

Appendix B

Response from GambleAware

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

GambleAware is an independent charity tasked to fund research, education and treatment services to help to reduce gambling-related harms in Great Britain. We work in partnership with the Gambling Commission and its independent advisors, the Responsible Gambling Strategy Board, to deliver many aspects of the National Responsible Gambling Strategy.

Due to the resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, we do strongly commend two recent 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.

<https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
<https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

We fully support local authorities which conduct an analysis to identify areas with increased levels of risk for any reason, but particularly where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling related harm – children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services – and include additional licence requirements to mitigate this increased level of risk.

Response from Gamcare

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful

explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/

- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- 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?
- 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.
- 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.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

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 mike.kenward@gamcare.org.uk

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

Response from Popplestone Allan on behalf of Power Leisure Bookmakers Ltd t/a Paddy Power

To: Licensing <Licensing@islington.gov.uk>

Subject: Islington - Gambling Policy Consultation Response

Dear Sirs,

We act for Power Leisure Bookmakers Limited t/a Paddy Power and have been asked to submit the following response to the Council's consultation on its proposed Statement of Gambling Policy.

Part 1 Local Area Profile Paragraph 6:

The Council has stated that the Licensing Authority will seek to limit facilities for gambling in areas where it feels its vulnerable residents will be put at potential risk from harm.

Statements of Licensing Policy should set out the factors that the Council will consider when determining applications under the Gambling Act 2005, which may include the Authority's local area profile. However, the Gambling Commission's Guidance to Licensing Authorities is clear at paragraph 6.34 that when identifying relevant factors it should be clear that each application will be decided on its merits and "*importantly, if an applicant for a premises licence can show how risks to the licensing objectives can be mitigated, the licensing authority will need to take that into account in its decision making*".

All responsible operators should understand the requirement to complete local area risk assessments and implement appropriate policies and procedures to control and mitigate all risks identified.

The draft statement of policy as currently worded suggests that in areas of heightened risk facilities will be limited and we suggest that it should be clear that the overarching duty imposed by section 153 of the Gambling Act 2005 applies.

We therefore suggest that the current wording is amended in line with the following statement:

This Authority considers that it is necessary to seek to control the number of facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk of harm associated with gambling albeit in line with the duty to aim to permit gambling insofar as it is reasonably consistent with the pursuit of the licensing objectives. Operators are asked to consider very carefully whether seeking to locate new premises or relocating existing premises within these areas would be consistent with the licensing objectives. Wherever facilities are proposed, operators should consider the health and crime concerns in Appendix 1 and risk assessments should recognise those concerns and provide appropriate proactive mitigation or control measures. Each case will be decided on its merits and applicants will be given the opportunity to demonstrate how they might overcome Licensing Authority concerns prior to determination of their application.

Part 2 Development Planning Paragraph 8

We note the Council's expectation that applicants for a new gambling premises licence to have been granted planning permission for the intended use, before making an

application for a premises licence.

The Gambling Act 2005 and the Gambling Commission's Guidance to Licensing Authorities (GLA) are both explicit with regard to the factors that Licensing Authorities may not consider when determining a premises licence application.

Section 210 (1) of the Gambling Act 2005 states that "*In making a decision in respect of an application under this Part a licensing authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building*".

Paragraph 7.58 of the GLA states that "*In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal*".

Paragraph 7.65 of the GLA goes on to state that "*When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence*".

The governing legislation therefore prevents licensing authorities from taking into account the likelihood of any proposal obtaining planning or building consent when considering a premises licence application under the Gambling Act 2005. Planning and licensing regimes must be addressed independently and the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

Islington Council's draft statement of Gambling Policy directly conflicts with the governing legislation and the offending paragraph should be removed.

We strongly suggest that the above paragraphs be amended to reflect the legal requirements and obligations provided by the Gambling Act 2005 and subordinate legislation.

Our client is committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the Licensing Objectives.

Should you require any further information or if you would like to discuss our comments further, please contact us.

Poppleston Allen

Nottingham Office: 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS