

## LICENSING COMMITTEE AGENDA

**Tuesday, 28 February 2017 at 3.00 pm in the Bridges Room - Civic Centre**

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From the Acting Chief Executive, Mike Barker

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Item	Business
<b>1</b>	<b>Apologies for absence</b>
<b>2</b>	<b>Minutes</b> (Pages 3 - 10)  The Committee is asked to agree the minutes of the last meeting held on 2 November 2016 (attached).
<b>3</b>	<b>Appeals and Prosecutions under the Licensing Act</b>  There are no appeals or prosecutions to report.
<b>4</b>	<b>Appeals and Prosecutions under the Gambling Act</b>  There are no appeals and prosecutions to report
<b>5</b>	<b>Licensing and Certificates issued under the Licensing Act 2003</b> (Pages 11 - 12)  Report of the Strategic Director, Communities and Environment (attached).
<b>6</b>	<b>Licences notifications registrations and permits issued under the Gambling Act 2005</b> (Pages 13 - 14)  Report of the Strategic Director, Communities and Environment (attached).
<b>7</b>	<b>Other applications and notifications processed under the Licensing Act 2003</b> (Pages 15 - 16)  Report of the Strategic Director, Communities and Environment (attached).
<b>8</b>	<b>Hearing and Reviews before Sub Committees</b> (Pages 17 - 18)  Report of the Acting Chief Executive (attached).
<b>9</b>	<b>Update on Case Law and Legislation</b> (Pages 19 - 20)  Report of the Acting Chief Executive, Mike Barker (attached).
<b>10</b>	<b>Public Health Pilot Project (HALO)</b> (Pages 21 - 24)  Report of the Acting Chief Executive, Mike Barker (attached).

**11     House of Lords Select Committee on the Licensing Act (Pages 25 - 28)**

Report of the Strategic Director, Communities and Environment (attached).

**12     Research into vulnerability to Gambling Related Harm (Pages 29 - 34)**

Report of the Strategic Director, Communities and Environment (attached).

## GATESHEAD METROPOLITAN BOROUGH COUNCIL

### LICENSING COMMITTEE MEETING

Wednesday, 2 November 2016

**PRESENT:** Councillor K Dodds (Chair)

Councillor(s): W Dick, M Charlton, D Duggan,  
B Goldsworthy, M Ord and N Weatherley

**APOLOGIES:** Councillor(s): C Bradley, J Graham, J Kielty, R Mullen,  
B Oliphant and A Thompson

#### LC12 APOLOGIES FOR ABSENCE

#### LC13 CONSTITUTION

RESOLVED - That the Constitution of the Committee for the municipal year  
2016-2017 be noted.

#### LC14 MINUTES

RESOLVED - That the minutes of the meeting held on 12 February 2016 be  
approved as a correct record.

#### LC15 HEARINGS AND REVIEWS BEFORE SUB-COMMITTEE

The following hearings and reviews were held between 1 January 2016 and 25 October  
2016.

Licensing Act 2003

**Applicant / Premises**  
Steven Davies  
The Hanlon Public House  
Birtley  
DH3 2PQ

**Representations**  
Northumbria Police  
  
Environmental Health  
Officer

**Decision / Date**  
Counter Notice to  
Temporary Event Notice  
Served  
21 March 2016

Skender Lata  
but with  
Oli & Joe's  
1 Dean Terrace  
Ryton  
NE40 3HQ

4 Members of the  
  
Public

To grant premises licence  
  
condition added  
27 April 2016

Premises	Applicant	Date	Representations	Decision
The Hanlon Public House Talbot Terrace Birtley DH3 2PQ	Steven Davies	21 March 2016	Northumbria Police  Environmental Health Officer	Counter Notice to Temporary Event Notice Served
Oli & Joe's 1 Dean Terrace Ryton NE40 3HQ	Skender Lata	27 April 2016	4 members of the public	To grant premises licence but with condition added
319-321 High Street Gateshead NE8 1EQ	Kai Foods Ltd	29 April 2016	Northumbria Police	To adjourn applications to transfer licence and vary DPS
319-321 High Street Gateshead NE8 1EQ	Kai Foods Ltd	12 May 2016	Northumbria Police	To refuse applications to transfer licence and vary DPS
Ye Olde Cross Public House Barmoor Lane Ryton NE40 3QP	Environment al Health Officer	12 May 2016	Northumbria Police  Licensing Authority  Local Safeguarding Children Board  Director of Public Health  5 members of the public  Enterprise Inns plc	To remove the DPS  To reinstate conditions on the licence relating to regulated entertainment  To impose a further condition on the licence

### **Gambling Act 2005**

Premises	Applicant	Date	Representations	Decision
N/A				

RESOLVED - that the information be noted

### **LC16 APPEALS AND PROSECUTIONS**

There are no appeals or prosecutions to report for the period.

## **LC17      LEGISLATION AND CASE LAW UPDATE**

The Committee received a report to update on recent cases and amendments to legislation affecting the Licensing and Gambling Acts.

