

## APPENDIX 2

## GAMBLING CONSULTATION RESPONSES

Date Received	Agency	Response to Consultation	Action Taken
6 July 2018	BACTA	<p>General Request</p> <ul style="list-style-type: none"> <li>• Consultee requested to speak to someone about the Local Area Profile and use of the maps</li> </ul>	<p>Request resolved</p> <ul style="list-style-type: none"> <li>• Licensing Enforcement Officer contacted the consultee to explain the local area profile and use of the maps. The consultee was unable to view the overlapping data sets on the map, when used in conjunction with each other. This technical issue was resolved with the Intelligence unit who had created the maps in the first instance.</li> </ul>
6 July 2018	Gamcare	<p>Provides a general list of factors to consider:</p> <ul style="list-style-type: none"> <li>• Provide a risk map</li> <li>• Consider vulnerable persons/places when making decisions on new gambling premises applications</li> <li>• Local risk assessments to be provided by gambling premises</li> <li>• Appropriate staff Training and support</li> </ul>	<p>Checked and considered</p> <ul style="list-style-type: none"> <li>• Introduced in latest version of policy in relation to local Area Profile maps</li> <li>• Introduced in latest version of policy in relation to local risk assessments and Local Area Profiles.</li> <li>• Local risk assessments must be provided by gambling premises</li> <li>• At all times, operators must be able to demonstrate that staff are</li> </ul>

		<ul style="list-style-type: none"> <li>• Adequate staff and managers at premises</li> <li>• Layout, lighting &amp; fitting out of premises</li> <li>• Promotional Material</li> </ul>	<p>competent in all areas/receive appropriate training/support in relation to all areas of gambling</p> <ul style="list-style-type: none"> <li>• Already in place in relation to local risk assessments and to be introduced in relation to Local Area Profiles</li> <li>• Already in place in relation to local risk assessments</li> <li>• Already in place in relation to local risk assessments and legislation</li> </ul>
7 July 2018	Councillor	<p>Comments made</p> <ul style="list-style-type: none"> <li>• No further licences to be issued</li> <li>• Existing licences monitored</li> <li>• Prominently display risk of irresponsible and compulsive gambling</li> </ul>	<p>Responses to comments</p> <ul style="list-style-type: none"> <li>• The Act does not permit the LA to restrict this. A risk assessment is required to determine whether a new location is suitable but the LA must aim to permit.</li> <li>• Risk based annual inspections undertaken and complaints investigated</li> <li>• We are unable to ask operators to display this information. This would be done on a risk based basis by the operator</li> </ul>

		<ul style="list-style-type: none"> <li>• Signpost Gamblers</li> <li>• Underage restrictions</li> <li>• Restrictions for large sums of betting</li> </ul>	<ul style="list-style-type: none"> <li>• All gambling premises have signposts for problem gamblers</li> <li>• All premises already have prominent displays which prohibits under 18's from entering premises</li> <li>• This will be risk assessed by each individual premises based on the issues identified in a particular customer.</li> </ul>
18 July 2018	Planning Officers	<p>Minor amendments requested</p> <ul style="list-style-type: none"> <li>• Para 1.3 clarify the vision and priorities are from the borough plan</li> <li>• Para 4.2.3 typo local crime</li> <li>• Para 5.5.1 Issues with navigating to map <a href="http://www.linktomaps.com">www.linktomaps.com</a></li> <li>• Formatting AGC table incorrect</li> </ul>	<p>Undertaken</p> <ul style="list-style-type: none"> <li>• Amendment made</li> <li>• Typo amended</li> <li>• Issues with link now resolved</li> <li>• Formatting corrected</li> </ul>
25 September 2018	Gosschalks on behalf of Association of British Bookmakers (ABB)	<p>Comments and amendments requested</p> <ul style="list-style-type: none"> <li>• The gambling principles should simply outline the principles the LA will apply when exercising its functions.</li> </ul>	<ul style="list-style-type: none"> <li>• The Statement has not been changed based on Counsel's advice. The Counsel's advice is 'The literal approach taken by ABB would mean that The Licensing Authority could not set out the population of its area, or point out the health characteristics of its population. There is nothing in the statutory</li> </ul>

