

## Appendix B :

### Responses to Coventry City Council Statement of Gambling Policy Consultation

7<sup>th</sup> August 2018 – 18<sup>th</sup> September 2018

#### 1 Background

- 1.1 The public consultation on the draft Statement of Gambling Policy took place for 6 weeks from 7<sup>th</sup> August 2018 – 18<sup>th</sup> September 2018.
- 1.2 The consultation was extensive and included a range of statutory consultees, stakeholders and local communities.
- 1.3 5 responses were received during the consultation period, 1 of which made no comments
- 1.4 All consultees were asked for comments on the draft policy, which have been organised into themes and are presented below.

Theme of comments	Respondent	Feedback/comments/amendments	Action
Licensing Objectives	Association of British Bookmakers	Within paragraphs 5.3, 5.4, 7.3 and 7.4, there are references to the promotion of the licensing objectives. In paragraph 5.3, there is an indication that the applicant will need to demonstrate how it will promote the licensing objective of preventing gambling from being a source of crime and disorder. Similarly, the final bullet point in paragraph 7.4 indicates that applicants must demonstrate that they have sufficient control measures in place to promote the licensing objectives whilst paragraphs 7.3 and 5.4 refers to conditions being	Noted and references be re-drafted.  In paragraphs 5.3, 5.4, 7.3 and 7.4 amend all references of 'promote the licensing objectives' to read 'be reasonably consistent with

	Public Health	<p>placed on licences to “promote” the licensing objectives. Unlike the Licensing Act 2003, there is no requirement for an applicant to “promote” the licensing objectives as applications are required to be “reasonably consistent” with the licensing objectives.</p> <p>The only body that the Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. Accordingly, all of these references should be re-drafted to reflect the position that applications and the operation of licensed premises must be reasonably consistent with the licensing objectives.</p> <p>Public Health are pleased to see the inclusion in the draft Gambling Policy of a number of considerations in regard to ensuring a proposed premise meets the gambling licensing objectives.</p> <p>Public Health does however feel that there should be additional considerations in the Statement of Licensing Policy in regard to the location of a gambling premise.</p> <p>One of the considerations in section 7.4 does refer to location, stating <i>“The Authority will also consider the location of the premises in the context of this licensing objective and applicants must have regard to the local area profile. If an application for a gambling premises is received for a location within a sensitive area or in close proximity to what are considered to be sensitive areas the Authority will expect applicants to demonstrate that they have sufficient and suitable control measures in place to promote this licensing objective.”</i></p> <p>This consideration would benefit from clarification that, “if an application for a gambling premises is received for a location within a</p>	<p>the licensing objectives’</p> <p>Noted no action required for the policy as this is too limiting.</p> <p>If an operator intends to apply for a new premises licence or a variation to a premises licence then a local risk assessment must be carried out. The assessment should be based on how the premises are proposed to operate and will need to identify the risk factors associated with the local area in which the premises are located. These factors are risks that relate to the potential impact a gambling</p>
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		<p>sensitive area or in close proximity to sensitive areas, the application will not be granted if the applicant has not demonstrated that they have sufficient and suitable control measures in place to promote this licensing objective”. In addition, an explanation that the local area profile document is a fluid document that will be updated during the lifetime of the Gambling Policy Statement of Principles should be added.</p> <p>Furthermore, there should be acknowledgement to the fact that where there are several sensitive premises together in the proximity of a proposed gambling premise, it is unlikely that there will be sufficient control measures that can be put in place to promote the licensing objective, in which case the application will not be granted.</p>	<p>premises and its operation may have on the licensing objectives, considerations for operators are also identified in the Licensing Authority Gambling Policy.</p> <p>It should be noted that the local area profile will not preclude any application being made and each application will be decided on its own merits, but the onus will be upon the applicant to show how any potential concerns can be overcome.</p>
Criteria/ Considerations	GamCare	<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</p>	<p>Noted no action required for the policy. Already included within Paragraph 7.4.</p>

		young people if they are not legally allowed to do so.	
Location of Premises	Association of British Bookmakers (ABB)	The final bullet point within paragraph 7.4 refers to the potential for an application in a “sensitive area”. The term “sensitive area” is not, however, defined. There is a further reference to “sensitive area” at paragraph 9.2. The term “sensitive area” either needs to be defined or removed. On the basis that each application must be determined on its own merits and that all applicants must take into account local risks within their risk assessment, we respectfully submitted that the most appropriate course of action would be to delete references to “sensitive areas” leaving it clear that each application will be considered on its own merits with specified reference to the local risk assessment which is required to identify local risks and outline policies, procedures and control measures to mitigate those risks.	Noted What the authority deem to be sensitive areas are outlined in the local area profile and risk assessment which is a fluid document and an appendix to the gambling policy.  Amend the final bullet point of paragraph 7.4 to insert the words: <i>‘(which outlines examples of sensitive areas)’</i> after the words ‘local area profile’.  Amend the last sentence of paragraph 9.2 to insert the words: <i>‘Examples of sensitive areas and locations are detailed in the local area profile and’</i> can be found at: <a href="http://www.coventry.gov.uk/downloads/file/19670/local_area_profile_and_risk_assessment">www.coventry.gov.uk/downloads/file/19670/local_area_profile_and_risk_assessment</a> ’.
	Public Health	The issue of location of a gambling premise can be a major factor of	Noted