There are a number of amendments to the Licensing Act 2003 that are expected to come into force in coming months-

- a) the introduction of light touch control for the sale of alcohol at community events and sales that are ancillary to other business activities, by introducing a new Part 5a to the Act.
- b) that a licence will automatically lapse if the holder is no longer entitled to work in the United Kingdom
- c) the ability for the Secretary of State to object to certain applications where he/she is satisfied that if granted it would be prejudicial to the prevention of illegal working in licensed premises
- d) that Licensing Authorities will have the power to suspend or revoke personal licences
- e) to add further offences to the list of relevant offences that should be taken into account in respect of an applicant for a personal licence, and once a licence has been granted.
- f) to place cumulative impact policies on a statutory footing
- g) to increase the flexibility of late night levies

There are currently no amendments scheduled to the Gambling Act 2005; however the DCMS has indicated that it will be considering the current allowances for fixed odds betting terminals with a view to establishing stricter control.

The Committee received updates on the following case law:-

East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) and Scotch Whisky Association and others v Lord Advocate and Advocate General for Scotland.

RESOLVED - that the information be noted.

## **LC18      NORTH EAST STRATEGIC LICENSING GROUP UPDATE**

The Committee received a report to inform them of the recent activity of the North East Strategic Licensing Group in respect of the Licensing Act.

In February this year, Public Health England launched a pilot project for an analytical toolkit designed to support Directors of Public Health in making best use of available data sources. Eight authorities participated in the pilot project, including Gateshead and Durham Councils in the North East.

As well as looking to make best use of available data within the parameters of the existing licensing objectives, the pilot project sought to gather evidence as to the likely consequences of adding a further public health related licensing objective into the Act.

A mock hearing took place in Gateshead, chaired by Councillor Dodds and with representatives of Gateshead and Durham Councils, to examine a scenario where this hypothetical fifth licensing objective would apply. The mock hearing was attended by regional and national representatives of Public Health England, officers and members from the North East Councils, and colleagues from the University of Sunderland who have produced an academic report setting out the outcomes of the national project.

The mock hearing highlighted:-

- a) the willingness of members to have regard to all information that is relevant to their determination
- b) the practical difficulties in the effective presentation of standalone public health data; and
- c) the strength that is brought by responsible authorities working together

the processes that were developed in Gateshead through the pilot project have continued after the completion of the project, which is assisting the Director of Public Health to play an active role in the licensing regime through a joined up approach with the other responsible authorities. This is enabling concerns to be identified and addressed at an early stage, so that resources can be appropriately channelled.

The outcome of the project is now being discussed with the Home Office.

Additionally, Gambling Act training has been organised through the North East Strategic Licensing Group to take place in Middlesbrough on 9 November 2016. Further work is being undertaken at present to identify shared learning requirements and to facilitate training opportunities in the coming months.

RESOLVED - that the information be noted

## **LC19      UPDATE ON FIXED ODDS BETTING TERMINALS**

The Committee received an update on Fixed Odds Betting Terminals, which have been controversial since their introduction and remain the subject of national debate.

Much of the ongoing controversy concerns the role of the B2 gaming machines in problem gambling. Some of the relevant issues highlighted by participants in the debate were also presented to Committee for information.

On 24 October 2016 the government launched a call for evidence on aspects of the

gambling industry including considering the maximum stakes and prizes for gaming machines. This will include looking at Fixed Odds Betting Terminals and concerns about the harm they cause, to the player and the communities in which they are located.

Evidence will also be sought on measures to protect against gambling related harm including the impacts of gambling advertising and whether the right regulations are currently in place to protect children and vulnerable people.

The call for evidence period begins immediately and will close on 4 December. Government will then consider proposals based on robust evidence.

RESOLVED - that the information be noted.

**LC20 LICENCES AND CERTIFICATES ISSUES UNDER THE LICENSING ACT 2003 - 1 JANUARY 2016 TO 30 SEPTEMBER 2016**

The following number of Licence and Certificates have been issued under delegated powers between 1 January 2016 and 30 September 2016.

**Premises Licences and Club Premises Certificates**

New Premises Licences	21
Premises Licence Variations	0
New Club Premises Certificates	0
Club Premises Certificate variations	0
Minor Variations	12
DPS Variations	105
Change of Name and address; replacement licence etc.	17
<b>Total</b>	<b>155</b>

**Personal Licences**

New Personal Licences	108
Personal Licence changes of address	66
<b>Total</b>	<b>174</b>

RESOLVED – that the information be noted.

**LC21 OTHER APPLICATIONS AND NOTIFICATIONS PROCESSED UNDER THE LICENSING ACT 2003 - 1 JANUARY 2016 - 30 SEPTEMBER 2016**

The following number of applications and notifications have been processed between 1 January 2016 and 30 September 2016.

Type of Application/Notification	
Temporary Event Notices given	171
Premises Licence Holder Transfers	28
Notifications of Interest	1

RESOLVED - that the information be noted.

**LC22 LICENCES NOTIFICATIONS, PERMITS AND REGISTRATIONS ISSUED UNDER THE GAMBLING ACT 2005 - 1 JANUARY 2016 TO 30 SEPTEMBER 2016**

The following licences, notifications, permits and registrations were issued between 1 January 2016 and 30 September 2016.

**Licences**

Type of Licence	Number
Bingo Premises Licence	0
Betting Premises Licence	0
Adult Gaming Centre Premises Licence	0
Family Entertainment Centre Premises Licence	0

**Notifications**

Type of Notification	Number
Notice of intention of alcohol licensed premises to make gaming machines available for use	8

RESOLVED – that the information be noted.

