

Appendix D

South Hams District Council

STATEMENT OF PRINCIPLES (Gambling Act 2005) CONSULTATION RESPONSE

NAME OR ORGANISATION	COMMENTS	APPRAISAL	SUGGESTED AMENDMENTS
<p>Iain Corby Deputy Chief Executive for GambleAware</p> <p>GambleAware is an independent charity tasked to fund research, education and treatment services to help to reduce gambling-related harms in Great Britain. We work in partnership with the Gambling Commission and its independent advisors, the Responsible Gambling Strategy Board, to deliver many aspects of the National Responsible Gambling Strategy</p>	<p>Due to the resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, we do strongly commend two recent publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers.</p> <p>https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales</p> <p>We fully support local authorities which conduct an analysis to identify areas with increased levels of risk for any reason, but particularly where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling related harm – children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services – and include additional licence requirements to mitigate this increased level of risk.</p>	<p>Both publications referred to by GambleAware have been taken into consideration when putting together the Statement of Principles and are available as background documents.</p> <p>There is no requirement for South Hams District Council to produce a local area profile and we have decided at this time we are not in a position to do so. Its creation is dependent on information and knowledge of the local area gathered by partner agencies and other relevant organisations who have the expertise and knowledge of the impact of gambling in the locality. In the three previous years no information or data was submitted, despite being openly requested in the previous policy. The Council is considering putting such a profile together in the future, depending on the resources available.</p>	<p>No amendments required.</p>

	<p>We do not hold data at local authority level for treatment services. We are undertaking a needs assessment for treatment services which we expect will report early in 2019, and this will give councils insight into the expected level of need in their areas. The report will be published on our website here when it is available:</p>	<p>When this information is available it will be very useful when compiling a local area profile in the future.</p>	
<p>Janet Marron Excise Processing Team HM Revenue & Customs (HMRC)</p>	<p>The HMRC are a responsible authority under Gambling Act 2005. They have provided an updated postal address and telephone number for us to include in Appendix A. They confirmed that their email address remains the same.</p>	<p>Operators must consult the responsible authorities when making applications, so it is important this information is kept up to date and is as accurate as possible.</p>	<p>Appendix A updated as requested.</p>
<p>Lesley Hughes, Town Clerk on behalf of Ivybridge Town Council</p>	<p>Just to advise that Cllr Dredge reviewed the document on behalf of this Council and it was discussed at our full Council meeting last Monday, 17th. We recognised that it paid particular attention to the needs of children, young people and vulnerable adults when considering applications for various types of permits and licences. We also welcomed the process for examining the impact of gambling premises on businesses and residents over siting and size of premises and how admittance might be gained to them, particularly where a single site has a number of separate gambling premises within its confines. The consideration of crime rates, proximity to schools, leisure centres etc was a welcome element of the process.</p> <p>The Town Council supports the revised policy and appreciated the thoroughness of the statement of principles</p>	<p>The Licensing Authority appreciates the time taken by Ivybridge Town Council and Cllr Dredge to consider the draft Statement of Principles and are pleased to receive their support for the revised policy.</p>	<p>No amendments required.</p>

<p>Gosschalks Solicitors on behalf of the Association of British Bookmakers (ABB)</p> <p>Whilst providing general information, the letter from Gosschalks Solicitors on behalf of the ABB provides four specific comments on the Council's proposal which are detailed in the next column.</p>	<p>Paragraph 14 of part A is headed "General Principles where Gaming Machines are provided." This section indicates that an application for variation of the premises licence will be required if it is intended to include privacy screens or pods around a gaming machines in licensed premises. The purpose of a privacy screen/privacy pod is to enhance the customer experience as many customers prefer to play gaming machines without the possibility of people looking over their shoulder. The ABB has engaged with the Gambling Commission over these privacy screens/pods and the general view is that there is no difficulty with them as long as the screens/pods do not impede supervision. Previous guidance from the DCMS and the Gambling Commission has been that an application for variation will only be required where there are material changes to the layout of the premises. It is accepted that what constitutes a material change could be a matter for local determination but on the basis that a privacy screen does not impede supervision, it is difficult to see how the installation of such a screen could be considered a material change. The Gambling Commission guidance is clear that when considering an application for variation, the licensing authority will have regard to the principles in section 153. These are not adversely affected by the installation of a screen which does not affect supervision and it is submitted, therefore, that an application for variation of the premises licence should not be required where these screens are installed. Accordingly, this section should be redrafted.</p>	<p>By their very nature, privacy screens/privacy pods are very likely to impede the supervision of customers while playing on gaming machines. Much depends on their design and location within the premises, some consisting of solid, ceiling height walls.</p> <p>The Licensing Authority gives high importance to safeguarding issues associated with gambling related harm and the wider impact on society. B2 gaming machines provide the majority of business within these premises and therefore their siting and screening has a direct impact on the risks presented by the premises. Therefore the requirement to make a full premises licence variation application when intending to apply screening and/or booting to machines within licensed premises and to consult with all the responsible authorities is justified because of the increased risk to safeguarding arising from the potential for a reduction in supervision capability.</p> <p>The Licensing Authority acknowledges that the Gambling Commission in its own documentation has chosen not to include any direct reference to screening and/or booting. However this is a relatively new trend and is an issue specific to premises which is the responsibility of this Authority.</p>	<p>It is not our opinion that the comments relating to privacy screens/booting are justified and as such no amendment required.</p>
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	<p>circumstances of a particular case that requires that the mandatory and default conditions be supplemented.</p> <p>Paragraph 1.13 describes the requirement for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities and to have policies, procedures and control measures to mitigate those risks. At the end of this section, there is a list of bullet points which details matters that the licensing authority expects operators to consider when undertaking the risk assessment. This list of bullet points should be redrafted to remove the reference to areas where large groups of people congregate, the proximity of banks, cash points, post offices and other gambling outlets and parks, bus stops, cafes and shops. Betting premises in particular have always been situated in areas of high population and footfall and are largely operated in such areas without any difficulty whatsoever. The proximity of a bank, cash point or bus stop can have no relevance to any assessment of any risks to the licensing objectives and accordingly, this list of bullet points should be amended.</p>	<p>licences in those circumstances where there is evidence of a need to do so.</p> <p>Section 1.13 and more specifically paragraph 1.13.7 gives a list of factors for operators to take into consideration when creating their local risk assessments. It is helpful for operators to be aware of areas that large numbers of vulnerable persons may congregate. There is no suggestion that premises should not be located in these areas, but that the risks should be considered. In addition to attracting groups of potentially vulnerable people, the proximity of banks, cash points and other gambling outlets is additionally a relevant consideration due to the easier access to funds and the potential for money laundering.</p>	<p>No amendments required.</p>
<p>Brian Minihane National Licensing & Development Manager for William Hill</p>	<p>Further to the publication of your Draft Statement of Gambling Principles (2019-2022), we wish to respond on just one main point, as follows:</p> <p>Part A 14.2 The location of gaming machines must be marked on a scale plan accompanying application. You must be able to show how you have considered the risk to the licensing objectives and provide information on the controls that will be put in place,</p>	<p>By their very nature, privacy screens/privacy pods are very likely to impede the supervision of customers while playing on gaming machines. Much depends on their design and location within the premises, some consisting of solid, ceiling height walls.</p> <p>The Licensing Authority gives high importance to safeguarding issues associated with gambling related harm and the wider impact on society. B2 gaming</p>	<p>It is not our opinion that the comments relating to privacy screens/boothing are justified and as such no amendment required.</p>

