

# Licensing Committee

Wednesday, 13th  
November, 2024  
at 4.00 pm

**PLEASE NOTE TIME OF MEETING**  
Conference Room 3 - Civic Centre

This meeting is open to the public

## **Members**

Councillor M Bunday (Chair)  
Councillor Mrs Blatchford  
Councillor Kenny  
Councillor Noon  
Councillor Whitbread  
Councillor Windle  
Councillor Moulton  
Councillor Cooper  
Councillor Cox  
Councillor Laurent

## **Contacts**

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## **PUBLIC INFORMATION**

### **Role of this Committee**

The Committee publishes and implements a statement of licensing policy. It appoints Sub-Committees to deal with individual licensing applications and associated matters for which the Council as Licensing Authority is responsible.

### **Public Representations**

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Southampton: Corporate Plan 2022-2030 sets out the four key goals:

- **Strong Foundations for Life.**- For people to access and maximise opportunities to truly thrive, Southampton will focus on ensuring residents of all ages and backgrounds have strong foundations for life.
- **A proud and resilient city** - Southampton's greatest assets are our people. Enriched lives lead to thriving communities, which in turn create places where people want to live, work and study.
- **A prosperous city** - Southampton will focus on growing our local economy and bringing investment into our city.
- **A successful, sustainable organisation** - The successful delivery of the outcomes in this plan will be rooted in the culture of our organisation and becoming an effective and efficient council.

**Smoking policy** – The Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

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Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

**Fire Procedure** – Should the fire alarm sound during the meeting leave the building by the nearest available exit and assemble in the Civic Centre forecourt car park.

**Access** – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

**Dates of Meetings: Municipal Year**  
Meetings of the Committee are held as and when required.

## CONDUCT OF MEETING

### TERMS OF REFERENCE

The terms of reference of the Licensing Committee are contained in Part 3 (Schedule 2) of the Council's Constitution.

### BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

### Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

## DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

- (iv) Any beneficial interest in land which is within the area of Southampton.

- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.



## AGENDA

### **1 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in membership of the Committee made in accordance with Council Procedure Rule 4.3.

### **2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

### **3 STATEMENT FROM THE CHAIR**

### **4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

(Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 26 June 2024 and to deal with any matters arising, attached.

### **5 TRIENNIAL REVIEW OF THE GAMBLING ACT STATEMENT OF LICENSING PRINCIPLES** (Pages 5 - 108)

Report of Executive Director; Resident Services seeking approval from the licensing committee to recommend to Council the adoption of the Gambling Act Statement of Licensing Principles for 2025 to 2028 as attached.

Tuesday, 5 November 2024

Executive Director Resident Services

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SOUTHAMPTON CITY COUNCIL  
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 26 JUNE 2024

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Present: Councillors M Bunday (Chair), Kenny, Whitbread, Windle, Moulton and Cooper

Apologies: Councillors Mrs Blatchford, Noon and Laurent

1. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The apologies of Councillors Mrs Blatchford, Laurent and Noon were noted.

2. **ELECTION OF VICE-CHAIR**

**RESOLVED** that Councillor Mrs Blatchford be elected as Vice-Chair for the Municipal Year 2024/25.

3. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED:** that the minutes for the Committee meetings held on 14 June 2023 and 31 January 2024 be approved and signed as a correct record.

4. **TAXI POLICY UPDATES**

The Committee considered the report of the Cabinet Member for Resident Services which outlined proposed updates to the Taxi Policy and recommended that the updated Taxi Policy be adopted.

Southampton City Council Officers Phil Bates the Service Manager Licensing, and Russell Hawkins, Senior Licensing Officer were in attendance and with the consent of the Chair addressed the meeting.

