

**GAMBLING ACT 2005
DRAFT STATEMENT OF PRINCIPLES
REPRESENTATIONS RECEIVED AND PROPOSED AMENDMENT**

Made by	Representation	Proposed Amendment (if any)
Gamcare	<p><i>'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/'.</i></p> <p><i>'Consider that proposals for new gambling premises which are near hostels or other 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'.</i></p> <p><i>'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'.</i></p> <p><i>'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</i></p>	<p>No action required on this point. Teignbridge District Council is not in a position to produce a local area profile because, in the three previous years no information or data was submitted that would assist the Council in the production of such a profile.</p> <p>No action required on this point. As per the Gambling Commission's guidance to Licensing Authorities, this Authority shall pay particular attention to the protection of children and vulnerable persons being exploited by Gambling.</p> <p>No action required on this point. The Licensing Authority does expect that under the Gambling Commission's Social Responsibility Code issues in respect of a premises location are addressed in local risk assessments.</p> <p>No action required on this point. The Licensing Authority will expect all operators to have policies and procedures in</p>

	<p><i>ensure they are not able to access the premises or are supported appropriately’.</i></p> <p><i>‘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’.</i></p> <p><i>‘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’.</i></p> <p><i>‘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</i></p>	<p>place as required by the LCCP codes on social responsibility. These should cover all aspects including in particular staff training records and self-exclusion records.</p> <p>No action required on this point. The Licensing Authority are recommending that Operators when considering their risk assessments assess staffing levels to cover peak periods.</p> <p>Unlicensed family entertainment licence permit holders maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times, and they will be expected to address this.</p> <p>No action required on this point. The Licensing Authority shall pay particular attention to the protection of children and vulnerable persons being exploited by gambling. It would expect this issue to be addressed in the local risk assessment.</p> <p>Unlicensed family entertainment licence permit holders are requested to consider the design and layout of the outside of the premises to deter the congregation of children and youths.</p> <p>The Licensing Authority thanks GamCare for its response, and the information provided regarding GamCare Certified operators. The licensing process and the Gambling Act require</p>
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	<p><i>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. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk</i></p> <p><i>For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures'.</i></p>	<p>the Licensing Authority to permit gambling if it is reasonably consistent with the licensing objectives, the Gambling Commissions Guidance for Licensing Authorities and the Statement of Principles. An application that does not attract a representation is granted automatically. Otherwise a licensing sub-committee would only consider the contents of any such representation when deciding to grant a licence. Although an applicant can use their GamCare certification as a way of demonstrating the quality of player protection measures and social responsibility standards this would only be considered if these matters are relevant to the received representations.</p>
<p>William Hill</p>	<p>The representation from William Hill indicated that they have responded to one point Part A 6.1 final paragraph relating to</p> <p>'This Licensing Authority will require a full premises licence variation application where a substantial or significant variation to the premises occurs, this includes the sighting or placement of privacy screens and/or booths of any kind around any machines.'</p> <p>Although in agreement with the first part of this paragraph, we would not agree that a full premises licence variation is required for the placement of privacy screens around gaming machines. When we install such a set-up, 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. The licence conditions and code of practice (LCCP) state: <i>'Facilities for gambling must be offered in a manner which provides for appropriate supervision of</i></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 issue is specific to premises which is the responsibility of this Licensing Authority.</p> <p>The location of gaming machines is not explicitly mentioned in the Guidance to Licensing Authorities, however, given that the majority of business in premises is derived from the B2 machines, their siting and screening/booting has a direct impact on the risks presented by the premises.</p> <p>The Licensing Authority attaches a high importance to the safeguarding issues associated with gambling related harm and the wider impact on society. It believes the requirement to make a full premises licence</p>

	<p><i>those facilities by staff at all times</i>'. As a result, this subject is already covered by the LCCP, and it is clear that we must ensure that all facilities can be supervised adequately, including any gaming machine that may be situated within a privacy booth. The LCCP guidance gives you the protection that operators are required to ensure adequate supervision, and of course, 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. We would be willing to consider further appropriate measures to alleviate these concerns if the situation arose.</p> <p>There cannot therefore be the need for a full licence variation, and it is certainly not necessary so long as operators aim to act responsibly (with the guidelines already set in the LCCP), and are content to act further where there are any concerns. If there is any concern, it can be discussed without any application having to be made, which will ensure a quicker resolution.</p> <p>We would therefore request for the reference to privacy screens to be removed from this section.</p>	<p>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>It would be expected that the licence holder would discuss their plans with the Licensing Authority regarding the relocation of machines (e.g. where self-service betting terminals have been introduced which has resulted in a movement of machines). For the majority of machine relocation requests a full premises licence variation application would not be required. It would be expected that staff can properly monitor and supervise the use of these machines by children and young persons and the Licensing Authority reserve the right to request the repositioning of machines where circumstances demonstrate that it is appropriate to do so.</p> <p>It is not the opinion that the comments are justified and as such it is not proposed to amend the draft Statement of Principles.</p>
<p>Gosschalks, Solicitors on behalf of Association of British Bookmakers (ABB)</p>	<p>The ABB have indicated that :</p> <p><i>'Paragraph 13 explains the licensing authority's approach to local risk assessments. At paragraph 14.7, there is a list of bullet points that sets out matters that the licensing authority expects operators to take into account when conducting the risk assessment. This list of bullet points needs to be redrafted as it contains matters that are irrelevant as far as the local risk assessment is concerned. One of the bullet</i></p>	<p>It is not recommended that there be any redraft of this paragraph 13.7 and the list of bullet points. The local risk assessment needs to recognise the socio-economic make-up of the area in which the premises is located. It is known that certain groups are more vulnerable to gambling harm as per</p>

