

Appendix 3:

Gambling Act 2005 Policy Consultation 2019 - consultation response analysis

Date	Respondent	Relevant paragraph	Comment	Analysis	Policy amended?
06/08/18	Gambling Commission	General	Welcomes amendments regarding safeguarding and local risk assessments. No additional comments.	Noted.	No.
07/08/18	Burscough Parish Council	General	There are no limitations placed on the use of Gaming Machines or limits on the maximum stakes allowed in licensed premises	Such limitations are placed by statute and do need not to be replicated in the Policy.	No.
		1.3	The phrase 'the Authority shall aim to permit the use of premises' infers that the Borough actually promotes the use of premises as gambling outlets. The words 'aim to' should be removed to avoid this inference.	This statement is supported by the Gambling Commission in all local authority policy statements. It does not infer that the Council promotes gambling, rather that it acknowledges to rights of applicants. The existing sentence also clarifies this role by stating that such permission would be given in so far as it [the Council] thinks fit in order to regulate gambling in the public interest in the context of available legislation, codes of practice etc.	No.
14/08/18	GamCare	General – no specific comments	A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/	Given the wide geography of the Borough, a specific risk map is not included within the Policy. However, all of the stated risks and issues are detailed within the Policy so these factors can be considered when determining licence applications.	No.
			Consider that proposals for new gambling premises which are near hostels or other	See above comment.	No.

			accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.		
			A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.	The requirement for local risk assessments is contained within the Policy.	No.
			Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?	This requirement is contained in paragraph 14.3.	No.
			Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.	Reference to suitable staff provision is not specifically addressed in the Policy.	Yes. Paragraph 13.7 amended to include "Suitable staff provision".
			Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.	This requirement is contained in paragraph 13.8.	No.
			Consider whether any promotional material associated with the premises	Reference to suitable promotional material is not specifically addressed in the Policy.	Yes. Paragraph 13.7 amended to include "Ensuring that any

			could encourage the use of the premises by children or young people if they are not legally allowed to do so.		promotional material does not encourage the use of the premises by children or young people if they are not legally allowed to do so".
			We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice.	Reference to GamCare is made within the Policy, but the Council cannot limit or prevent applications solely from GamCare certified operators.	No.
18/10/18	Lancashire County Council – Public Health	General – no specific comments	<p>Define geographic areas of vulnerability and risk to determine which wards within their district have a heightened vulnerability and risk, this determination should be based on the following indicators:</p> <ul style="list-style-type: none"> • Deprivation – and the income, employment and crime domains of deprivation • Proximity to schools and other facilities frequented by children and young people • Proximity to services treating gambling addiction, substance misuse • Proximity to homeless hostels • Proximity to Foodbank locations • Density of existing gambling outlets, pawnbrokers and pay day loan outlets 	The majority of the stated risks and issues are detailed within the Policy so these factors can be considered when determining licence applications. However, some of the stated risk examples are not explicit.	Yes. Paragraphs 13.6 and 13.7 amended accordingly.
			<p>Provide guidance on local risk assessments including:</p> <ul style="list-style-type: none"> • Children and young people • Problem gamblers seeking treatment • Financial difficulties 	The requirement for local risk assessments is contained within the Policy. However, some of the stated risk examples are not explicit.	Yes. Paragraph 13.7 and Appendix 2 amended accordingly.

			<ul style="list-style-type: none"> • Substance abuse/misuse • Unemployment • Homelessness • Minority ethnic groups 		
			Ask operators to publicise pathways to treatment including self-exclusion schemes and information on national and local services and groups who offer support relating to gambling addiction and debt.	This information is already contained within the Policy.	No.
29/10/18	Gosschalks Solicitors	3.1	Paragraph 3.1 indicates that the statement of licensing policy “sets out the manner in which the authority will generally apply to promote the licensing objectives when considering and making decisions on applications made under the Act”. This sentence should be redrafted. The licensing authority is required to “have regard” to the licensing objectives and not to promote them. Applications granted must be “reasonably consistent with the licensing objectives and the only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. Accordingly this sentence should be redrafted or removed in its entirety as Paragraph 3.2 correctly identifies the purpose of the Statement of Licensing Policy.	No additional inference or loss of intent is conferred by this suggested change, only bringing the sentence into line with legislation and guidance.	Yes. Paragraph 3.1 amended to make reference to "have regard" to the licensing objectives.
		11.5 & 11.6	Paragraphs 11.5 and 11.6 of Part B explained the licensing authority's approach to the imposition of conditions on premises licences. This section should be expanded to make it clear that Gambling Act 2005 premises licences are subject to mandatory and default conditions and that these conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section should also state	The relevance of mandatory and default conditions, including the role of local conditions is adequately referenced in paragraph 11.1 and so no further clarification is required. However, paragraph 11.5 could more explicit with regard to associated risks.	Yes. Paragraph 11.5 amended to include "any associated risks".

			that additional conditions will only be imposed where there is a clear evidence of risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.		
		12.4	<p>Paragraph 12.4 should be deleted. This requires that operators provide to the authority any result of underage testing and details of where a child or young person repeatedly attempts to gamble. The requirement for test purchasing in so far as betting offices are concerned is found within SR Code provision 3.2.7. This requires that licensees must conduct test purchasing or take part in collective test purchasing and provide the test purchase results to the Gambling Commission. As this is an SR Code provision, it is relevant to the operating licence and the purpose of sharing this information with the Gambling Commission is to ensure that the policies and procedures to prevent under age gambling are effective. The Gambling Commission is the expert and apart from the fact that to share with the licensing authority is an unnecessary duplication, any such requirement to share this information with the licensing authority could lead to conflicting advice with regards to those policies and procedures. The licensing authority should not trespass into an area where the Gambling Commission is the expert and accordingly this section should be amended or deleted.</p>	Paragraph 12.4 clearly states that the requirement for this information is so that the Council is best placed to address local safeguarding issues. Accordingly, this paragraph did not intend to for operators to continually provide such data or for the Council to duplicate and/or carry out the functions of the Commission.	Yes. Paragraph 12.4 amended to clarify this requirement.
			Similarly, betting offices are required to report attempts to gamble to the Gambling Commission. Once again, the		

			requirements to provide identical information to the licensing authority is an unnecessary duplication and this should also be removed from the draft statement.		
		13.9	Paragraph 3.9 is headed "premises plans" and appears to make local requirements with regards to information to be shown on plans of premises. This information is prescribed by Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007, Regulation 4. The licensing authority cannot require more information that it is prescribed by the statutory instrument. Accordingly this section should be amended.	This comment relates to paragraph 13.9 and not 3.9 as stated. The requirements of the Policy are consistent with the stated Regulations.	No.
01/11/18	William Hill Bookmakers	12.4	As you are probably aware, we do conduct our own age verification testing, and as well as sharing this with the Gambling Commission, this is also shared with our Primary Authority. The purpose of this approach is that these two groups can monitor our results, and take appropriate action if they consider there is a problem. It is meant to replace the need to notify each and every Local Authority, which could stretch to over 300 for the larger bookmakers. We are happy to share this information with you in specific cases where it may be required, so would therefore suggest that the wording could be changed slightly to: "Operators will provide to the Authority, <u>where requested</u> , details (where available) of: Results of any underage testing carried at licensed premises within the Borough."	The intention of this paragraph was that such information should be made available when requested.	Yes. Paragraph 12.4 amended accordingly.