

Gambling Act Draft Licensing Policy Consultation

A six week consultation was launched on 19th July 2021 (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. A total of 165 people accessed the web campaign, of that 58 were informed which indicates they had visited the project page and viewed the survey and documents, 127 people were aware (clicked on the project page) but chose not to comment or look at the survey or supporting documents

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:-

A total of 11 people 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. 57% agreed. 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—</p>

<p>Far to 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>(a)in accordance with any relevant code of practice under section 24, (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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<p>Resident</p> <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>Licensing Authority (LA) Response</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>
<p>Resident</p> <p>Disagree with language literature statement; only English should be used.</p>	<p>Licensing Authority (LA) Response</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>'Bricks & Mortar' gambling establishments within Southend should be: . limited to a specific number, i.e., no more than five (5) different venues with 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>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>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>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>Licensing Authority (LA) Response</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>

<p>https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approachhttps://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales</p> <p>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.</p> <p>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.</p>	<p>Signposting would come via support agencies rather than the policy itself</p> <p>Outcome – no change to policy, but an update to the Local Area Profile.</p>
<p>Member of Southend Council</p>	<p>Licensing Authority (LA) Response</p>
<p>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</p>	<p>This point is accepted and the two sections will be combined in to one clearer section to read as follows:</p>

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?

"14.13 - 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 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>
Kings Money Advice Centre	
<p>Please consider the below the response to the consultation on Southend’s Gambling Policy from King’s Money Advice Centre, Southend: We are a charitable debt advice centre, authorised and regulated by the Financial Conduct Authority and working mainly in the Blenheim/St Lawrence wards of Southend. Just over 20% of our current/recent clients have issues with gambling that have led directly to their financial problems and contributed to their unsustainable debts. Their whole lives (including housing, relationships, ability to work, mental health) have been shaped by</p>	

gambling- unequivocally negatively. All of these clients would fall into the 'vulnerable' category described in this policy.

As such, we are encouraged by the consideration the policy places upon awareness of and potential protections for vulnerable people. There are, however, several general points we wish to draw attention to. In the first place, it is worth saying that the biggest problem our clients face is simply plenty of opportunity to gamble, and so our general perspective would be that the fewer permits awarded/premises licensed, the better for our town. It is all very well keeping such premises away from 'centres for gambling addicts' (at 14.20), but gambling addicts do not spend all their time at such a place. The fewer premises that are licensed, the fewer opportunities for vulnerable people like our clients to gamble.

We also note (at 19.2) that there is no resolution 'not to issue new licences for casinos', and would encourage the Licensing Authority to consider passing such a resolution, for the same reason.

Secondly, we would urge the Licensing Authority to place great weight on the consideration of the needs of vulnerable people when making their decisions (as necessitated by the wording of 14.8 and 14.12 for example), and when inspecting premises to ensure that the protections planned are actually put in place. As we said above, we are encouraged by the inclusion of these provisions, but we just wanted to take the opportunity this consultation provides to share from our experience working with vulnerable people in Southend; paying only lip service to these provisions would impact lives incredibly negatively. In short, there would inevitably be consequences for individuals and families across the borough and for the service providers that will end up having to pick up the pieces for these vulnerable people. If not enough protection for vulnerable people is provided, there would be a net

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 gambling premises.

In order for more casinos 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 thus a resolution would be superfluous.

In the 2017 review of the policy the LA introduced the concept of Local Area Risk Assessments (LARA) for new applications. In 2019 this was expanded to include existing licensed premises. 14.12 supports the protection of the vulnerable in stating "In every case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected". When considering any application the LARA would be reviewed by officers and where appropriate the application would be considered at hearing. Inspections include a review of the LARA and that the protections in it are in place.

<p>cost for our town, rather than any benefit, and we believe this must be borne in mind.</p>	<p>Outcome – No Change</p>
<p>Port of London Authority</p>	
<p>Thank you for consulting the Port of London Authority (PLA) on Southend-on-Sea Borough Councils latest draft of its gambling licensing policy. I have now had the opportunity to review the draft policy and can confirm that the PLA has no comments to make.</p>	<p>Outcome – No Change</p>
<p>The Licensing Committee</p>	
<p>The Licensing Committee reviewed the proposed changes at a meeting of the full committee on 16th August 2021.</p> <p>Whilst noting the proposed revisions, the Committee felt that the wording of the first two bullet points under section 26.4 of the revised policy should be amalgamated and reworded to enable those premises unable to position the machines in sight of the bar an acceptable alternative.</p> <p>Resolved:- That the Cabinet be recommended that the Revised Statement of Gambling Licensing Policy be adopted subject to the following amendment:</p> <ul style="list-style-type: none"> • The first two bullet points under section 26.4 be amalgamated and reworded as follows: <p>“Adult machines being in sight of the bar or in sight of staff who will monitor that the machines are not being used by those under 18;”</p>	<p>Agreed.</p> <p>Outcome - The first two bullet points under section 26.4 shall be amalgamated and reworded</p>