

SUMMARY OF RESPONSE - Betting and Gaming Council (BGC)

Introduction

Oldham and Manchester Councils received a consultation response from the Betting and Gaming Council (BGC) to the proposed gambling licensing statement of principles. This Appendix addresses the comments made by the BGC and provides suggested amendments to the draft statement of principles which are highlighted in green.

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.” (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. (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>

<p>“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.</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: https://www.ippr.org/research/publications/cards-on-the-table</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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<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.” (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: <i>Kenyon (2017) Problem Gambling in Leeds: Report to Leeds City Council. Leeds Beckett. Available at: http://eprints.leedsbeckett.ac.uk/id/eprint/3945/1/Problem%20Gambling%20Report.pdf.</i></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.” (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. 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: <i>Dinos, S. et al. (2020) ‘Treatment Needs and Gap Analysis in Great Britain’, GambleAware p. 45. Available at: https://www.begambleaware.org/sites/default/files/2020-12/treatment-needs-and-gap-analysis-in-great-britain-a-synthesis-of-findings-1.pdf</i></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>

APPENDIX 2

<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>(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>
<p>How the licensing committee decides what conditions to apply to premises licenses (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 (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 clarity we have referred to “Public Health (3.7-3.11)” in the paragraph title.</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 (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>(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 licence will not be granted if these conditions are present.</p>