**LC23 HOUSE OF LORDS SELECT COMMITTEE ON LICENSING ACT 2003**

The Committee were provided with an update on the progress of the House of Lords Select Committee on the Licensing Act 2003.

A public call for written evidence was made on 30 June 2016 from anyone with an interest in the operation of the Licensing Act 2003. Gateshead Council contributed to a regional response through the North East Strategic Licensing Group which then fed into the Local Government Association response.

In particular the Committee were interested in a number of issues including:

- Should there be additional objectives e.g. the protection of health and wellbeing
- Does the Licensing Act now achieve the right balance between the rights of those who wish to sell alcohol and provide entertainment and the rights of those who wish to object?
- Do local communities engage effectively in the licensing regime, and if not, what could be done?
- How effectively does the regime control supermarkets and large retailers, under-age sales, and delivery services?
- Should the Government introduce minimum unit pricing in England?
- Do licence fees need to be set at national level?

Some of the additional issues raised through the region include:

- The lack of a national database of personal licence holders, allowing



unsuitable applicants to move between councils as and when their premises gets shut down

- The absence of many Designated Premises Supervisors (DPS) from the premises itself and the general weakness of this role
- Weaknesses in the review/appeals system that allows unscrupulous operators to transfer the licence or delay closure for significant periods of time
- Concerns around enforcing the duty plus VAT mandatory condition
- The fact that a licence cannot be refused where a business owes the council unpaid business rates
- The fact that licences cannot be removed where a premises has ceased trading and, in some cases, where it has been turned into a car park. This means a council has to carry the debt from unpaid fees in perpetuity, and distorts the national picture of how many licences are in existence.

Public evidence sessions began on 5 July 2016<sup>7</sup> and since then eight sessions have taken place, the most recent on 1 November 2016.

The Select Committee has to report by 31 March 2017. Progress made and any available outcome will be reported to the next Licensing Committee.

RESOLVED - that the information be noted.

**Chair.....**

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**TITLE OF REPORT - Licences and Certificates issued under the Licensing Act 2003**  
**REPORT OF - Strategic Director Communities and Environment**

The following number of Licence and Certificates have been issued under delegated powers between 1 October 2016 and 31 December 2016

<b>Premises Licences and Club Premises Certificates</b>	
New Premises Licences	5
Premises Licence Variations	1
New Club Premises Certificates	0
Club Premises Certificate variations	0
Minor Variations	5
DPS Variations	29
Change of Name and address; replacement licence etc	5
<b>Total</b>	<b>45</b>

<b>Personal Licences</b>	
New Personal Licences	38
Personal Licence changes of address	28
<b>Total</b>	<b>66</b>

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**TITLE OF REPORT - Licences, notifications, permits and registrations issued under the Gambling Act 2005**  
**REPORT OF - Strategic Director Communities and Environment**

The following licences, notifications, permits and registrations were issued between 1 October 2016 and 31 December 2016

### Licences

Type of Licence	Number
Bingo Premises Licence	0
Betting Premises Licence	1
Adult Gaming Centre Premises Licence	0
Family Entertainment Centre Premises Licence	0

### Notifications

Type of Notification	Number
Notice of intention of alcohol licensed premises to make gaming machines available for use	4

## Permits

Type of Permit	Number
Unlicensed family entertainment centre gaming machine permits	0
Prize gaming permits	0
Alcohol - licensed premises gaming machine permits	0
Club Gaming permits	0
Club Machine Permits	0

## Registrations

Type of Registration	Number
New Small Society Lotteries	13
Small Society Lottery Renewals	15

**TITLE OF REPORT - Other applications and notifications processed under the Licensing Act 2003**  
**REPORT OF - Strategic Director Communities and Environment**

The following number of applications and notifications have been processed between 1 October 2016 and 31 December 2016

<b>Type of Application/Notification</b>	
Temporary Event Notices given	<b>30</b>
Premises Licence Holder Transfers	<b>12</b>
Notifications of Interest	<b>0</b>

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**TITLE OF REPORT** - **Hearings and reviews before sub-committees**

**REPORT OF** - **Mike Barker, Acting Chief Executive**

The Committee is requested to consider the attached report on sub-committee hearings between 1 October 2016 and 31 December 2016.

**Licensing Act 2003**

Premises	Applicant	Date	Representations	Decision
The One Eyed Stag, 5 The Square, Whickham, NE16 4JB	The One Eyed Stag Limited	25 November 2016	Members of the public  Northumbria Police  Environmental Health	Grant the licence with an amendment to a proposed condition

**Gambling Act 2005**

Premises	Applicant	Date	Representations	Decision
N/A				

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**TITLE OF REPORT:** Case Law and Legislation Update  
**REPORT OF:** Mike Barker, Acting Chief Executive

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## Purpose of the Report

1. To inform the Committee of recent cases and amendments to legislation affecting the Licensing and Gambling Acts.

## Legislation

2. The amendments that were set out in the last report to Committee have not yet been enacted by Parliament, but are still expected to be introduced in the near future.