The Committee noted that four changes to the current Taxi Policy were proposed:

- The requirement for Hackney Carriages to have a working card machine
- The implementation of a drug testing policy
- The incorporation of the current Taxi Camera Policy into the main Taxi Policy
- The addition at 8.7 of the Private Hire Conditions to update the door sticker style

**Requirement for Hackney Carriages to have a working card machine.**

In discussion the Committee noted that many customers now want to pay by card, and that many drivers already use card machines in response to customer demand. The addition of this requirement to the licence conditions would ensure consistency for all Hackney Carriage customers. Through the taxi forum meetings Hackney Carriage trade representatives had requested a requirement to have a working card machine to combat instances of a minority of drivers using the lack of car machine to refuse trips. This requirement had been piloted for six months for all Hackney Carriages operating in the docks and had worked well. It had been identified that it was important for the wording, the customers who paid by card viewed on their bank statements, regarding

the financial transaction enabled the customer to identify the vehicle or driver or operator that took the payment.

It was proposed that section 13.1 of the Hackney Carriage Licence Policy and Conditions be amended to read as follows:

The vehicle must be equipped with a card payment terminal which can accept payment by credit/debit card, including contactless. The device must be connected, maintained and working at all times that vehicle is available for hire to ensure customers are able to pay by card. Customers that pay by card must be able to identify the vehicle or driver or registered limited company that took the payment on their bank statements. In the case of driver identification or vehicle identification, plate numbers or badge numbers must be included.

#### Drug Testing Policy

In discussion the Committee noted that the drug testing policy would provide officers with the mandate to arrange for drivers to take a drug screening test where there was sufficient cause and reason to believe that an existing licence holder may be using drugs. The local authority had a duty to protect public safety and was required to be sure that all taxi drivers were safe to drive. If a person needed to take medication for health reasons and that medication had been identified by the National Health Service as unsafe to drive while under the influence then that person would not be a fit and proper person to drive a taxi. A testing service would be procured from an appropriately licensed laboratory and the operational costs would be part of the business of enforcing the licences and the operational costs would be fully recoverable in the licensing fees so it would not increase the cost or burden on the Councils budget.

#### Incorporation of the Taxi Camera Policy into the main Taxi Policy

In discussion the committee noted that Department for Transport recommended that local authorities had single taxi policy therefore the current Taxi Camera Policy would be incorporated as an appendix to the main Taxi Policy.

#### The addition at 8.7 of the Private Hire Conditions to update the door sticker style

In discussion the Committee noted that this was a change to the sticker design that would make the door stickers look smarter and the change would be phased in gradually as and when the door stickers are replaced.

**RESOLVED:** that the updated Taxi Policy as detailed in the report at Appendix 1 would be adopted subject to the amendment of section 13.1 of the Hackney Carriage Licence Policy and Conditions with the wording proposed at the meeting as outlined above

## 5. **GAMBLING ACT STATEMENT OF LICENSING PRINCIPLES**

The Committee considered the report of the Service Manager Licensing which sought approval to consult on the Draft Statement of Licensing Principles for the Gambling Act of 2005 for a period of 3 months.

Phil Bates, the Service Manager Licensing, was in attendance and with the consent of the Chair addressed the Committee.

In discussion the Committee noted that the Gambling Commission required the policy to be reviewed at least every three years and the current policy needed to be reviewed by January 2025. It was important to make sure that the safeguarding measures applied were not so onerous on licence holders that gambling activity would be driven underground where it could not be monitored.

The Committee noted that applications for a Large Casino would be considered by the Licensing Committee and a review of the statement of licensing principles would be included in the application process to inform the determination of the specific conditions to be applied to the licence.

**RESOLVED** that the proposed Statement of Licensing Principles for the Gambling Act 2005 was approved to go out to consultation for a period of three months

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# Agenda Item 5

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE COUNCIL
<b>SUBJECT:</b>	TRIENNIAL REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES
<b>DATE OF DECISION:</b>	13 <sup>TH</sup> November 2024 (Licensing committee) 27 <sup>th</sup> November 2024 (Council)
<b>REPORT OF:</b>	<b>Debbie Ward; Executive Director Residential Services</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Residential Services	
	<b>Name:</b>	<b>Debbie Ward</b>	Tel: 023 8083 3351
	<b>E-mail</b>	<a href="mailto:Debbie.ward@southampton.gov.uk">Debbie.ward@southampton.gov.uk</a>	
<b>Author:</b>	<b>Title</b>	<b>Service Manager; Licensing</b>	
	<b>Name:</b>	<b>Phil Bates</b>	Tel: 023 8083 3523
	<b>E-mail</b>	Phil.bates@southampton.gov.uk	

