- 2.5 The response then proposes considerations specific to Manchester' draft policy. These are summarised below with proposed responses:

Comment	Response
Typesetting issues in the document making the document difficult to read and follow	Any formatting errors have been corrected

Comment	Response
<p>References to “promote” the licensing objectives should be amended to reflect the duty of licensing authorities to “have regard” to the objectives when exercising most of its licensing functions and for the granting of applications to be “reasonably consistent” with the licensing objectives</p>	<p>References to “promote” the licensing objectives supported by s6.7 of the Guidance:</p> <p>“Fundamental principles 6.7 Licensing authorities’ statements of policy should begin by stating the three licensing objectives (s.1 of the Act), which the policy will promote:</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.” <p>However, references to “promotion” of the licensing objectives in relation to the principles that will be applied have been re-phrased to avoid any ambiguity.</p>
<p>Typographical error stating implementation of Gambling Act in 2007 in para 1.1</p>	<p>Corrected to 2006</p>
<p>The table at 3.1 over-simplifies the authorisations required to be in place at different premises and so is not necessarily accurate</p>	<p>Removed to avoid confusion. Table unnecessary in policy and information readily available from other sources.</p>
<p>Para 3.7 should be re-drafted to make clear that all gambling licences are subject to mandatory and default conditions, and that the policy should be clear that “additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires the mandatory and default conditions be supplemented.”</p>	<p>Re-worded to make clear re. mandatory and default conditions and to clarify the paragraph generally. The policy already provides the authority’s approach to attaching conditions and it is not proposed to include the suggested wording.</p>

Comment	Response
References to “primary gambling authority” at para 3.13 are outdated and references to circumstances around the provision of gaming machines should be revised.	Removed
At section 4.2, the reference to deprivation should be removed from the list of matters that the Licensing Authority expects risk assessments to consider. It is submitted that “The relevant affluence of an individual/area is not a relevant consideration for an assessment of risks to the licensing objectives unless the Licensing Authority has pre-determined that individuals in a particular area or of particular income levels are automatically vulnerable or are more or less likely to commit crime as a result of gambling.”	Persons living in deprived areas were identified as one of the groups at greater risk of gambling problems in the scoping review ¹ conducted by Dr Heather Wardle in 2015 as part of the development of the area-based vulnerability to gambling-related harm index ² . Areas of deprivation were also highlighted as part of a review on national evidence in relation to problem and at-risk gambling commissioned by Leeds City Council in 2016 to provide an in-depth understanding of problem gambling in Leeds ³
Para 4.3 refers to persons aged 16 to 24 being considered vulnerable. It is submitted that this appears to have been made without any evidence whatsoever and so this reference should be removed.	Young Persons were identified as one of the groups at greater risk of gambling problems or at risk of experiencing gambling related problems in the scoping review ⁴ conducted by Dr Heather Wardle in 2015 as part of the development of the area-based vulnerability to gambling-related harm index ⁵ .
Similarly re 4.3, it is submitted that there is no evidence that habitual players of gaming machines are automatically vulnerable and this reference should also be removed.	Accepted and removed

¹ Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review, Heather Wardle, Gambling and Place Research Hub, Geofutures 13th July 2015 (See Pages 72-76)

² <http://mapcase.geofutures.com/gamblingriskindex/manchester/>

³ Problem Gambling in Leeds Research Report for Leeds City Council By Dr Alexandra Kenyon, Dr Neil Ormerod, Professor David Parsons and Dr Heather Wardle © Leeds Beckett University (July, 2016) (See pages 29-30)

⁴ Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review, Heather Wardle, Gambling and Place Research Hub, Geofutures 13th July 2015 (See Pages 38-41)

⁵ <http://mapcase.geofutures.com/gamblingriskindex/manchester/>

Comment	Response
The section “a self-exclusion scheme” appears to suggest that betting shop staff would be expected to conduct counselling sessions ahead of any re-admittance, but this is not something that could be expected of them.	Re-worded to clarify this would not be an expectation of betting shop staff
The section “a self-exclusion scheme” provides that where any under 18’s are loitering in the immediate vicinity of the premises, steps should be taken by the premises licence holder to move them on. It is submitted that this would be an issue of nuisance, which is not a relevant consideration under the Gambling Act 2005 and so should be re-drafted.	Re-worded so that instead, staff are vigilant of any under 18s loitering and take any appropriate action in line with the objective to prevent children from being harmed or exploited by gambling

Gamcare

- 2.6 The response from Gamcare appears to be a generic response to licensing authorities relevant to updating their policy statements and provides a number of good practice suggestions.
- 2.7 Notably, they recommend that licensing authorities develop a risk map of the local area and reference Manchester City Council’s work in developing this.
- 2.8 Having reviewed the other suggestions, these are already covered in the Policy and so no changes are proposed in response.

3 Other Amendments

- 2.9 The following administrative changes have been incorporated in the proposed final
- Inclusion of Foreword by the Leader of the Council
 - Corrections to some Appendix references in document
 - Movement of text from 3.13 relating to enforcement responsibilities of Gambling Commission into 3.10 “Compliance, enforcement and the inspection of premises”
 - Replacement of outdated reference to ‘Responsible Gambling Trust’ with ‘GambleAware’ and the ‘Responsible Gambling Strategy Board’, in Appendix H (Other useful contacts)
- 2.10 No further consultation is considered required on these points given their nature.
- 2.11 The proposed final policy is at Appendix 2.

4 Conclusion

- 3.1 The Council is asked to:

- (i) Consider the proposed final Policy as set out at Appendix 1 of the report; and
- (ii) Approve the proposed amendments

4 Contributing to the Community Strategy

A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities

Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.

A highly skilled city: world class and home grown talent sustaining the city's economic success

An effective Licensing Policy and implementation will enable growth in our City by supporting businesses who promote the Licensing Objectives

A progressive and equitable city: making a positive contribution by unlocking the potential of our communities

The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.

A liveable and low carbon city: a destination of choice to live, visit and work.

An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

A connected city: world class infrastructure and connectivity to drive growth

Licensed premises play an important role in ensuring an economically successful City, and the Licensing Policy seeks to achieve desirable and high quality premises to help drive that growth.

6 Key Policies and Considerations

6.1 Legal Considerations

There are no additional legal considerations.