

Gambling Act Draft Licensing Policy Consultation

A six week consultation was launched (with responses to be submitted by 29th August 2021), which consisted of letters and emails to local businesses and residents who have requested to be informed of our consultations. A webpage containing a link to the Draft Gambling Act Licencing Policy document, including the Licensing Conditions was publicised and a media release was issued on 23rd July 2021.

Approximately 350 letters and emails were sent out to giving direct notification to local residents and businesses and the information was forwarded to the Southend Business District, which includes a number of business in and around the Town Centre. Relevant bodies enforcing the Act and supporting vulnerable groups were also consulted, as were all those specifically required by the Gambling Act 2005 (the Act)

The results to date:-

A total of 8 respondents have responded to the consultation, no actual questions were set as we wanted responses and opinions on the content within the draft policy. Respondents were also given the opportunity to say if they agreed with the policy. So far the vote is yes -4, no -3 Below are the comments received in full.

Comments	
Resident	Licensing Authority (LA) Response
<p>Should be looked at as part of the Poverty prevention strategy. Gambling is a route to poverty. It is far too easy for people to become addicted to gambling and become in debt. The only person to ‘win’ at slot machines is the person who owns the machine.</p>	<p>The purpose of the Statement of Licensing Policy is to set out the principles by which Southend-on-Sea Borough Council, as the Licensing Authority under the Gambling Act 2005 intends to apply in discharging its functions to licence premises for gambling under the Act. Section 153(1) of the Act states “In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it— (a)in accordance with any relevant code of practice under section 24,</p>

<p>Far too many slot machines are used as a cover for criminal activities eg money laundering. Many slot machine arcade owners have to 'pay' protection money to criminals unless of course its criminals that own the arcade! Quite frankly there is already enough ways to lose ones rent money in Southend with out more being added to the list</p>	<p>(b)in accordance with any relevant guidance issued by the Commission under section 25, (c)reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and (d)in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c))."</p> <p>While the act sets out the protection of the vulnerable as an objective and this will be taken into account when judging an application in accordance with Section 153(c), the correct policy to address problem gambling would be Public Health's (PH) Reducing Harmful Behaviors strategy. This policy specifically addresses Gambling issues and a member of the licensing authority sat on the panel which created that document. In addition the LA produces a Local Area Profile for use of applicants in risk assessing the impact of their application and for use by existing licensees in their assessments. Included within this is PH data on depravation.</p> <p>Essex Police are a designated 'Responsible Authority' under the Act. This gives them the power to review a licence where there is evidence that it is linked with criminal activity</p> <p>Outcome – No Change</p>
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Resident	Licensing Authority (LA) Response
<p>We already have three casinos around the Southend seafront area. so i do not want anymore built or commissioned.</p> <p>Along the pier area we have slot machines so this is plenty. There are also betting shops darted around the various high streets. I do not want anymore gambling set up within the borough.</p>	<p>There are 4 casino licences, one is 'dormant'. In order for more to be built, a change to the Act would be required. The LA have no power to allow more than the current limit of 4</p> <p>Section 153 of the Act is specific in stating that 'need' cannot be taken into account when deciding an application. In 2015 the Government moved betting and payday loan shops out of the A2 planning class and into the 'sui generis' class. This means that planning permission is now required before a building can change to either of these uses; thus local authority controls on number of premises will be via the planning regime rather than the licensing one. The LA has no power to cap the number of arcade or betting premises.</p> <p>Outcome – No Change</p>
Resident	Licensing Authority (LA) Response
<p>Disagree with language literature statement; only English should be used.</p> <p>'Bricks & Mortar' gambling establishments within Southend should be: . limited to a specific number, i.e., no more than five (5) different venues with</p>	<p>The LA believes that making such literature available in languages other than English may assist readers in making reasoned decisions about gambling by way of having a better understanding. A study by GambleAware in 2020 found that minority ethnic groups are usually the ones who are disproportionately affected by gambling-related harm. The 'statement' accords with the licensing objective of 'Protecting the Vulnerable'.</p> <p>Section 153 of the Act is specific in stating that 'need' cannot be taken into account when deciding an application. In 2015</p>

<p>final permission granted only by the Council; . restricted to a specific vicinity/area - for oversight and the containment of gambling Rationale: Public access to online gambling is already exceedingly prevalent; making 'Bricks & Mortar' gambling establishments less relevant</p>	<p>the Government moved betting and payday loan shops out of the A2 planning class and into the 'sui generis' class. This means that planning permission is now required before a building can change to either of these uses; thus local authority controls on number of premises will be via the planning regime rather than the licensing one. The LA has no power to cap the number of arcade or betting premises.</p> <p>Online Gambling is regulated by The Gambling Commission. We have seen a reduction in the number of betting shops since the last policy was published.</p> <p>Outcome – No Change</p>
<p>GambleAware - Charity</p>	<p>Licensing Authority (LA) Response</p>
<p>Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.</p> <p>Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published interactive maps useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.</p> <p>GambleAware also strongly commends two 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>The maps will be incorporated into the local area profile document</p> <p>The LA is aware of and uses these publications</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>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the National Gambling Helpline on 0808 8020 133 and also www.begambleaware.org. Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.

Signposting would come via support agencies rather than the policy itself

Outcome – no change to policy, but an update to the Local Area Profile.

Member of Southend Council

I wondered if the two points below are contradictory with the first suggesting one other prominent first language, whereas point two (that was highlighted as new) states other language(s). I think in a multi cultural area it would be reasonable to expect more than one other language to be covered but I am

Licensing Authority (LA) Response

This point is accepted and the two sections will be combined in to one clearer section to read as follows:

“14.13 - Where an area has a high proportion of people who do not have English as their first language, The Licensing

unsure if there is discretion on the part of the operator on which languages to include?

14.13 - The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality
14.20 - Where an area has a high proportion of people who do not have English as their first language, The Licensing Authority will expect this to be reflected in the local area risk assessment. The provision of gamble awareness literature in languages other than English should be considered.

With regard to unlicensed family entertainment centres I wondered if there was an identified age under which 'very young children' are considered, to reduce ambiguity or interpretation associated within the context of

25.3 Training covering how staff would deal with:- unsupervised, very young children being on the premises, children causing perceived problems on/around the premises, or suspected truant children

Also I wondered if there is any requirement in this context to have notices up for the public about who to contact if you are worried about the welfare of a child?

Authority will expect this to be reflected in the local area risk assessment. The provision of signage and documents relating to games rules, gambling care providers and other relevant information being provided in both English and the other prominent first language(s) for that locality should be considered"

In regard to section 25.3 The LA are not empowered to make rules or add conditions to UFEC premises and therefore can only give guidance and list expectations which in turn will unfortunately allow for ambiguity. There is no definition in Gambling law of 'very young children'. Therefore to remove any doubt a change of the term to 'Children' by removing 'very young' will be made.

This section will be reworded as follows:

"25.3 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

	<ul style="list-style-type: none">• A basic Disclosure & Barring Service check or equivalent criminal record check for the applicant and the person(s) having the day to day control of the premises;• Proof of age schemes;• Displaying details of contact numbers advising the public of agencies to whom can report concerns in respect to children;• How the applicant proposes to ensure that children will be protected from harm whilst on the premises; • Training covering how staff would deal with:-<ul style="list-style-type: none">➤ Unsupervised children being on the premises,➤ children causing perceived problems on/around the premises, or➤ suspected truant children <p>In addition applicants should be able to demonstrate a full understanding of maximum stakes and prizes (and that staff are suitably trained in this respect)</p>
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