

Gambling Act Draft Licensing Policy Consultation

Formal consultation commenced on 10 July 2024, with a request that responses be received by 21 August 2024. Because of ongoing reviews of the Act and Gambling Commission (GC) guidance the changes to the policy are minimal and mainly cosmetic. The council has undertaken to review the policy again once the Act and GC guidance are republished. The consultation exercise involved in the following elements:-

- a) The despatch of an explanatory email to all known licensed premises and a selection of registered clubs, and the solicitors and consultants who represent the licensed trade, advising of the review and the availability of the draft document.
- b) An explanatory email and link to the draft revision was sent to the statutory "responsible authorities", and to relevant services within the Council including Public Health.
- c) Officers met individually with the responsible authorities, where requested
- d) The policy was placed on the 'Your Say' consultation page on the Council website. It was highlighted in the newsletter for some 6000 subscribers to that page, mainly comprising residents' and tenants' groups within the City. There were 166 visits to this page during consultation and 43 downloads of the draft policy
- e) Approximately 500 individuals and organisations were invited to comment. As well as those listed above, including, local representative groups such as business and resident Focus Groups, Faith Groups, Equality Groups and other voluntary organisations, the Citizens Advice Bureau, and organisations which have an influence on the night time economy.
- f) Officer presentations to specific groups, including the Night Time Economy & Purple Flag Group and the Pub watch groups for Leigh and Southend.
- g) Continuing response to enquiries, and requests for copies of the draft revision.
- h) Posts on the Councils various social media platforms highlighting the consultation.
- i) The issuing of a press release at the start of and during the course of the consultation process. Press coverage included an article in the Echo newspaper

As a result of this process, 2 written responses have been received. There were no responses from the responsible authorities.

A presentation was given to the Licensing Committee on 21 August 2024. The committee examined the proposed policy, and a number of points were clarified by the licensing officer. It was resolved that the policy should be recommended for approval at Cabinet and Council in its present form.

Comments	
<p>GamCare - Charity</p> <p><i>“Building on the proactive approach the council is already taking, we would like to see Southend-on Sea City Council commit in its statement of principles to a public health approach to gambling”.</i></p> <p><i>“It is vital that Southend-on Sea City Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision.</i></p> <p><i>In the absence of Cumulative Impact Assessments as a method by which the “aim to permit” approach can be challenged, Southend-on Sea City Council should pursue a Local Area Profile approach that specifically analyses gambling risk, and use this data as a basis from which to scrutinise and possibly oppose a licensing application”.</i></p> <p><i>“The changes to Southend-on Sea City Council’s statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment”.</i></p>	<p>Licensing Authority (LA) Response</p> <p>The LA works closely with Public Health and Gambling Harm is one of the main and original strands of their ‘Tackling Harmful Behaviours strategy. A copy of the response from GamCare was been passed to the director of Public Health. Outcome - No change</p> <p>The LA have used this approach for the last 2 policy periods. The Local Area Profile is published separately to the main policy and is referenced at section 14.16 of the draft policy. Outcome - No change.</p> <p>The LA is aware of this review and has undertaken to review our policy again once the outcomes have been implemented. Outcome – No Change</p>
<p>Betting and Gaming Council</p>	<p>Licensing Authority (LA) Response</p>

Believe that in order to avoid any ambiguity, the draft statement of principles should be clear that premises must not display signage which may suggest that the premises have a different premises licence to the one held.

Concerns that additional conditions may be unnecessarily added by the Licensing Authority (and others) where, unlike Licensing Act applications The Licensing Conditions and Codes of practice covers many of the matters likely to be in need of conditioning.

Referring to paragraph 14.11 which contains a bullet point list of factors that the council expects to be considered when conducting a local risk assessment. States

“The bullet point list should be redrafted as in its existing terms it refers to matters that cannot be relevant to an assessment as to whether a proposal is reasonably consistent with the licensing objectives.

The reference to whether the premises is in an area of deprivation should be deleted. The relevant affluence of an area cannot be relevant as to whether an operation is/will be consistent with the licensing objectives unless the authority has predetermined that the local residents in deprived areas are more likely to commit crime associated with gambling than in more affluent areas or are to be considered automatically vulnerable. Similarly, the ethnic profile of residents is not relevant unless the authority has determined that certain ethnicities are either more predisposed to crime at than others or automatically to be considered as vulnerable”

The LA are of the view that patrons should be fully aware of the type of premises they are entering and believe this suggestion will assist in that regard. Outcome - Policy updated at paragraph 14.5

The policy at 13.2 commits to avoid duplication with other regimes, while at 14.21 there is a large section on conditions which clearly states that the LA is aware that the Mandatory and default conditions will normally be sufficient to regulate gambling premises. Outcome – No Change

The UK has one of the biggest gambling markets in the world, generating a profit of £14.2 billion in 2020 (source: Department for Digital, Culture, Media and Sport) The Governments Gambling-related harms evidence review states “there is a higher prevalence among people with poor health, low life satisfaction and wellbeing. This is particularly true where there is an indication of psychological health problems”.

The respondent seems to have assumed that the bullet points inter change with each other or that the inclusion suggests predetermination (eg where they state “*unless the authority has predetermined that the local residents in deprived areas are more likely to commit crime associated with gambling*”) This is not the case.

The ask is for the factors to be assessed and the LA is of the view that this accords with the licensing objectives. Outcome - no change

Draws attention that paragraph 21.5 contains a dated reference to Fixed Odds Betting terminals.

Agreed. Outcome – section updated