

Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Licensing Committee to be held on 31 January 2022

Subject:

A

Proposed Statement of Licensing Principles 2022-2024 under the Gambling Act 2005, for approval by full Council.

Summary statement:

This report sets out the outcome of a public consultation exercise with respect to the Statement of Licensing Principles for the District, as required by the Gambling Act 2005 and proposes a final draft for recommendation for adoption by Council.

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Portfolio:

Neighbourhoods and Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

- 1.1 Under Section 349 of the Gambling Act 2005, the Council's Licensing Authority is required to adopt a policy document, referred to as a Statement of Licensing Principles, setting out the basic principles of the Authority's approach to dealing with applications for licences and permits under the Act.
- 1.2 This report sets out the outcome of a public consultation exercise with respect to the statement of licensing principles for the District and proposes a final draft for recommendation for adoption by full Council.

2. BACKGROUND

- 2.1 The consultation draft of the statement of licensing principles for 2022-2024, was available for public comment from 29 October 2021 to 5 December 2021. The draft document was available on the Council's website and in public libraries. Licensing officers also directly consulted relevant authorities and organisations.
- 2.2 The policy document seeks to reflect very detailed and substantial statutory guidance issued by the Gambling Commission under the Act. This sets the parameters of what can and what should not be included within local statements of licensing principles.
- 2.3 The main additions to the policy document are as follows:

Section 1

Information about the district has been updated and reference to the Bradford Council Plan 2021-2025 has been added.

Section 8

Public Health and Gambling has been added.

The proposed final draft policy document is attached at Appendix 1.

3. PUBLIC CONSULTATION - RESPONSES RECEIVED

3.1 Betknowmore UK

Betknowmore UK have made general comments as follows;

The term 'problem gambling' being recognised as offensive with the preferred term being 'harmful gambling'.

A recommendation that suicide first aid training should be required for all frontline staff.

7.7 – Harmful gambling is very complex and cannot be reduced to simplistic indicators. The focus should be on the harms gambling causes.

7.9 – Ignores those experiencing significant levels of harms, those at risk of harm who may need interventions and people affected by someone else’s gambling.

A copy of the response is attached at Appendix 2.

Appraisal:

The licensing authority thanks Betknowmore UK for the response and notes the comments.

7.7 amended in line with the public health comments.

7.9 noted at 7.10, 8.4 & 8.5

3.2 Public Health Department

Public Health have made the following comments;

2.1 and 2.2 – This reads as a positive endorsement of gambling premises in Bradford - I would want to see a much stronger acknowledgement of the significant harms caused by gambling, and the commitment of Bradford council to protect the health and wellbeing of our residents by ensuring that gambling premises are not licenced in high concentrations within areas more accessible to vulnerable communities.

4.3 - Can we also add “where the use of premises for gambling does not expose the public to gambling-related harm, or the widening of inequalities as a result of gambling-related harm”.

5.3 - ,” or whether the potential negative consequences are too great to allow a licence or permit to be granted.”

6.4 – “This includes the protection of people more vulnerable to gambling-related harms from the risks of gambling, including those with learning disabilities. For example, information on gambling risks must be provided in ways which are accessible to all customers.”

7.7 - • People who may not be able to make an informed or balanced decision about gambling due to a mental illness or impairment, learning disability, or intoxication by alcohol or drugs.

7.10 - this should be updated with new research, including the new Public Health England review of gambling: [Gambling-related harms: evidence review - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Minority ethnic groups – This should be rephrased, e.g. “There is evidence that gambling-related harms disproportionately affect people from Asian or Black backgrounds”.

There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling

behaviour - rephrase to “There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience gambling-related harm”.

Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group. I would remove the phrase “given associations with other mental health conditions” – homelessness is not a mental health condition, and should be considered a vulnerable group in its own right given the financial/ health/ stigma inequalities faces by homeless people, as well as the fact that gambling premises might be used as a “safe”, warm space to rest.

8.2 - I would reframe this: “Gambling is an activity undertaken by a significant number of adults. The extent of gambling-related harm (sometimes called “problem gambling”) is not yet fully understood. However there is evidence that those who are already vulnerable and at risk of poor health are more at risk of gambling-related harms, further exacerbating existing inequalities.”

8.3 - Reframe: “For “problem gamblers”, harm includes higher levels of physical and mental illness, debt problems, relationship breakdown and tragically, in some cases suicide. Criminality may also occur for some people experiencing significant harm.”

8.4 - Reframe: “It is estimated that for every gambler that experiences harm, around six other people in their life, most often close family members including children, are negatively affected.”

8.5 - Replace “still assist” with “work collaboratively with”

8.6 - Replace “help” with “work jointly”. I would also go further and request that Public Health sit on licencing panels for gambling premises.

9.5

- i. add the proximity of schools and other places which might be frequented by children to the list for local risk assessment
- ii. Add the provision of information warning people about the harms of gambling, ensuring it is in accessible language and format.
- iv. • The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality – maybe change to: “The provision of signage and documents relating to games rules, the risks of gambling, gambling care providers and other relevant information be provided in both English and the other prominent first languages for that locality, in easily understandable and accessible language and format.”

15. How can we pass a “no casino” resolution, and are there reasons why we haven’t done so?

A copy of the response is attached at Appendix 3.

Appraisal

The Licensing Authority thanks the public health department and notes the comments.

