

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

Existing text	BGC response	Amendments	Notes
<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 licence applications to decide any conditions to apply where the decision is taken to grant. All decisions made by the licensing authority in relation to premises licences (and some other authorisations – see specific sections for details) are based on the Act, relevant guidance, Codes of Practice, our Gambling Policy and the three licensing objectives. These objectives are:</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>Paragraph 1.8 refers to the council's <i>“responsibility under the Gambling Act 2005 to decide whether to grant or reject applications...”</i> 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 11 (paragraph 2.1). As this is a fundamental requirement of the Act, paragraph 1.8 should be redrafted to include a reference to the “aim to permit” principle.</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> <p>The same wording has been used</p>

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<p>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 oversimplified precis of research documents taken out of context. Paragraphs 2.11 to paragraph 2.18 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.</p> <p>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.</p>			

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<p>Paragraph 2.11 should be deleted. This is, at best, misleading. “While for some gambling is an enjoyable activity, it is a source of harm for many” (para 3.11 under “Public Health”)</p>	<p>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. If the paragraph is to remain, it should be clear that gambling is an enjoyable leisure activity for many but a source of harm for some.</p>	<p>To be amended to:</p> <p>While gambling is an enjoyable leisure activity for many, previous research has shown that harms associated with gambling are wide-ranging. These include not only harms to the individual gambler but their families, close associates and wider society</p> <p>and include a link to the Government’s Gambling-related harms evidence review</p> <p>https://www.gov.uk/government/publications/gambling-related-harms-evidence-review/gambling-related-harms-evidence-review-summary</p>	<p>We consider the original statement to be accurate with research suggesting that 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> <p>However, the revised wording makes the point without the need for semantics.</p>

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<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, however we know that self-reported surveys underestimate true prevalence of harm given the unfortunately shame and stigma associated with gambling disorder. For every person who gambles, it is estimated that between six and ten people are 'affected others' and experience similar harms. These may be dependents, parents, partners, friends or colleagues.</p>	<p>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.</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></p> <p>http://eprints.leedsbeckett.ac.uk/id/eprint/3945/1/Problem%20Gambling%20Report.pdf.</p> <p>And state: 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.</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.</p>

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	<p>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%.</p> <p>Similarly, whilst the Gambling Commission published rates of persons at risk 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%.</p> <p>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.</p>		<p>Noted but no amendments.</p> <p>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>

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<p>4.8-4.12 “How the licensing committee decides what conditions to apply to premises”)</p>	<p>This section would be assisted by the inclusion of an acknowledgement that the mandatory and default conditions that attach to all premises licences are designed to be, and usually are sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section of the draft statement of principles should also state 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 is not adequately addressed by the policies, procedures and mitigation measures contained within the applicant’s risk assessment.</p>	<p>None.</p>	<p>4.10 and 4.11 set out the approach to attaching conditions and is in line with section 9.3 of the Gambling Commission’s Guidance to Licensing Authorities, which states that “conditions on premises licences should relate only to gambling, as considered appropriate in the light of the principles to be applied by licensing authorities under s.153. Accordingly, if the Commission’s Licence conditions and codes of practice (LCCP) or other legislation places particular responsibilities or restrictions on an employer or the operator of premises, it is not appropriate to impose the same through conditions on a premises licence.”</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>It is not clear why this section appears in the draft statement of principles as the information in these paragraphs has nothing to do with the exercise of the licensing authority’s function and the section should therefore be removed. If it is not to be removed then again, as with the public health section above, context should be given. The figures given for participation include everyone who may have had a wager with a friend, who has participated in an office sweepstake, played the national lottery or gambled on-line. These forms of gambling are all outside the Licensing Authority’s remit and are irrelevant considerations for the licensing authority when exercising its functions. If these paragraphs are to remain in the draft statement of principles then to have any relevance to the licensing authority’s function then figures should be given for those who use premises for gambling with licences granted by the licensing authority.</p>	<p>The council, as the Licensing Authority under the Act has a duty to consider applications relating to allowing gambling facilities within the City to ensure that they meet the fundamental principles of the Act. In doing so, the authority must balance the needs of business to profit and grow with the potential impact on those who are vulnerable to being exploited or susceptible to gambling related harm. Therefore, the local context in relation to vulnerability to gambling-related harm will be an important consideration. Please see Section 3 (Gambling-Related Harm and Public Health) for further information on the local context.</p>	<p>The detail in this section is not required in addition to that provided in Section 3. Therefore, it is proposed to remove it and replace with the proposed text.</p> <p>Section 3 has been re-titled to “Gambling-related harm and Public Health” to reflect the connection</p>

