

APPENDIX 1 – Consultation responses and what we have done

Respondent	Response	Our response
Gambling Commission	<p>Hi Shawn</p> <p>Thanks for letting us have sight of this, looks good and pleased to see a good piece on local risk assessments.</p> <p>Just one suggested amendment if I may around Betwatch, it's a tweak to reflect that the industry uses the term problem gamblers to define people with gambling addictions rather than those committing crime / ASB and also maybe remove "encourages" to make it an expectation that where there is a scheme in place they will participate? Bearing in mind the schemes only operate where there are problems I'd think that's reasonable.</p> <p>Suggested wording for consideration below:</p> <p>"Betwatch - There are a number of established Bet-Watch schemes across the City and the licensing Authority expects encourages operators to attend and support their local scheme where one has been created to share information and discuss issues around individuals committing criminal / antisocial behaviour within and around gambling premises."</p> <p>Thanks</p>	<p>The suggested amendment made by the Gambling Commission has been incorporated into the post consultation draft Statement of Principles</p>
GamCare	<p>Thank you for your email, we appreciate your interest in our work.</p> <p>While we do not have the resources available to allow us</p>	

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	<p>to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the Gambling Commission.</p> <p>The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.</p> <ul style="list-style-type: none">• 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/• Consider that proposals for new gambling premises which are near hostels or other	<p>A local authority area profile is to be produced and this and published as soon as possible.</p>
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	<p>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.</p> <ul style="list-style-type: none">• 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.• 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?• 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	<p>The principle of local risk assessments has been included in the new draft Statement of Principles</p>
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	<p>pubs, bars and clubs.</p> <ul style="list-style-type: none">• 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.• Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so. <p>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. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk</p> <p>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.</p> <p>If there is anything else we can assist with please do let us know.</p>	
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<p>HM Revenue and Customs</p>	<p>As one of the responsible authorities quoted in your appendices can I ask you to amend our postal contact address to:-</p> <p>HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom</p> <p>Our contact telephone number is now 0300 322 7072 Option 7.</p> <p>Our email address remain the same, NRUBetting&Gaming@hmrc.gsi.gov.uk</p>	<p>The contact address has been amended</p>
<p>Local Councillor</p>	<p>In reference to location I would prefer the inclusion of areas of high social and economic deprivation as a factor which may mean that an application may not be reasonably consistent with the principles of the licensing objectives. I am concerned at the impact such institutions have on poorer communities. It is evident that the net result of gambling venues is to further exacerbate deprivation.</p> <p>I would also welcome restrictions on licences being granted unless the applicant can provide evidence of a substantial contribution towards supporting individuals with gambling problems but also wider education efforts.</p> <p>Finally I would wish to see some restriction on both the volume and value of bets being able to conducted on</p>	<p>This will be covered by the Local Risk Assessment each premises will be required to supply in future.</p> <p>There is within the Act a statutory aim to permit licensing however each premises must comply with the Gambling Commissions Social responsibility Code.</p> <p>National restrictions on the value of bets on Fixed Odds betting</p>

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	machines.	Terminals are due to come into effect in April 2019
member of the public	<p>At Part A of the guidelines at paragraph 2 "Introduction" it states that the Licensing Authority recognises that properly regulated gambling contributes to the growth of the City's local economy." There is no evidence provided to substantiate this assertion. Please would the Local Authority publish in the public domain the evidence to substantiate this assertion and confirm its source.</p> <p>On page 4 of the guidelines it states that the Safe Guarding Children's Board and Members of Birmingham's Licensing and Gambling Forum were not consulted. What were the reasons that they weren't consulted?</p> <p>On page 6 entitled "Interested Parties" they are described as those who "live sufficiently close to the premises to be likely affected by the activities being applied for". Why does there need to be a physical proximity regulation for someone to be classed as an interested person? Gambling and the introduction of a gambling establishment into an area affects the whole community. For instance, relationship breakdowns due to problem gambling and crime related to gambling habits.</p> <p>When the description of an "interested person" above is</p>	<p>This has been removed.</p> <p>The safe Guarding Children's Board removed themselves as a responsible authority in 2016; they have been replaced by the Child Protection, Performance and Partnership, who were consulted. The Licensing and Gambling Forum no longer exists.</p> <p>The requirement to live sufficiently close to a premises is written into the Act so cannot be removed. We do not give the interests of local businesses higher priority over local residents and residents can make objections without going through their local councillor.</p>

