

**Gambling Act 2005 –
Consultation on Statement of Gambling Licensing Policy (Summer 2006)**

PART A – CONTRIBUTORS

Southwark Council would like to acknowledge the contributions of those who took part in discussions on the formulation of the Council's Statement of Gambling Licensing Policy as follows:

The Southwark Community Councils; the Southwark Action Teams; London Bridge BID; Southwark Police: the Local Safeguarding Children Board; the London Fire and Emergency Planning Authority; Southwark Planning: Southwark Legal Services; Southwark Environmental Health Noise Team; Southwark Trading Standards Service / Money Advice Team; Southwark Disablement Association and Southwark Constitutional Support Team

PART B – RESPONDENTS

Southwark Council would also like to thank the following for taking the time to provide their submissions, or further comments, on the draft statement of policy in writing

No	Name	Address	Chapters referenced
1. Licensees / Representative Groups			
101	Angela Ruggeri on behalf of the Association of British Bookmakers Ltd	Association of British Bookmakers Ltd, Regency House, 1-4 Warwick Street, London, W1B 5LT	E,
102	Tim Davies, Partner, Bond Pearce LLP on behalf of Association of British Bookmakers Ltd	Bond Pearce LLP, 3 Temple Quay, Temple Back East, Bristol, BS1 6DZ	D, E,
103	Carol Walker, Administration, The Racecourse Association Limited	The Racecourse Association Ltd, Winkfield Road, Berkshire, SL5 7HX	No comments

104	British Association of Leisure Parks, Piers & Attractions Ltd	Via LACORs	D, E,
105	Bingo Industry	Via LACORs	E,
106	Leslie MacLeod-Miller, General Counsel, British Amusement Catering Trades Association	Via email	
107	Casino Operators Association	Via LACORs	E,
2. Responsible Authorities			
201	Alan Blisset, Manager, Southwark Noise & Air Quality Team	C/O Southwark Environmental Health and Trading Standards, The Chaplin Centre, Thurlow Street, London, SE17 2DG	D,
202	Sally Slade, Manager, Southwark Trading Standards	C/O Southwark Environmental Health and Trading Standards, The Chaplin Centre, Thurlow Street, London, SE17 2DG	D, E,
3. Interested Parties / Representative Groups			
301	Jilly Frisch, Secretary, Shad Thames Residents' Association	SE1	D, E,
4. Other			
401	Jim Fearnley, Head of Research & Policy, Money Advice Trust. Response also on behalf of the National Debtline	Money Advice Trust, Bridge House, 181 Victoria Street, London, EC4V 4DZ	E,
<i>In addition to the submissions received above, Southwark Council has also taken into account matters discussed at the Southwark Community Councils; the Southwark Action Teams; and meetings held with prospective Southwark licensees; responsible authorities; and interested parties. Our thanks go to all concerned, including the London Bridge BID Company for organising a meeting with London Bridge business organisations.</i>			

Southwark Council

**Licensing Act 2003 – Summer 2006 mid-term review of the Southwark Statement of Licensing Policy.
Summary and analysis of submissions provided by the Licensing Service**

PART B – THE RESPONSES

No	Comment	Analysis
Part D – Administration, Exercise and Delegation of Function		
Bond Pearce	Enforcement – The following wording is requested <i>“The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues be raised”.</i>	This authority will approach enforcement issues in this manner if any company across the range of businesses the licensing service deals with, wishes to effect such a protocol. However, this is not a matter that need be incorporated into the authorities policy.
Trading Standards	Enforcement – Policy should reference partnership working. TS not included as responsible body but linkages with TS and use of TS experience on under-age sales will be important	Noted.
BALPPA	Anti-Social Behaviour – Operators sometimes call the police for anti-social behaviour in / around their premises from youngsters. They are concerned that this will be used as evidence “against them.	The Authority will want to work with responsible operators to suggest ways of preventing / dealing with such situations rather “penalizing” the operator as such.
Noise Team	Status of Responsible Authorities – Noise Team considers the absence of a licensing objective of nuisance to be a lost opportunity to manage the	It is understood that a licensing objective relating to nuisance has been deliberately omitted as there is separate legislation which deals with issues of

