

**Report of the Service Director to the
General Licensing Regulatory Board
to be held on the 15th of February 2023**

Statement of Gambling Policy Review Consultation 2022/23

1. Purpose of Report

The purpose of this report is to inform Members of the statement of Gambling Policy Review Consultation responses and seek views and recommendations in relation to the same for Cabinet and Full Council.

2. Background

Members will be aware that as a licensing authority we must determine and publish a Statement of Gambling Policy at least once every three years, in line with statutory guidelines. In respect of this Officers produced our Statement of Gambling Policy and carried out a statutory consultation from the 28th of October 2022 until the 6th of January 2023 to seek the views and opinions of all interested parties.

3. Current Position

The Gambling Act 2005 requires the Council to have a “Statement of Gambling Policy” that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

The Gambling Commission jointly regulates the gambling industry with licensing authorities. The gambling authorities regulate personal and operating licenses, i.e., business who provide gambling, and local authorities regulate permits and premises i.e., the physical area/premises where gambling takes place.

The Gambling Act 2005 has three licensing objectives that a licensing authority must incorporate into any strategy. These are:

- 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 people from being harmed or exploited by gambling.

The Statement of Gambling Policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act.

The statutory consultation ran for 10 weeks from the 28th of October 2022 until the 6th of January 2023 and the following three responses were received: -

- 1) Very comprehensive. Thank you to Officers for their work.**
- 2) Please can more information be added to the section around risks, including the below: -**

Barnsley Council will assess each application relating to a premise that is: -

- Close to an educational establishment, including colleges**
- Close to any centre dealing with addictions**
- Situated in an area of high deprivation**
- Close to locations that are visited by those who are unemployed such as job centres or food banks**
- Close to the location of businesses providing instant access to money such as payday**

Officer response - the draft policy has been amended to include the following at 1.13: -

It is the Council's policy, upon receipt of any relevant representations, to consider specific location issues, including the possible impact that a gambling premise may have on:

- Organisations for children and young people, i.e., educational establishments.
- Residential areas where there may be a high concentration of families with children.
- Organisations for vulnerable adults i.e., centres dealing with substance use or organisations for those who are unemployed i.e., job centres or food banks
- Organisations providing instant access to money i.e., payday loans
- An area of particularly high deprivation
- Any area where evidence suggests that a gambling premise would be harmful to the health and wellbeing of residents
- The size of the premises and the nature of the activities taking place.
- Any levels of organised crime in the area.

Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions, or to refuse the application.

Currently there are no identified areas of the borough in which a concentration of licensed premises exist that are leading to problems concerning the licensing objectives. Should any specific policy be decided upon with regards to areas where gambling premises should not be located, this Policy will be updated, and each application will be considered on its own individual merits.

3) I've read the policy and it looks really good. The stuff in there about vulnerable people and gambling harms I think really adds to the level of information given and the quality of the policy.

I have a few questions regarding the OSC recommendations. I'm not sure if they're appropriate for inclusion in the policy or if they sit somewhere else.

- Placement of Cat D machines in pairs
- Can we change the wording of consulting with public health colleagues to consulting with the Director of Public Health please?
- In terms of protecting vulnerable people, I think the recommendation for providing support material in other languages would fit with this

In terms of the recommendations for signposting. As per the cabinet recommendations, we would be recommend the NHS resources, not gamcare/gambleaware due to their ties with industry.

<https://www.nhs.uk/live-well/addiction-support/gambling-addiction/>

- i) Officer response - the draft policy has been amended at 2.051 to include the wording: -

2.051 Betting Machines

Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (as it is an offence for those under 18 to bet) or by vulnerable persons. ***Where it can be accommodated, we will also encourage the separate siting of betting machines.***

- ii) The Head of Public Health has confirmed that changing the Policy to state “The Director of Public Health” as opposed to “colleagues in Public Health” has no impact on the working practises in terms of considering applications received and so this will remain the same.

- iii) The draft policy has also been amended at 2.01, 2.02, 2.06, 2.103 and 2.022 to inform applicants that they should consider making any supporting material available in a variety of languages.
- iv) The draft policy has also been amended at 2.01, 2.02, 2.06, 5.05, 6022 and 6.0241 to recommend and signpost the NHS resource for addiction support, providing the link <https://www.nhs.uk/live-well/addiction-support/gambling-addiction/>

A copy of the draft Statement of Gambling Policy which has been updated to reflect the amended wording and points referred to above has been included in this report at Appendix 1.

4. Proposal

Members are asked to consider the draft policy and give proper weight to all responses received.

5. Recommendation

That members consider the draft policy and the consultation responses received and contained within the body of this report and make their recommendation to Cabinet and Full Council accordingly.

6. Officer Contact

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