		<p>the promotion of the licencing objectives, in particular the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling and Public Health are pleased to see acknowledgement of this in the draft Gambling Policy Statement of Principles.</p> <p>Public Health notes that the Statement of Licensing Policy is following the Gambling Commissions assumption that ‘vulnerable persons’ includes; people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or a substance misuse relating to alcohol or drugs. Public Health has shaped its consultation response in line with this, for regulatory purposes.</p> <p>Additionally, Public Health are pleased to see that, in reference to location and the local area profile, section 9.2 states “Applications will not be granted in sensitive locations unless the relevant criteria have been met”.</p> <p>Section 9.3 lists some of the supporting information that may be included to show that the criteria has been met. This includes: “What procedures and staff training are in place to protect vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs etc”. Although it is stated that this is not an exhaustive list, to reiterate the assumption by the Gambling Commission of who is included in ‘vulnerable persons’, this bullet point would benefit from expanding to read “What procedures and staff training are in place to protect vulnerable persons such as problem gamblers, those unable to make an informed or balanced decision about gambling due to, for example, misuse of drink or drugs, mental health problems, a learning disability etc”.</p>	<p>Amend the last bullet point of paragraph 9.3 to read: <i>‘What procedures and staff training are in place to protect vulnerable persons such as problem gamblers, those unable to make an informed or balanced decision about gambling due to, for example, misuse of drink or drugs, mental health problems, a learning disability etc’.</i></p>
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		<p>informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs”</p> <p>Considerations of the levels of deprivation for applications would also support Coventry’s work around being a Marmot City, which has brought together partners from different parts of Coventry City Council and from other public sector and voluntary organisations, whose decisions and activities have an impact on health. The Marmot principles, from the Marmot Review, Fair Society, Healthy Lives which aim to reduce inequality and improve health outcomes for all have been embedded into the core functions of the council and its partners, Improving health and reducing inequalities in Coventry is not only a priority for the NHS and public health, but is a priority for everyone who is working to improve the lives of people in the city.</p> <p>2) Functions of nearby premises</p> <ul style="list-style-type: none"> <li>- An existing concentration of gambling premises in the proposed location of a new gambling premise could have a detrimental effect on the vulnerable group classed by the Gambling Commission as ‘People who gamble more than they want to’ and therefore adversely affect that gambling objective. An area with a high concentration of existing gambling premises should therefore be considered as a sensitive location.</li> <li>- Proximity to any existing pawnbroker shop(s) - a new gambling premise close to an existing pawnbroker shop could have a detrimental effect on the vulnerable group classed by the Gambling Commission as ‘People who gamble beyond their means’</li> </ul>	
Primary Activity	Association of British Bookmakers (ABB)	Paragraph 10 refers to the concept of “primary activity” and should be re-drafted to reflect the latest Gambling Commission Guidance.	Noted Change ‘ <i>Primary Activity</i> ’ to

		<p>Whilst primary gambling activity was an issue when the draft Gambling Policy was last published, matters have now been clarified and as far as gaming machines are concerned, these may be provided where substantive facilities for the activity specified on the operating licence are provided.</p>	<p><i>'gambling activity'</i> throughout paragraph 10.1.</p>
<p>Conditions of Licence</p>	<p>Association of British Bookmakers (ABB)</p>	<p>Paragraph 14 explains the Licensing Authority's approach to the imposition of conditions on premises licences. This section would be assisted by a clear explanation that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The draft Policy should be clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives in the circumstances of a particular case which requires that the mandatory and default conditions be supplemented.</p>	<p>Noted Insert an additional paragraph to 14.1 that reads: <i>'All Gambling Act premises licences are subject to mandatory and default conditions and these conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. Additional conditions will only be imposed where there is evidence in the circumstances of a particular case that these conditions need to be supplemented'</i>.</p>
<p>Betting machines in Betting Premises</p>	<p>Association of British Bookmakers (ABB)</p>	<p>Paragraph 16 refers to betting machines in betting premises. This section would be assisted if a clear distinction was to be made between betting machines (where the Licensing Authority has a power to restrict the number of machines) and gaming machines where there is no such power. The holder of a betting premises licence may make available for use up to 4 gaming machines of categories B, C or D.</p>	<p>Noted Amend paragraph 16.1 to read: <i>'The Authority is aware of its power to restrict the number of betting machines (self-service betting terminals</i></p>

			<i>(SSBT's)), their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. (It is important to make the distinction between gaming machines where the licence holder of a betting licence may make available for use up to four gaming machines of categories B, C or D).'</i>
General	GamCare	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 responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact <a href="mailto:mike.kenward@gamcare.org.uk">mike.kenward@gamcare.org.uk</a>	Noted no action required for the policy. Operators Licences issued by the Gambling Commission cover similar grounds to GamCare certification.
Local Area Profile Risk Assessment	Gambling Commission	Recommendation that the Local Risk Assessment is kept on the premises, so that it makes it easier to look at during an inspection and would encourage staff to look at it and take ownership	The following paragraph to be added to Paragraph 29.2: <i>'The Authority will expect the local risk assessment (or a</i>

			<i>copy thereof) to be available at the premises for inspection by any authorised officer'.</i>
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