	<p>potential public nuisance / loss of amenity likely to arise from such premises which are not so dissimilar from premises licensed under the Licensing Act 2003. Environmental Health are a responsible body under the Act for the functions of minimizing or preventing the risk of pollution of environment, or of harm to human health. Yet it is unclear how this may be achieved through pursuit of the stated objectives. Would suggest that there is potential for regard to the issue to be set out in the policy document; for EH to make representations on these grounds as it is not stated as such that the three objectives are the only matters that may be considered. Licensing also asked to bring these matters to members attention.</p>	<p>nuisance. DCMS guidance specifically states that the reference to disorder within the crime and disorder objective refers to issues more serious than nuisance. However, it is correct that the act and guidance does not preclude the consideration of other matters and the council's environmental health service is one of the responsible authorities and thereby is able to make representations. It is proposed therefore that the policy should indicate that the licensing committee will receive and take into account information concerning nuisance issues.</p>
<p>Shad Thames RA</p>	<p>Interested Parties – Policy gives impression that it wishes to restrict the number of people who may fall within the definition of interested parties by raising qualification as to the acceptability of representations from trade unions etc. Authority should foster involvement. Must recognise that interpretation of persons who “live sufficiently close to premises” could have different meanings for a range of different people.</p>	<p>This is not the intention of the draft policy. Indeed the draft policy states the phrase “has business interests” will be given the widest possible interpretation and include partnerships, faith groups and medical practices. While it is true that the draft policy states that the authority will consider trade association, trade unions, and tenants and residents associations as interested parties where the body has a member who can be classed as one under the terms of the Act (i.e. lives sufficiently close to the premises to be likely to be affected by the activities applied for) this is the position recommended by the Gambling Commission and is considered to be reasonable. It should also be noted, however, that the phrase “sufficiently close” will be interpreted upon the relevant circumstances having regard to matters such as size and nature of premises,</p>

		distance from the premises and potential impact.
Part E – Premises Licences		
ABB	Discretion – In exercising its overall discretion, the only considerations excluded from the licensing authority’s consideration are demand and the likelihood of obtaining planning or building regulations consent. The betting industry has made great strides over the last 40 years in improving the quality of facilities and services to its customers. It would be retrogressive for the policy to give the impression that matters such as the quality of a facility, inward investment and regeneration are wholly irrelevant in the licensing balance. While it remains a matter for the discretion of licensing authority in every case, the legislation does not exclude the licensing authority from the consideration of matters such as layout, provision for the disabled, location and over-concentration.	These points are noted and are reflected in the current version of the draft policy.
BALPPA	Location – If the policy should carry a proximity clause regarding premises near to schools what would happen if an operator exists and then a school is built near? Will the authority seek to close it down?	While this policy has locations considerations built into it, the transitional phase of the incoming legislation provides for grandfather rights conversions of licences and these considerations would not come into effect in these circumstances. Additionally, in the event that the circumstances of an area changes it is accepted that any move to take away an existing operators right to earn a living would be a serious consideration.
Shad Thames RA	Location – Crime and Disorder – In determining whether the location of a premises is acceptable the Authority should consider the proximity of the	Agreed. The current version of the draft policy states that in determining whether the location of a premises is acceptable the authority will give special