2.1, 2.2, 4.3 & 5.3 - The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

6.4 added as a new paragraph at 6.5 of the policy.

7.7 amended

7.10 amended

8.2 amended

8.3 amended

8.5 amended

8.6 amended

Licensing Panels are comprised of elected Councillors; the Licensing Authority is unable to facilitate the request for Public Health Officers to sit on the licensing panels.

9.5 i added, ii added, iv amended

15. A resolution not to issue casino premises licences will only affect new casinos. It will not have any effect on casino premises licences issued before the resolution takes effect or on provisional statements issued before that date. Similarly a resolution will not affect the ability of existing casinos with preserved entitlements from the Gaming Act 1968 from continuing to operate as casinos. There are three licensed casinos in the Bradford district with preserved entitlements.

3.3 Gosschalks Solicitors – Acting for the Association of British Bookmakers

The response sets out the Association of British Bookmakers approach to the regulation of betting shops and its commitment to partnership working with licensing authorities. Specific comments on the consultation policy document were as follows:

7.9 – Request that the draft statement of principles uses the most up to date figures and this paragraph amended accordingly.

7.10 – Request that research referring to an academic report (Wardell 2015) should be removed from the draft statement as the research was conducted when the maximum stake for fixed odds betting terminals was £100, reduced to £2 in 2019,

and there have been significant changes since the research was undertaken.

9.5 – Request that the list of factors that the Licensing Authority recommends to be taken into account by operators when undertaking local risk assessments be redrafted.

26.2 – Request that the paragraph is redrafted to avoid any confusion with the Licensing Act 2003.

A copy of the response is attached at Appendix 4

Appraisal

The licensing authority thanks Gosschalks for the response and notes the comments provided on behalf of the Association of British Bookmakers.

7.9 & 7.10 – new paragraph at 7.10 showing updated figures from Gambling-related harms: evidence review - GOV.UK (www.gov.uk)

9.5 – Items added or amended following advice from Public Health Department.

26.2 – It remains within the Licensing Authority remit to impose local authority conditions which are relevant and proportionate and not duplicate or contradict other requirements under the Gambling Act 2005. However the following has been removed from the paragraph;

The licensing authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.

3.4 Cllr Dunbar

Cllr Dunbar has made the following comment;

I would like see greater cross departmental collaboration and sorting this policy with a greater emphasis on public health approaches.

A copy of the response is attached at Appendix 5.

Appraisal

The licensing authority thanks Cllr Dunbar for the response and notes the comments.

Public Health are to be served with a copy of any new applications.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The cost of the consultation exercise has been funded from existing resources of the service.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management or governance issues.

6. LEGAL APPRAISAL

6.1 When determining any applications for a premises licence under the Act the Licensing Authority must seek to achieve three broad licensing objectives:

- 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.

Responsible Authorities

Licensing Authority
Gambling Commission
Police
Fire and Rescue Service
Planning
Environmental Health
HM Revenue & Customs
Safeguarding Partnership

Public Health are to be served with a copy of any new applications – protecting children and other vulnerable persons from being harmed or exploited by gambling objective.

6.2 The statement of licensing principles sets out how the Authority proposes to achieve the licensing objectives when exercising its functions. When drafting the policy document, licensing authorities must have regard to guidance issued by the Gambling Commission and any Codes of Practice issued under the Act. The draft updated policy document takes account of current guidance and codes of practice.

6.3 The approved statement of licensing principles document must be published by the Council on or before the 31 January 2022. It is therefore necessary to have the final document approved by Council in order to meet the statutory publication requirements.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

The draft statement of licensing principles was prepared with awareness of the Council's duties under the Equality Act 2010.

7.2 SUSTAINABILITY IMPLICATIONS

The Authority's statement of licensing principles will address sustainability issues.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.4 COMMUNITY SAFETY IMPLICATIONS

When determining applications, the licensing objectives addressing crime and disorder; ensuring that gambling is conducted fairly on the premises and protecting children and vulnerable people, must be addressed by the Licensing Authority.

7.5 HUMAN RIGHTS ACT

The Council must consider Human Rights implications when establishing Licensing Policy and when determining licence applications.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

No specific ward implications.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

The protection of children and vulnerable people must be addressed by the Licensing Authority when determining applications.

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

- 9.1 The Committee has no powers to adopt the statement of licensing principles, which is the function of full Council. Members can therefore recommend the document shown in Appendix 1 for adoption by Council, or make such recommendation subject to such amendments as the Committee may specify.

10. RECOMMENDATIONS

- 10.1 That the Committee recommends to Council that the document attached in Appendix 1 be adopted and published as the District's Statement of Licensing Principles pursuant to the Gambling Act 2005 (subject to any amendments that the Committee feels is appropriate).
- 10.2 That the Interim Assistant Director Waste, Fleet & Transport Services be given delegated authority to approve any necessary amendments of a minor or drafting nature prior to formal publication.

11. APPENDICES

1. Final draft Statement of Licensing Principles.

2. Consultation Response – Betknowmore UK
3. Consultation Response – Public Health
4. Consultation Response – Gosschalks Solicitors
5. Consultation Response – Cllr Dunbar

12. BACKGROUND DOCUMENTS

The Gambling Act 2005

Guidance and Codes of Practice issued by the Gambling Commission

Regulations made under the Gambling Act 2005