## Case law

3. The case of *Ivey v Genting Casinos UK Ltd (t/a Crockfords Club)* [2016] EWCA Civ 1093 was decided by the Court of Appeal in November 2016. It is established law that when someone participates in a gambling activity there is an implied contract between the parties that the gambler will not cheat; and that where the gambler does cheat their winnings can be withheld. This case related to whether cheating requires a dishonest intention. The Court of Appeal found that it did not, and that a gambler who used an edge-sorting technique was not entitled to his winnings even though he believed edge-sorting to be an honest technique. The Gambling Act states that 'cheating' involves 'deception' or 'interference with the process by which gambling is conducted', and that interference can be done honestly but still amounts to cheating.

## Recommendations

4. The Committee Members are asked to note the content of this Report.

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**CONTACT:** Tim Briton extension 2460

**PLAN REF:**

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**TITLE OF REPORT:** Public Health Pilot Project Update  
**REPORT OF:** Mike Barker, Acting Chief Executive

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## **Purpose of the Report**

1. To update the Committee regarding the Public Health England pilot project that the Council participated in in 2016, and next steps.
2. By way of background, in early 2016 Gateshead Council was one of eight licensing authorities that were invited by Public Health England to participate in a pilot project to evaluate an analytical package intended to support the use of health data in decision making under the Licensing Act. Health data is used by Directors of Public Health to inform whether they make representations in licensing matters, and if they do then it may be used to contextualise their concerns. However Directors of Public Health have had mixed success when relying on health data, which has to some extent led to proposals for the Act to be amended to add a fifth Licensing Objective which related specifically to health.
3. The pilot project has now completed and a full report is being prepared by the University of Sunderland. Initial findings were reported in the Lancet on 25 November 2016. A summary document prepared by Public Health England is attached to this report for information.
4. The initial findings highlight the need for accurate and timely data in order to usefully inform the decision making process, as well as the need for training for officers and Members to enable a better understanding of how health data can usefully inform decisions.

## **Recommendations**

The Committee Members are asked to note the content of this Report.

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**CONTACT:** Tim Briton extension 2460

**PLAN REF:**

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# An Evaluation of a PHE Analytical Package to support the use of health information in Licensing representations

by Mooney JD<sup>1\*</sup>, Sattar Z<sup>1</sup>, Ling J<sup>1</sup>, De Vocht F<sup>2</sup>, Smolar ML<sup>3</sup> and Nicholls J<sup>4</sup>.

1. University of Sunderland; 2. University of Bristol; 3. Public Health England; 4. Alcohol Research UK

Correspondence: john.mooney@sunderland.ac.uk

## Background

Changes in recent years to the public health infrastructure in England, including the inclusion of directors of public health as responsible authorities in relation to the Licensing Act 2003 has led to renewed attention on the prospects for a fuller consideration of health related information within the licensing process<sup>1</sup>. In a previous exercise led by the Home Office, 12 local authorities in England agreed to take part in work to specifically test the feasibility of introducing health as a licensing objective linked to cumulative impact policies (HALO-CIPs). While some found it was possible to establish a robust evidence, areas expressed the need for more support to be able to identify, gather and communicate local health data. We were commissioned by PHE to evaluate the utility of a three component analytical support package (which consisted of a data-access compendium, information sharing agreements and localised mapping software) for this purpose and the extent to which this could help local public health teams contribute effectively to decision making around alcohol licensing.

## Initial findings

The analytical support package provided a useful single point of access for health related information in licensing, although it was clear that a more effective integration of health data in licensing decisions will require additional inputs and resources across three areas:

- Data Resolution:** Although data at LSOA was useful for setting area-wide context, more localised representations within a licensing scenario would often require health information to be accessible at a higher resolution (e.g. for more geographically dispersed populations).
- Data Timeliness:** Despite some pilot areas having data sharing agreements with local health data agencies, there were remaining concerns over the reliability and validity of this data, in particular in relation to timeliness, in order that the information presented can withstand likely challenges.
- Training for licencing hearings:** Presenting health data to legal teams, such as barristers as well as to council officials was a challenge for RA's unfamiliar with this format, so there was a consensus that further awareness raising in the usefulness of health data and how to present it more effectively would be useful for all stakeholders.

More generally, regarding a fuller integration of public health within the alcohol licensing process, the most critical lessons to emerge from the mock hearings and expert panel reviews were:

- Public health are more effective when they work in partnership where possible to make representations in co-operation with other responsible authorities, even where they consider the health evidence to be sufficient
- Combined representations make for a stronger case and help to embed health information as part of the typical evidence case. Even with good health evidence however, the current absence of a fifth objective on health can make it difficult for Public health representations to receive due consideration irrespective of how compelling the evidence might be.
- There needs to be careful consideration as to how a new specific 'public health objective' or fifth licensing objective around health would be worded and what representations based on such an objective would look like. Critical thinking around the practicalities of how an objective would be formulated would also help with other approaches to integrating health data.
- Overall, RA's felt that a fifth health licensing objective would improve the credibility and weighting of Public Health when making a representation for licensing decision making or deciding on the designation of a new cumulative impact area<sup>2</sup>.