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	<p>contrasted with those who "have business interests" where the description will "have the widest possible interpretation", there is an inequality in relation to those who the licensing authority with consider evidence from.</p> <p>From the above descriptions of "interested parties" and those who "have business interests" it is quite clear that an individual resident of an area will not have the same rights as those who have business interests. Individual residents should not need to put their submissions through councillors and the description of an "interested party" should have the "widest possible interpretation" too.</p> <p>Further, the requirement for an "interested party" to "live sufficiently close to the premises to be likely affected by the activities being applied for" should be deleted from the guidelines</p>	
Frankley Neighbourhood forum	<p>As a caring society we make it difficult for people to self harm, tobacco, alcohol, drugs, seat belts etc. Logically the same principle should apply to gambling. Like all self harming the damage is not confined to the self harmer. Logically and perhaps socially this is the justification for restricting self harming hence I support restricting gambling.</p>	<p>We cannot restrict Gambling as there is within the Act a statutory aim to permit licensing however each premises must comply with the Gambling Commissions Social responsibility Code.</p>
Novomatic UK	<p>Thank you for the opportunity to make comments on the above consultation. On behalf of Talarius Limited and Luxury Leisure, I make the following points in relation to the consultation draft (the "Draft"):-</p>	

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	<ol style="list-style-type: none"> 1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the “Act”) it is subject to the Regulators’ Code. The code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. We suggest that reference is made in the Draft to the Code’s application to the Authority’s activities under the Act. 2. Para 5 page 6: As is confirmed at part C 1(i), moral objections to gambling are not valid reasons to reject an application for a premises licence. We are unsure how this sits with para 5 for the Draft and in particular, which “business interests” of faith groups might be affected by the activities – putting aside any moral objections to what is a legal activity. We would therefore suggest the removal of such bodies from the example of those with business interests that might be affected and therefore qualify as an Interested Party. 3. Part B page 11- third licensing objective: As the Authority appreciates, children are legally permitted to take part in limited types of gambling (Category D 	<p>The Regulators’ Code has to be considered in all of our regulatory activities and so there is no need to specifically mention it in the Statement of Principles.</p> <p>There is no reason that a faith group cannot have a business interest. That might be because of schemes run by the group in the area, such as play groups, or charity work relating to gambling. The City Council fully understands the difference between a moral objection and a business interest.</p> <p>Amended to include limited exemptions.</p>
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	<p>machines) and plainly therefore, the reference to preventing children from taking part in gambling entirely, is not quite correct and we suggest it is amended.</p> <p>4. Part C page 13: the concept of “primary gambling activity” as set on in the LCCP has been removed. Instead the relevant provisions are at SR Code provision 9.</p> <p>5. Part C (iii) page 15, page 17 and page 29: We refer to the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement if the premises are “not yet complete” or that applications can only considered for “finished buildings” as suggested in the Draft. It was held by the court that the then current Guidance issued by the Commission was wrong. The Guidance was subsequently amended. We suggest that this is reflected in the Draft.</p> <p>6. Part C page 21: The Local Risk Assessment (LRA) is a creature of the LCCP as is acknowledged in the opening paragraph of this section on page 19. It is not a requirement of the LCCP that the LRA <u>must</u> be kept on the individual premises. While that may be sensible and best practice, it is not what the LCCP states or</p>	<p>Primary Gambling Activity removed and referral to the specific codes made instead.</p> <p>Page 15 suggests that applicants <i>should</i> not apply for a provisional statement rather than they <i>must</i> and this remains the case. Page 17 has been amended; page 29 remains as the 5th edition of the GLA still contains advice on provisional statements.</p> <p>We recognise that this is sensible and best practice and so require a copy to be kept on site.</p>
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	<p>requires.</p> <p>7. Part C 2 page 22: We do not understand the reference to the “physical separation of areas” in the context of AGCs.</p> <p>8. Part C 6 page 25: We do not understand why the bullet points re internal signage and appropriate staff training set out for AGCs are not considered relevant for Betting premises, or that for staff training is not relevant for Casinos or Bingo premises.</p> <p>9. Part D 1 paragraph 2 page 32: We suggest that it would be helpful to note in the first paragraph that only Category D gaming machines are permitted in UFECs</p> <p>We hope that the above proves useful. If you have any questions, please to not hesitate to contact us.</p>	<p>We would expect something physical to prevent children gaining access to those areas that contain adult only gaming machines.</p> <p>The lists are not exhaustive, merely an indication of measures we would expect. Staff training would be appropriate for all venues and has been added to the lists, but internal signage is not always necessary.</p> <p>Agreed and amended accordingly</p>
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