	premises to known or suspected areas of criminal activity.	consideration to areas where there is a high level of organised crime.
Shad Thames RA	Location – Children and Vulnerable People – In determining the suitability of location the Authority should consider the proximity of the gambling premises to schools and / or areas where there may be a high concentration of children and / or families. The Authority should pay particular attention to licence applications for premises near schools; places where gamblers anonymous (or similar) meet; places where vulnerable people are housed or treated (clinics, recovery centres, outpatients clinics, homes); places where alcohol or drugs can be bought. A betting shop next to a public house or casino enables one addiction to feed into another.	Similarly, in dealing with matters of location of premises, the current version of the draft policy cites the proximity of premises to “local schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families” and also “places where vulnerable people are housed or treated, including clinics, recovery centres, outpatients clinics and homes”
TS	Location – Location of premises should be considered. Betting shops should be restricted to high street premises.	Location has been built into policy as a consideration. Residential areas is one matter referenced within this.
Shad Thames RA	Conditions - In determining suitable conditions to be imposed upon a premises licence in order to ensure the crime and disorder objective the following should be considered – Likelihood of violence, disorder etc if licence granted; security arrangements; design and layout; steps to deal with historical issues; council strategies; training given to staff; age verification checks; and separation of areas.	Again the current version of the draft policy recognises and references similar considerations where dealing with the crime and disorder objective under the premises licence section.
MAT/ND	Definition of “vulnerable persons” – Despite the fact that there is not a universally agreed or binding definition of the term “vulnerability”, we are concerned that the proxy “working category” devised by the Gambling Commission uses criteria that may	Until such time that there is an agreed definition offered under the Act it is considered that issues may arise from any attempted local definition. Thereby, while the merit of this suggestion is recognised it is preferred to continue to consider matters on a case

	<p>in practice be difficult for a provider of gambling services to assess. Instead following is proposed <i>“For the purposes of this policy, “vulnerable persons” would be defined as individuals who, from a common sense perspective, a provider of gambling services would be expected to assess as unlikely to be able to make informed or balanced decisions about gambling, due to a learning disability, mental health problem or the effects of alcohol or drugs”.</i></p>	<p>by case basis while noting the reference made by the Gambling Commission.</p>
MAT/IND	<p>Promoting access to debt advice – In the interests of encouraging the use of appropriate support resources by vulnerable people, as a minimum, a clause requiring suppliers of gambling services to provide relevant information materials. Suggested wording – <i>“Licence holders would be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt, eg GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, and local Citizens Advice Bureau and independent advice agencies”</i></p>	<p>Noted and included within the current version of the policy statement.</p>
ABB	<p>Door Supervisors – Would expect it to be very rare circumstances that door supervision is necessary in a licensed betting office.</p>	<p>While this is accepted it is considered that this control should continue to be a consideration in relevant circumstances.</p>
Bond Pearce	<p>Door Supervisors – Ask that the policy reflect above by stating <i>“There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of a trading premises that the premises cannot be</i></p>	<p>A central tenant of the policy remains that each application will be considered upon its own merits and that conditions applied will be proportionate.</p>

	<i>adequately supervised from the counter and that door supervision is both necessary and proportionate”</i>	
BALPPA	Door Supervisors & Family Entertainment Centres – Surely not appropriate for Family Entertainment Centres	LACORS have suggested that this should be highly unlikely to be required. This is accepted.
COA	Casinos & ID – Concerned that as neither the Government nor the Commission seem to be considering ID as a requirement, individual licensing authorities could attach this as a condition to their own casinos if they wish. The Association believes that it needs to have nation-wide application to work.	This authority has a considered and consistent approach to proof of age schemes which takes on board the current nationally accepted norm and is set out as guidance within the current draft policy.
BALPPA	Family Entertainment Centres & Self Exclusion Schemes – Surely not appropriate for Family Entertainment Centres	LACORS have suggested that this should be highly unlikely to be required. This is accepted.
Bingo Industry	Bingo Premises, Category C Machines & Children – Raises issue about ability of children to enter premises such as hotels and holiday camps that hold bingo licences, as in future operators will have to ensure that children have no access to the higher pay out machines, which are often not in a defined area – often not the case at present.	LACORS advises that local authorities would be correct to state that young people are allowed into Bingo clubs, but category C and above machines must be housed in a separate area to which children and young people have no access or children do not access the club at all.
ABB	Bookmakers – While there has been no industry regulator, bookmakers have given rise to no or few regulatory concerns. The industry has been self-policing. There is no suggestion that bookmakers have operated their business in such a way as to exploit the vulnerable. Because of the success of the betting industry in managing its offices, and because of the general nature of betting clientele, with a small handful of exceptions there has been no	As sought the policy states that applications will be considered upon their own merits and nothing in the policy undermines the right of any individual to apply for a licence or have the matter considered upon its own merits.