## References:

- Martineau FP, Graff H, Mitchell C, Lock K. Responsibility without legal authority? Tackling alcohol-related health harms through licensing and planning policy in local government. *J Public Health (Oxf)*. 2013;1-8. doi:10.1093/pubmed/fdt079
- Egan M, Brennan A, Buykx P, De Vocht F *et al* Local policies to tackle a national problem: Comparative qualitative case studies of an English local authority alcohol availability intervention. *Health & Place* 41 (2016) 11–18.

## Methodology

This was a qualitative study involving interviews with seven purposively selected local public health and licensing teams from four English regions. Respondents were all responsible authority (RA) representatives and included Public Health, Intelligence Analysts, Police, Trading Standards, Environmental Health and Licensing Officers. The current report draws on information collected using four distinct methods: a)Baseline interviews; b)Mock licence hearings / review panels of hypothetical applications; c)Shared learning events; d)Focus group interviews. Interviews and focus group sessions were fully transcribed and emergent themes were grouped into four overarching themes of: (i) The functionality and acceptability of the analytical support package; (ii) Use of health data; (iii) The licensing process; (iv) Health as a fifth licensing objective.

...and the robustness of information is critical because things can get thrown out of court, just for one little word in the wrong place...  
(Licensing: participating LA site 3)

...And we've then been able to develop the hotspot maps using different data sources.. (Public Health: participating site 4).

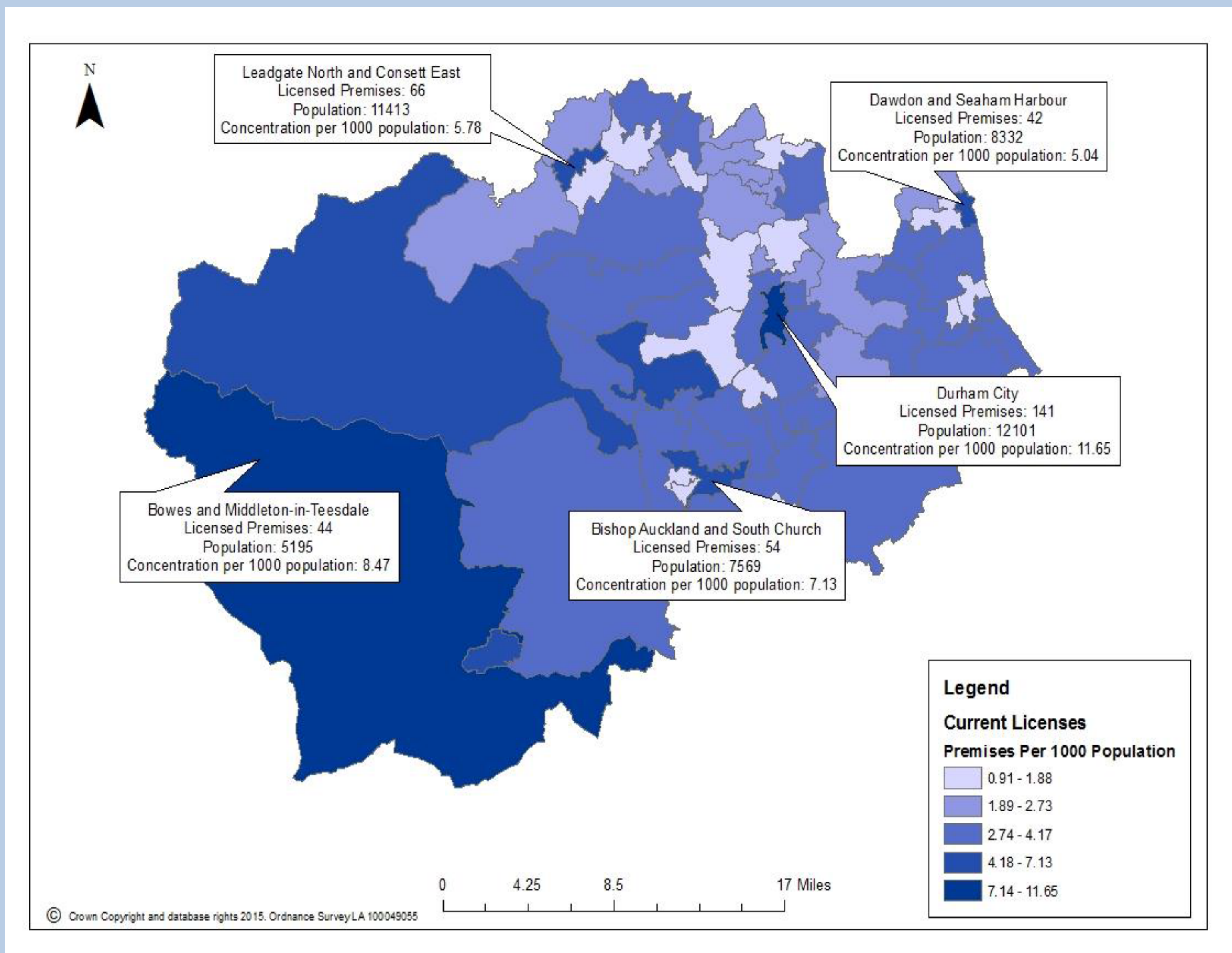
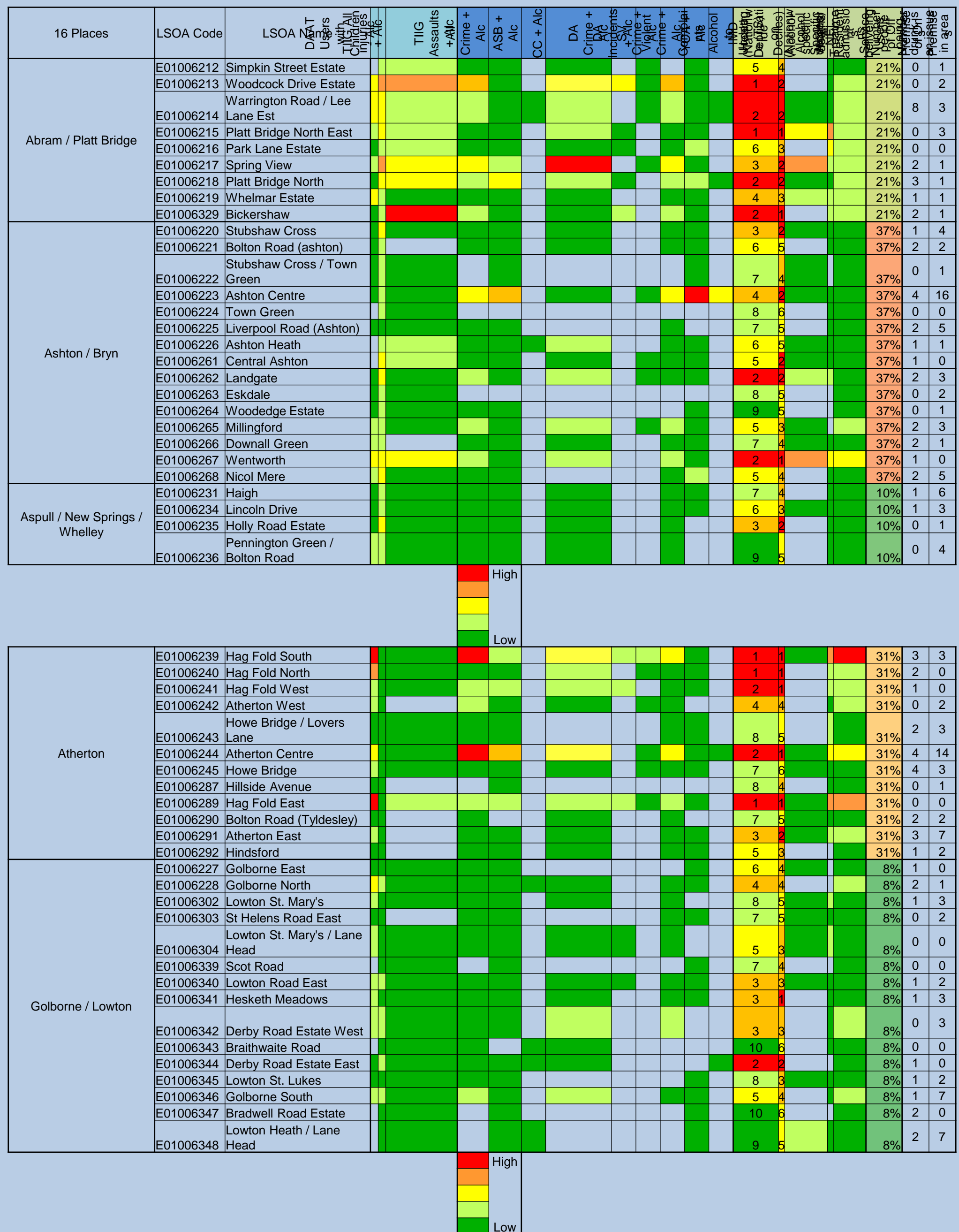