		<ul style="list-style-type: none"> <li>• The executive summary is critical and inconsistent with the LA's duty contained in S.153 of the GA that it should 'aim to permit'. The exec summary should remove all pejorative (judgemental) statements and introduce the policy on the basis that each application will be judged on its own merit with the authority aiming to permit.</li> <li>• The figures quoted in the exec summary are from the Campaign for Fairer Gambling. There is no evidence to support the figures or the extrapolated (generalised) figures thereafter.</li> <li>• The 'aim to permit' principle mentioned too late in the policy (pg 17) it should be under 'statutory framework' para 2.4.</li> <li>• References to the LA seeking to promote the licensing objectives. Under the GA LA's required to 'have regard' to the objectives. No requirement for LA or applicant to seek to promote the objectives. Granted licences required to be reasonably consistent with the objectives. References to promoting the objectives should all be re-drafted (paras 2.8.3, 3.18, 3.3.3 and 5.7.3)</li> </ul>	<p>provisions that require such a narrow approach by the Licensing Authority.'</p> <ul style="list-style-type: none"> <li>• This aspect of the executive summary remains unchanged based on Counsel's advice which is 'the summary is neither irrational nor unlawful to point out gambling related harms...'</li> <li>• References related to 'Campaign for Fairer Gambling' have been removed.</li> <li>• The 'aim to permit' is now stated earlier in the Statement.</li> <li>• The Statement has been amended to read 'have regard to'.</li> </ul>
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		<p>&amp; procedures in place to meet operating licence conditions. This is unnecessary, the GC would be satisfied of these matters when granting the operator's licence. The LA should not trespass on matters for the GC, unless there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that would make these policies and procedures relevant considerations.</p> <ul style="list-style-type: none"> <li>• Para 4.6.1 – the penultimate bullet point referring to antisocial behaviour &amp; nuisance should be deleted – not a relevant consideration for a GA applications.</li> <li>• Para 5.2 'Concerns surrounding fixed odds betting terminals' to be deleted. This is a matter of opinion and has no place in the SOP. Also, no evidence to support Campaign for Fairer Gambling's figures and unclear where the figure 1.4% of the adult population having played virtual gaming came from. Unsubstantiated.</li> </ul>	<p>has been improved by adding a few words – <i>'In order that this Authority may make proper informed judgement as to the effectiveness of these policies and procedures at the premises and in the locality concerned, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered on their own merit.'</i></p> <ul style="list-style-type: none"> <li>• The Counsel's advice is <i>'There is nothing wrong with this. It refers to young people who are protected by the licensing objectives.'</i> Therefore, the paragraph remains unchanged.</li> <li>• Counsel's response is that the licensing authority is entitled to be concerned about FOBTs and their association with harm. Hence, the statement remains unchanged in relation to</li> </ul>
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26 September 2018	William Hill	Comments and amendments requested	