	<p>door supervision operating in the 8,800 licensed betting offices in Great Britain. ABB hopes and expects that a light touch approach will be taken to the imposition of conditions and regulatory burdens on the industry. ABB expects licensing authorities will exercise their discretion to grant or refuse licences on the merits of the individual case. Policy should highlight that: the Act is based upon local decision-making informed by local knowledge and local people; statements of policy must not undermine the right of any individual to apply for a licence and have it determined on the merits; authorities may depart from the policy for good reason; and that the policy does not replace the statutory provisions nor add to their scope.</p>	
ABB	<p>Betting premises & re-site applications – It is suggested that the policy should positively encourage or at least indicate that sympathetic consideration will be given to re-site applications within the same locality and to premises extensions in order to enhance the quality of the facility provided for the benefit of the betting public.</p>	<p>While the authority may encourage any attempt to improve the quality of a facility provided for the benefit of the betting community re-site applications do have broader considerations against which any application must be considered against.</p>
ABB & Bond Pearce	<p>Betting machines – Where reference is made to control of betting machines in licensed betting offices there is no evidence that they are causing harm to children or the vulnerable. Policy should state that <i>“this authority will consider limiting the number of machines only where there is evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when</i></p>	<p>The authorities concern in relation to betting machines is that there is adequate provision to ensure that the use of the machines, which is remote from face to face dealings with staff, is properly monitored so as to ensure that no child or young person is able to play these. The references included within the draft policy are considered relevant.</p>

	<i>reviewing the licence, the ability of staff to monitor the use of such machines from the counter.”</i>	
ABB	Tracks – Clarification sought that nothing in policy should be taken as limiting the ability of bookmakers to provide facilities for betting on track in self-contained premises, kiosks, corporate entertainment facilities, etc under the umbrella of the general premises licence applying to the track provided that the relevant operating licence is in place. In regard to this the suggestion that CCTV, door supervisors and physical separation of areas be considered appears to us to be disproportionate and unworkable, in the absence of evidence that the current system, has ever given rise to significant difficulties.	This authority does not currently have any tracks within its areas. Should application be made for such then as with all applications the arrangements will be considered upon their own merits.
ABB	Provisional statements – Policy indicates that only finished premises could qualify for a premises licence. Disagree with this. ABB does not see justification for potentially delaying the opening of betting premises where an operator will have expended significant cost of fitting out and will be paying ongoing rent. ABB does not understand why need has arisen for inspection of the premises (not only by the licensing authority but other authorities also) before the issuing of a licence. The need for inspection should be considered on a basis of evaluation of risk.	It is considered that the advice given by the Commission that a full premises licence cannot be issued until the premises in which it is proposed to offer the gambling are constructed is sound. A provisional consent is available under the law which removes the greater part of the risk element. This authority and other responsible authorities will wish to ensure that premises are constructed and arranged as proposed before a full licence is issued.
BALPPA	Separation of licensed areas – For theme parks it is hard to separate licensed areas as the machines are moved around	This authority does not currently have any theme park in its area. If application should be made for such in the future then the arrangements within will be considered upon their own merits.
BALPPA	Separation of licensed premises – Would like a	LACORS advises that this is a matter to be

	definition of what artificially separated is	considered on a case by case basis and this should not be elaborated on in policy statements. This authority agrees with this position.
BALPPA	Entrances from other licensed areas – Entrances are not necessarily directly from the street as theme parks may have an adult gaming centre and a family entertainment centre within it.	This authority does not currently have any theme park in its area. If application should be made for such in the future then the arrangements within will be considered upon their own merits.
Part F – Permits / Temporary and Occasional Use Notices		
BALPPA	Unlicensed Family Entertainment Centres & Truancy – Theme parks often don't allow unaccompanied children in during school hours	Noted