Figure 2.  
LA2 health data used to construct 'traffic – light' dashboard



This project was funded by Public Health England and commissioning support and project design input was provided by Alcohol Research UK.



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**TITLE OF REPORT:** House of Lords Select Committee on the Licensing Act 2003

**REPORT OF:** Paul Dowling, Strategic Director, Communities and Environment

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## **1. Purpose of the Report**

To provide Members with an update on the progress of the House of Lords Select Committee on the Licensing Act 2003.

## **2. Background**

The Select Committee on the Licensing Act 2003 was set up on 25 May 2016 with the task of conducting post-legislative scrutiny of the Act. The Committee is looking at the provisions of the Act, in its original form and with its subsequent amendments, at its implementation, and at related developments.

The Licensing Act 2003 was intended to provide a means of balancing the broad range of interests engaged by licensing decisions – those of the entertainment and alcohol industries, small and large businesses, local residents and communities, policing, public health, and the protection of children from harm. Decision making under the Act was expected to balance these interests for the public benefit.

The Government's intention was to provide greater freedom and flexibility for the hospitality and leisure industry allowing it to offer consumers greater freedom of choice while balancing these broader freedoms with tougher powers for the police, the courts and licensing authorities to deal with anyone trying to exploit these greater freedoms against the interest of the public in general.

## **3. Call for written evidence**

A public call for written evidence was made on 30 June 2016 from anyone with an interest in the operation of the Licensing Act 2003. Gateshead Council contributed to a regional response through the North East Strategic Licensing Group which then fed into the Local Government Association response.

