

Appendix D

West Devon Borough Council

STATEMENT OF PRINCIPLES (Gambling Act 2005) CONSULTATION RESPONSE

NAME OR ORGANISATION	COMMENTS	APPRAISAL	SUGGESTED AMENDMENTS
<p>Catherine Sweet Head of Marketing and Communications on behalf of GamCare</p> <p>GamCare is the leading provider of information, advice, support and free counselling for the prevention and treatment of problem gambling.</p> <p>Whilst providing general information, the e-mail from GamCare provides six specific comments on the Council's proposal which are detailed in the next column.</p>	<p>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/</p>	<p>West Devon Borough Council has decided at this time it is not in a position to produce a local area profile. 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>	No amendment required.
	<p>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.</p>	<p>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>	No amendment required.
	<p>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</p>	<p>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>	No amendment required – Part B section 1.13 of the policy lists the Licensing Authority's expectations of local risk assessments.

	<p>challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.</p> <p>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?</p> <p>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.</p> <p>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.</p> <p>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> <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</p>	<p>The Licensing Authority believes it is vital that gambling operators have robust policies in place for identifying and protecting children and vulnerable persons from gambling related harm and exploitation</p> <p>The Licensing Authority recommends that Operators when considering their risk assessments assess staffing levels to cover peak periods.</p> <p>The Licensing Authority would expect this issue to be addressed in the local risk assessment and pays particular attention to the protection of children and vulnerable persons being exploited by gambling.</p> <p>The Licensing Authority agrees that promotional and advertising material could attract children and vulnerable people to gambling premises.</p> <p>The Licensing Authority appreciates the response the information provided regarding GamCare Certified operators. The licensing process and the Gambling Act require the Licensing Authority to permit gambling if it is reasonably consistent with the licensing</p>	<p>No amendment required – Part A Section 15 and Appendix C provide advice to operators and information on the Licensing Authority's expectations in relation to the protection of children and vulnerable people.</p> <p>No amendment required – Part B Section 1.13 lists the expectations of local risk assessments.</p> <p>No amendment required – Part B Section 1.13 includes the requirement that the layout of a premises is included in a local risk assessment.</p> <p>No amendment required – Part B 1.6.2 states that where gambling premises are located in sensitive areas the Licensing Authority will consider imposing restrictions on advertising gambling facilities.</p> <p>No amendment required.</p>
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	responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice.	objectives, the Gambling Commissions Guidance for Licensing Authorities and the Statement of Licensing Policy. An application that does not attract a representation is granted automatically. 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 any received representations.	
Janet Marron Excise Processing Team HM Revenue & Customs (HMRC)	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.	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.	Appendix A updated as requested.
Gosschalks Solicitors on behalf of the Association of British Bookmakers (ABB) 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.	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	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. 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	It is not our opinion that the comments relating to privacy screens/boothings are justified and as such the no amendment required.

	<p>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>Paragraph 15.4 refers to groups “where the evidence base for vulnerability is strongest”. This section then indicates that evidence suggests that ethnic groups, persons of youth, persons of low IQ, individuals who engage in substance abuse/misuse and those with poor mental health are vulnerable. This is an over simplification. It cannot be the case that every person who is young or a member of an ethnic minority group is automatically vulnerable. It is not helpful to prescribe who is vulnerable as any individual has the potential to be vulnerable. Betting office staff are trained to observe behavioural indicators of problem gambling and will use this training rather than simply the assessment of somebody’s age or ethnicity to make judgements. We submit that the list of bullet points should therefore be removed.</p>	<p>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>Part A 15.4 does not suggest that all persons in the specified groups are vulnerable, nor that it is an exhaustive list of all vulnerable persons. It states that, according to research, ‘the evidence base for vulnerability is strongest’ within these groups. There is no implication that betting office staff should presume all persons in these groups are vulnerable, but that an awareness of the groups that are most at risk may be helpful when assessing vulnerability.</p> <p>The information in Part A 15.6 was obtained from the Local Government Association (LGA) publication ‘Tackling Gambling Related Harm – a whole council approach’,</p>	<p>The information was obtained from the Gambling Commission’s briefing paper for Local Authorities and local Public Health providers in February 2018 called ‘Gambling-related harm as a public health issue’. This data was obtained from https://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/ - which is the resource recommended by GamCare – see above. As such, the Licensing Authority is satisfied that the information is accurate and relevant and no amendments are necessary.</p> <p>Proposed amendment at Part A para 15.6: ‘Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without</p>
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	<p>Subsequently, paragraph 15.6 refers to gambling related harm. It is important that this is put into context and the Statement of Principles should be clear that problem gambling rates are running at below 1%.</p> <p>Paragraph 1.9 of Part B explains the licensing authority's approach to the imposition of conditions on premises licences. This section would be assisted by a clear statement that the Gambling Commission's view is that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The Statement of Principles should be clear 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.</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,</p>	<p>July 2018. Elsewhere in the document it states that '0.7% people are problem gamblers'. To make this paragraph more balanced it is proposed to include two additional sentences at the start – see next column.</p> <p>The Licensing Authority has no intention of imposing conditions on a premises licence where there is no evidence for the need to do so. Conditions are not placed on premises licences arbitrarily, as Part B para 1.9.2 states 'Decisions about individual conditions will be made on a case by case basis...'. For further clarification, it may be helpful for operators to make clear that additional conditions would only be placed on premises 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</p>	<p>exhibiting any signs of problematic behaviour. Currently 0.7% of the population are problem gamblers. While this may seem like a low figure, gambling related harm can have a severe negative impact on the individual involved, the impact of problem gambling also extends beyond individual gamblers themselves.'</p> <p>Proposed additional paragraph at Part B para 1.9.1: 'In most cases the mandatory and default conditions are sufficient to ensure operation that is reasonably consistent with the licensing objectives. Additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives.'</p> <p>No amendments required.</p>
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	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.	due to the easier access to funds and the potential for money laundering.	
Brian Minihane National Licensing & Development Manager for William Hill	<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, 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. 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</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 bothing 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</p>	It is not our opinion that the comments relating to privacy screens/bothing are justified and as such no amendment required.

	<p>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 positioning of machines should be adequate in the first instance, if that was felt necessary. 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>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 deemed appropriate to allow consultation with all the responsible authorities</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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	If you do agree to revise this point, then paragraph 6.2 in Part B should also be amended.		No amendment required to Part B 6.2.
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