	<p>before introducing or re-locating gaming machines. It may be necessary to apply for a premises licence variation if the layout of the premises and/or location of gaming machines changes.</p> <p>A premises licence variation application will be required if intending to include privacy screens or pods around a gaming machine in licensed premises.</p> <p>We would not agree that a full premises licence variation is required for either the movement of gaming machines, or the installation of privacy screens around gaming machines. When we re-locate machines within one of our shops, or install a pod around a machine, we would, as a responsible operator, take into consideration the suitable positioning of the machine within the premises, and the ability of staff to be able to monitor the machines fully, and we would also document this in the Local Area Risk Assessment. We would also be more than happy to discuss any concerns you may have with our approach in any individual shop, given that all shops are of various sizes and layouts, and would of course be willing to consider further appropriate measures to alleviate these concerns if the situation arose. This approach corresponds with your desired approach shown in the first part of the quoted paragraph above (considered the risk to the licensing objectives and provided information on the controls that are in place), and we therefore feel that rather than a requirement for a full licence variation if machines are moved, or pods installed, a discussion with operators regarding the</p>	<p>machines provide the majority of business within these premises and therefore their siting and screening has a direct impact on the risks presented by the premises. Therefore the requirement to make a full premises licence variation application when intending to apply screening and/or booting to machines within licensed premises and to consult with all the responsible authorities is justified because of the increased risk to safeguarding arising from the potential for a reduction in supervision capability.</p> <p>The Licensing Authority acknowledges that the Gambling Commission in its own documentation has chosen not to include any direct reference to screening and/or booting. However this is a relatively new trend and is an issue specific to premises</p> <p>As stated at Part A 14.2 'It may be necessary to apply for a premises licence variation if the layout of the premises and/or location of gaming machines changes.' The use of the word 'may' gives flexibility to this requirement. For the majority of machine re-location requests a full premises licence variation application would not be required, but it would be expected that the licence holder would discuss their plans with the Licensing Authority prior to changes being made. Where the Licensing Authority has concerns about the re-location of gaming machines in relation to the licensing objectives, a variation application would be</p>	<p>Proposal to include further clarification about the requirement for a variation application for the re-location of gaming machines: Part A para 14.2 to add to relevant bullet point: 'For the majority of gaming machine re-location requests a full premises licence variation application would not be required, but it would be expected that the licence holder would discuss their plans with the Licensing Authority prior to the changes being made. However, where the Licensing Authority has concerns about the re-location of gaming machines, a variation application would be deemed appropriate to allow consultation with all the responsible authorities.'</p>
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	<p>positioning of machines should be adequate in the first instance, if that was felt necessary.</p> <p>The Gambling Commission's own current documentation states that 'Plans must include : the boundary of the premises, external and internal walls, points of exit and entry (plus a description of where exit leads to and entry leads from)'. So, even the position of the gaming machines is not actually a requirement. We do show the positions of our machines on licence plans, and also any privacy screens around them, as we feel this is beneficial to Local Authorities, but we do not agree there should be a need to make a full variation, for the movement of a fixture which need not be shown. If there is any concern, it can be discussed without such application having to be made, and without the unnecessary costs of such an application.</p> <p>If you do agree to revise this point, then paragraph 6.2 in Part B should also be amended.</p>	<p>deemed appropriate to allow consultation with all the responsible authorities.</p>	<p>No amendment required to Part B 6.2.</p>
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