In particular the Committee were interested in a number of issues including:

- should there be additional objectives eg the protection of health and wellbeing
- does the Licensing Act now achieve the right balance between the rights of those who wish to sell alcohol and provide entertainment and the rights of those who wish to object?

- do local communities engage effectively in the licensing regime, and if not, what could be done?
- how effectively does the regime control supermarkets and large retailers, under-age sales, and delivery services?
- should the Government introduce minimum unit pricing in England?
- do licence fees need to be set at national level?

Some of the additional issues raised through the region include:

- The lack of a national database of personal licence holders, allowing unsuitable applicants to move between councils as and when their premises gets shut down
- The absence of many Designated Premises Supervisors (DPS) from the premises itself and the general weakness of this role
- Weaknesses in the review/appeals system that allows unscrupulous operators to transfer the licence or delay closure for significant periods of time
- Concerns around enforcing the duty plus VAT mandatory condition
- The fact that a licence cannot be refused where a business owes the council unpaid business rates
- The fact that licences cannot be removed where a premises has ceased trading and, in some cases, where it has been turned into a carpark. This means a council has to carry the debt from unpaid fees in perpetuity, and distorts the national picture of how many licences are in existence.

#### **4. Public evidence sessions**

Public evidence sessions began on 5 July 2016 and since then thirteen sessions have taken place, the most recent one on 13 December 2016. Since the last report to Licensing Committee on 2 November 2016 the following bodies and individuals have given evidence:

- Police Superintendents Association of England and Wales
- National Police Chiefs' Council
- Police and Crime Commissioner for Devon and Cornwall
- Gerald Gouriet QC
- Flint Bishop Solicitors
- Douglas Licensing
- Sainsbury's Supermarkets Ltd
- Waitrose
- Ocado
- Emms Gilmore Liberson Solicitors
- Association of London Clubs
- Working Mens Club and Institute Union
- Wilkes Partnership LLP
- Kuit Steinart Levy LLP
- Environmental Health Officer, Derby City Council
- Sustainable Acoustics
- Night Time Industries Association
- The Deltic Group
- Shoosmith's, on behalf of McDonald's
- British Kebab and Retail Awards

- Music Venue Trust
- UK Live Music Group
- Musicians' Union
- Sarah Newton MP, Parliamentary Under Secretary of State for Vulnerability, Safeguarding and Countering Extremism, Home Office
- Nicola Blackwood MP, Parliamentary Under Secretary of State for Public Health and Innovation, Department of Health

The Select Committee has to report by 31 March 2017. Progress made and any available outcome will be reported to the next Licensing Committee.

## **5. Recommendation**

The Committee Members are asked to note the content of this Report.

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**TITLE OF REPORT:** Local Area Profiles and developing research evidence on vulnerability to gambling related harm  
**REPORT OF:** Strategic Director, Communities and Environment

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## **1. Purpose of Report**

To provide Members of the Licensing Committee with an update on recent research into the way that local authorities can protect vulnerable people from gambling related harm by improving the understanding of local area risk. It will focus on some work commissioned by Westminster and Manchester City Councils which was published in 2016.

## **2. Background**

The Gambling Act 2005 gave local authorities responsibility for issuing premises licences for gambling venues. The advice contained within the Act was that licensing authorities should “aim to permit” premises licences so long as applications are reasonably consistent with the following objectives:

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) ensuring that gambling is conducted in a fair and open way, and
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

More recently, there have been some changes in the recommended approach to gambling licensing and regulation, as expressed in various documents published by the Gambling Commission. These changes can be summarised into three broad themes:

- increased focus on risk and risk regulation;
- greater attention to local area risk, and
- encouragement of partnership and collaboration between stakeholders to mitigate risk.

In addition, a further change is the devolvement of public health to local authorities and their new responsibility to protect the health and wellbeing of people in their local communities.

To date, there has been little investigation about who may be vulnerable or why. Information about the characteristics of who is more or less vulnerable to gambling-related harm has only been considered in very general terms using

evidence from large-scale national surveys, such as the British Gambling Prevalence Survey (BGPS). How vulnerability and harm may vary at a local level has not been explored.

In 2015 Westminster and Manchester City Councils commissioned a study to:

- to explore and document the range of characteristics that suggest someone is vulnerable to harm from gambling,
- to investigate how these characteristics can be measured at a local level, using a range of different data, and
- to develop a local risk index model showing areas where those who may be more vulnerable to harm are located with the aim of mapping results visually, so that areas of potential risk are highlighted with the intention that these results become a tool for both local authorities and industry when making decisions about the location of gambling venues, helping them to think through the specific needs of local communities and enabling them to work together to develop plans to protect vulnerable people

### **3. Policy context**

In the years since the Gambling Act 2005 was implemented, there have been some noticeable shifts in how gambling premises are distributed. A major change is that many gambling premises have moved from back street to high street locations and there has been rising concern about how some premises are 'clustering' in certain areas.

The Gambling Commission has made it a requirement that gambling industry operators should, from April 2016 conduct local risk assessments for premises to demonstrate that they understand local issues and to show what measures they propose to introduce to mitigate against this risk.