points within paragraph 13.7 is “gaming trends that reflect benefit payments”. This bullet point should be removed as it is impossible to see how this could be relevant to an assessment of risk to the licensing objectives unless the licensing authority has determined the persons in receipt of benefits are automatically vulnerable or more likely to commit crime. We are certain that this predetermination has not been made.

The bullet points relating to street drinking and antisocial behaviour should be removed as these are issues of nuisance and not relevant as far as an assessment of risk to the licensing objectives is concerned.

The final bullet point refers to “matters of faith”. On the basis that moral objections to gambling are not relevant, it is difficult to see how “matters of faith” can be relevant as far as an assessment of risk to the licensing objectives is concerned.

Request that all these references should be removed.’

‘Part B Paragraph 1.9 refers the reader to section 210 Gambling Act 2005. It should be clear that Section 210 provides that a Licensing Authority may not take into account the likelihood of grant of planning permission or building regulation approval when considering an application under the Gambling Act.’

<https://www.geofutures.com/research/gambling/>

There is clear evidence to show that more betting shops are located in areas of deprivation than in areas of relative affluence.

It is not the opinion that the comments are justified and as such the draft Statement of Principles will not be amended. The surrounding area of a premises and street drinkers who are potentially vulnerable persons are important factors in producing the risk assessment and appropriate mitigations.

The Authority is aware that moral objections regarding gambling are not relevant. It is included in the draft Statement of Principles to allow licence holders when completing a risk assessment to consider people gathering at such places including youth groups that may use those premises and any impact it may have on a licensed premises.

It is the opinion that the Licensing Authority will amend to include **‘there is no legal basis to refuse a licence application because it does not have planning permission. Applicants are recommended, however, to ensure that appropriate planning permissions or building regulation are obtained.’**

	<p><i>'Paragraph 1.15 relates to the Licensing Authorities imposition of conditions on premises licenses. Stating that the section would be assisted by a clear explanation that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.</i></p> <p><i>That it should go on to state that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.'</i></p> <p>Paragraph 6.1 relates to redrafting the second sentence <i>'It will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, that staff have the ability to properly prevent the use of these machines by children or young persons'</i>. As betting office is not an environment that may be entered by any person under the age of 18 and therefore should be redrafted.</p>	<p>It is not the opinion that the comments are justified as it is already included and as such it is not proposed to amend the draft Statement of Principles.</p> <p>It is not the opinion that the comments are justified this has only had <i>'so far as is reasonably practicable'</i> removed from previous document also this and as such it is not proposed to amend the draft Statement of Principles.</p>
<p>Gambling Commission</p>	<p>The Licensing Authority works closely in partnership with the Gambling Commission. Discussions with the Gambling Commissions Compliance Manager in respect of the revised Statement of Principles has led to a number of further proposed amendments which have been included as part Appendix B. These included:</p> <ul style="list-style-type: none"> • minor word changes for example the words 'monitor' replaced with 'prevent' • inclusion of hyperlinks to Gambling Commission webpages • Part B paragraph 1.22 – scale of plans to be included. 	

	<ul style="list-style-type: none"> • Part B paragraph 1.6 - Access to premises - with diagrams to assist with what is and what is not acceptable. • Part C paragraph 1.3 - additional wording relating to when a uFEC cannot be issued • Part C paragraph 1.15 – additional wording giving an example when premises are no longer uFEC or significantly changed from that originally subject of the permit. 	
<p>Licensing Committee – 5 October 2018</p>	<p>Page 13 section 6 to include a paragraph under ‘Overriding Principles’ regarding ‘Safeguarding’.</p> <p>Page 34 Part C section 1.1 to include a paragraph regarding ‘Safeguarding’.</p>	<p>The agreed paragraph to be added in both areas is’</p> <p>‘Safeguarding – provides information for licence holders and their employees to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child sexual exploitation and trafficking. More information can be found at Appendix B.’</p>