		<ul style="list-style-type: none"> <li>• Para 5.2.1 – Do not believe estimates from a lobbying group (Campaign for Fairer Gambling) should be used as they are incorrect. These figures should be removed.</li> <li>• Paras 5.3.4 &amp; 5.3.5 – Estimates in these paras are countrywide and there is no benefit of them being in a local policy. These paras and the tables below should be removed.</li> <li>• Para 5.5.4 &amp; 6.1.2 are contradictory. 5.5.4 Identifies areas as the ‘most deprived’ and would be inappropriate for further gambling premises whereas 6.1.2 states the ‘aim to permit’. All premises should be treated on own merits there should not be any ‘no go zones’. A relocation of an existing premises where the operator had run the premises well, and proposed to provide a similar facility in the same area should not be rejected, the para goes on to suggest that the application should not even be considered. This is not the correct approach based on the ‘aim to permit’ principle.</li> <li>• Para 7 – Licence Conditions – It should be made clear that the conditions <i>could</i> be added to the licence. Current text may suggest that they apply to all existing premises.</li> <li>• Para 8.7 – Refers to additional protections for the vulnerable, to include removing</li> </ul>	<ul style="list-style-type: none"> <li>• References to Campaign for Fairer Gambling have been removed.</li> <li>• Paras have been amended.</li> <li>• Counsel feels that the Licensing Authority is concerned about problem gambling in deprived communities and is entitled to reflect this in its policy. The para is strengthened by adding ‘<i>Nevertheless any application made in such an area will be determined on its individual merits</i>’.</li> <li>• Para amended.</li> </ul>
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27 September 2018	Salvation Army	<p>Amendments requested &amp; comments made</p> <ul style="list-style-type: none"> <li>Welcomed the fact that the Salvation Army was consulted but would ask the LA to broaden the consultation list to more faith groups.</li> <li>Para 2.8.2 – this para is welcomed.</li> <li>Comments in paras 3.18, 3.3.3, 4.1.1, 4.4, 5.6.2, 5.6.3, 6.4, 6.5.1, 6.12.1, 6.15, 6.17, 7.1.2, 7.1.3, 7.1.5 and 8. References that gambling premises should not be cited close to schools is welcomed.</li> <li>Para 3.18 – Councils commitment to prevent gambling from becoming a source of crime or disorder and protection children &amp; vulnerable people is welcomed. But further recommendations made: <ul style="list-style-type: none"> <li>Self-barring schemes – would welcome high levels of supervision over machine areas and excellent staff training.</li> <li>Would recommend stringent door controls to ensure children don't gamble and that door supervisors</li> </ul> </li> </ul>	<p>Comments noted</p> <ul style="list-style-type: none"> <li>No response required – positive comment</li> <li>No response required – positive comment</li> <li>No response required – positive comment</li> <li>Self- barring schemes – these already exist in all gambling premises</li> <li>Stringent door controls and door supervisors – All gambling premises have prominent displays which prohibits children from entering the premises. The LA cannot request that gambling premises supply door supervisors unless a review is undertaken based on</li> </ul>

		<p>are made compulsory at gambling premises and that they are all CRB checked.</p> <ul style="list-style-type: none"> <li>○ Encourages all Councils to consider insisting that all gambling premises staff are CRB checked as well as specialist training on dealing with underage children and vulnerable persons</li> </ul> <ul style="list-style-type: none"> <li>• 5.2 &amp; 5.5.4 – Comments noted and welcomed as have concerns over the impact of FOBT machines.</li> <li>• ATM's should not be cited inside licensed premises, but if they are they should be in a designated 'non gambling' area.</li> <li>• Note that Brent has not passed 'no casino' resolution. (8.4.1)</li> </ul>	<p>evidence that there are issues with children entering the premises</p> <ul style="list-style-type: none"> <li>• The LA cannot request that gambling premises carry out CRB checks on all staff unless a review is undertaken based on evidence that there are issues within the premises which can be associated to staff. Training is based on local risk assessments which would identify particular issues with children in the area and ways to combat this.</li> <li>• No response required – positive comment</li> <li>• The LA cannot prevent ATM's from being cited in premises but there is already a restriction in place that prevents persons from gambling and withdrawing money simultaneously.</li> <li>• No response required</li> </ul>
2 October 2018	Gambling Commission	Minor amendments to be made	Undertaken

		<ul style="list-style-type: none"><li>• Link to gaming prizes instead of table in policy</li><li>• Include statement that stipulates that all gambling premises will hold a local risk assessment at the premises.</li></ul>	<ul style="list-style-type: none"><li>• Links to gaming prizes changed</li><li>• Statement included</li></ul>
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