The introduction of local risk assessments reflects a broader policy movement which encourages local authorities, the regulator and the industry to work in partnership to address local issues and concerns. The assessments are required for all premises and operators need to demonstrate that they understand local issues and show what measures they propose to introduce or currently have to mitigate.

The Gambling Commission has also recommended that local authorities consider producing local area profiles to support their licensing statements and principles. The intention is that these local area profiles draw on information from a wide range of local bodies to further understand the nature of potential risks in each local authority and to develop more locally focused gambling policy.

A final important policy change is the devolvement of public health to local authorities. The Health and Social Care Act, 2012 gave responsibility for health improvement to local authorities. This gave each local authority a new

duty to take appropriate steps to improve the health of people in its area. The intention was for local authorities to have freedom in how they chose to improve their population's health and it was hoped that this would create a new focus on improving health and reducing inequalities. The Responsible Gambling Strategy Board (RGSB), the body responsible for providing advice to the Gambling Commission and Government about gambling, advocates that gambling is considered within a public health framework.

It is against this policy and regulatory background that the study was commissioned. The aim was to explore what area-based vulnerability to harm might look like and support these policy changes. Westminster and Manchester City Councils were used as case studies to demonstrate what a local area risk profile might look like when those vulnerable to gambling harm are identified, mapped and results displayed visually.

The intention is that the methods and outputs can be used by other local authorities and built into local area profiles, risk assessments and Statements of Licensing Policy.

#### **4. Findings**

The first aim of this study was to consider the types of people who may be at greater risk of harm from gambling and where they might be located. Based on review of existing research evidence, it was concluded that the following groups are potentially more vulnerable to harm from gambling:

- youths
- people affected by substance abuse / misuse / excessive alcohol consumption
- poor mental health
- people living in deprived areas
- certain ethnic groups
- people with low IQs
- people with personality/cognitive impairments
- people seeking treatment for gambling problems
- people who are unemployed

Having identified these groups, the next stage was to bring this information together to create local risk indices, showing areas with greater concentrations of people who are more likely to be vulnerable to harm.

For each characteristic of vulnerability identified, using Westminster and Manchester as case study areas, the availability of local level data was reviewed. For some characteristics, there were good data available (for example, unemployment rates but for others there were no data available (such as low IQ).

Therefore, the final characteristics of vulnerability included in the models were those where there was a strong theoretical and empirical basis for inclusion and good local level data available.

Information from all different characteristics was brought together and visually displayed. Data were grouped into two different indices based on whether they related to:

- the characteristics of people who live in a local area (the resident profile) and/or,
- the location of local services which are likely to attract potentially vulnerable people to a specific place.

Data from the two indices were then combined to produce an overall gambling risk index for each area. These results were displayed visually on maps for Westminster and Manchester to highlight the locations which had relatively higher risk profiles.

In Westminster, four broad areas of greater risk were identified. The heightened risk in each area is driven by a range of different factors. For example, in Pimlico risk is higher because of a greater number of homelessness shelters and substance abuse treatment providers in this area. In the North West area, risk is driven by rates of unemployment, ethnic make-up and large numbers of resident young people.

In Manchester, many different areas of risk were identified which include areas around the city centre and the south of the city; Risk in the city centre is driven primarily by the concentration of pay- day loans shops, education establishments, younger residents and support centres for problem gamblers. Relatively high levels of unemployment as well as ethnic mix are major driving factors in the other locations.

Comparisons of the areas identified by the risk models with data on deprivation shows some overlaps but also some differences. For example, the City of Manchester has a relatively low score according to the Index of Multiple Deprivation (IMD) but was identified as higher risk of gambling harm in our models. This is because there are a range of services offered within the city that may draw potentially vulnerable people into the city centre. This is not represented in IMD scores which focus only on the profile of people living in an area. Because of this it was concluded that IMD is not a sufficient proxy to represent risk to gambling-related harm at a local level.

## **5. Caveats**

The models are probabilistic - just because an area is highlighted as being at greater risk, does not mean that all people in those areas will experience harm. The models suggest that there may be greater propensity for harm and therefore greater consideration should be given to attempts to mitigate this.



The models are based on current knowledge and available data - they are limited to areas where more research has been conducted and where good quality local level data are available.

The evidence base used to develop the models shows those vulnerable to gambling problems rather than gambling-related harm. The models may be conservative as gambling-related harm is broader than problem gambling.

## **6. Recommendations of the Study**

- The Gambling Commission's introduction of Local Area Risk profiles represents a new opportunity for local authorities and industry alike to think more deeply about the protection of vulnerable people from gambling-related harm. This means extending understanding of local area risk beyond mapping deprivation and considering a more nuanced range of factors.
- Local authorities interested in pursuing this approach should start to consider the different types of data they have available and how these can be used in local area profiles.
- Local authorities should also start to consider what data and/or evidence is missing and how they could fill these gaps, working with different departments within the authority to capture relevant information.
- The models developed are based on the best information currently available. An acknowledged limitation of gambling research is the paucity of evidence available. The study recommends that the models are periodically reviewed and updated to take into account growing knowledge, better data and changes in local areas.

### **Recommendation**

It is recommended that the Committee gives its views on the evidence presented.

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**Contact:**  
**Elaine Rudman, Environmental Health, Licensing & Enforcement Manager**  
**Extension 3911**

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