<p>Local risk assessments (Circa para 5.8-5.17 in the “Relevant factors when considering applications and reviews” section)</p>	<p>Paragraphs 4.8 to 4.17 explain the requirements for operators to conduct risk assessments. This section is too prescriptive with the licensing authority dictating what is to be included and matters that it expects to be considered. This section should be abridged to simply outline the requirements of SR Code Provisions 10.1 and 10.2, acknowledging that operators are best placed to assess the risks posed by their proposals and the bullet point lists in paragraphs 4.12, 4.13 and 4.14 amended to exclude matters that are not relevant to any assessment of risk to the licensing objectives. For example, paragraph 4.12 indicates that the risk assessment is expected to consider “<i>Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity etc.</i>” It is impossible to see how these activities can be relevant to an assessment of risk to the licensing objectives.</p> <p>Similarly, “<i>Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti tagging, underage drinking etc.</i>” should be removed from paragraph 4.14.</p>	<p>None.</p>	<p>SR Code Provision 10.1 provides that: <i>Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority’s statement of licensing policy</i></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 in line with the code provision.</p>
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<p>The local risk assessment must show how vulnerable people, including people with gambling dependencies, are protected through:</p> <ul style="list-style-type: none"> • Arrangements for monitoring and dealing with underage people and vulnerable people, which may include: <ul style="list-style-type: none"> ... • Gaming trends that may mirror days for financial payments such as pay days or benefit payments. 	<p>the references to, “<i>Gaming trends that may mirror days for financial payments such as pay days or benefits= payments</i>” in paragraph 4.13 should be removed as these can only be relevant to an assessment of risk to the licensing objectives if the authority’s view is that anyone in receipt of benefits or indeed paid employment is deemed vulnerable or likely to commit crime as a result of gambling.</p>	<p>None</p>	<p>The policy expectation is for trends to be recognised and there is evidence that pay days or benefit payments can be an influencing factor relevant to risk:</p> <p>https://www.gamcare.org.uk/forum/overcoming-problem-gambling/payday-the-hardest-time-of-the-month-for-many/</p>

<p>Expectations of operators: Data gathering and sharing</p> <p>Keeping track of the incidence and handling of problem gambling in Manchester is a key part of promoting the licensing objectives. We expect all gambling premises to maintain a log and share this and other information with the Licensing Unit upon request.</p> <p>Data that we consider should be recorded and shared includes (but is not exclusive to) We would expect that all records including time and date along with a short description of the incident and action taken:</p> <ol style="list-style-type: none"> 1) Customer interventions 2) Cases where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry 3) Mandatory exclusions needing enforcement 4) Attempts to enter by those underage in a calendar month 5) Attempts to enter by those underage in the company of adults 	<p>Paragraphs 4.40 to 4.43 are headed “<i>Expectations of operators: Data gathering and sharing</i>” and list matters that are to be recorded with an expectation that this information will be shared annually with the licensing authority. This section should be removed. The matters listed are the subject of returns to the Gambling Commission and whilst the licensing authority can be provided with this information, the provision of it cannot effectively become a condition.</p>	<p>Amended to:</p> <p>Where appropriate, we may look to impose premises specific conditions to require this information to be provided to the licensing authority annually. However, we strongly encourage operators to share this information with the licensing authority voluntarily.</p>	<p>Accept that this cannot be a requirement unless imposed as a condition. Amended to reflect that but also promote the voluntary provision of such information.</p>
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<p>6) Attempts to enter by those underage with complicit adults</p> <p>7) Incidents of 'at risk behaviour'</p> <p>8) Incidents of 'behaviour requiring immediate intervention'</p> <p>We expect that this application will be provided to the licensing authority annually.</p> <p>A template for this information to be provided is at Appendix 2.</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>

Existing text	Trafalgar Leisure response	Amendments	Notes
<p>Gaming machines at bingo premises</p> <p>In addition to bingo, this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act. Bingo premises licences authorise a maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4.</p>	<p>As drafted this implies there is a limit on the overall provision of gaming machines, which there is not</p>	<p>Re-worded to:</p> <p>In addition to bingo, the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available.</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> <p>The same wording has been used</p>

Existing text	Trafalgar Leisure response	Amendments	Notes
<p>The LCCP requires (Social Responsibility Code Provision 9) that gaming machines are only made available in combination with the named non-remote activity of the operating licence. So, unless a bingo premises operator offers substantive facilities for non-remote bingo it should not make gaming machines available for use on the premises in question.</p>	<p>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</p>	<p>Added (this does not restrict the provision of gaming machines in line with 6.14 above).</p>	<p>Amended</p>