<b>STATEMENT OF CONFIDENTIALITY</b>	
N/A	
<b>BRIEF SUMMARY</b>	
<p>Section 349 of the Gambling Act 2005 requires the City Council, as licensing authority, to prepare and publish a statement of licensing principles (SLP) that it proposes to apply in exercising its functions under the Act. The Council adopted its first policy from January 2007. This policy must be reviewed at least every three years. The Gambling Commission require SLPs to be adopted by 31st January 2025.</p>	
<b>RECOMMENDATIONS:</b>	
(i)	<p><b><u>Licensing Committee</u></b></p> <p>That the Committee considers the draft Statement of Licensing Principles attached as appendix 1 of this report, the revisions made to it as shown by tracked changes and recommend its adoption to Full Council with the tracked changes accepted.</p>
(i)	<p><b><u>Council</u></b></p> <p>That Council with effect from 31st January 2025 adopts the draft Statement of Licensing Policy as attached and subject to any amendment that may be made by the Licensing Committee (if appropriate)</p>
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	The Council has a statutory obligation to adopt, review and maintain a Statement of Licensing Principles (policy) in relation to the functions allocated to it under the Act.

<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	Not applicable as the council is required to have a SLP by law.
<b>DETAIL (Including consultation carried out)</b>	
3.	Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act.
4.	The Act provides for three categories of licence:- (a) Operating licences; (b) Personal licences; and (c) Premises licences
5.	The Gambling Commission issues operating licences and personal licences; and licensing authorities issue premises licences. This has the effect of placing on line gambling under the remit of the Gambling Commission, not the local authority.
6.	The main functions of licensing authorities under the Act are as follows: - <ul style="list-style-type: none"> <li>• Licensing premises for gambling activities</li> <li>• Considering notices given for the temporary use of premises for gambling</li> <li>• Granting permits for gaming and gaming machines in clubs and miners' welfare institutes</li> <li>• Regulating gaming and gaming machines in alcohol licensed premises</li> <li>• Granting permits to family entertainment centres for the use of certain lower stake gaming machines</li> <li>• Granting permits for prize gaming</li> <li>• Considering occasional use notices for betting at tracks</li> <li>• Registering small societies' lotteries</li> </ul>
7.	In April 2023 the Gambling Commission updated the revised detailed guidance to licensing authorities on the manner in which they are to exercise their functions under the Act, and in particular, the principles they should apply in exercising their functions.
8.	The Gambling Commission requires operators to identify risks to the licensing objectives associated with premises, its operation and the location in which it is sited. Operators must produce a risk assessment for each premises – setting out mitigation in place or planned to be put in place to reduce risk to the licensing objectives. These requirements are set out within the Commission's Licensing Conditions and Codes of Practice ("LCCP")
9.	Failure to produce a premises risk assessment amounts to a breach of the operator's licence and could result in revocation of that licence. The need to produce a risk assessment means that operators should pay close attention to local risks or concerns identified by the Licensing Authority in its SLP document. The impact of these changes is an increased importance of the SLP.



10.	The vast majority of the SLP is prescriptive or flows from statutory guidance which is expected to be included in the document unless there is very good reason not to do so. The Council also has the benefit of Leading Counsel's opinion on a previous draft document to ensure it meets the statutory requirements.
11.	A draft SLP was presented to the Licensing Committee on 26 <sup>th</sup> June 2024 who approved to commence consultation on the draft SLP. The report highlighted there is a significant change in the Casino section (15). This shows the process that will be adopted should the council decide to invite applications. IT DOES NOT ADDRESS THE DECISION OF THE COUNCIL WHETHER TO PROGRESS WITH INVITES OR NOT FOR A LARGE CASINO. This question will be dealt with separately to the adoption of the SLPs.
12.	The City Council undertook consultation on the SLP between 13 <sup>th</sup> August 2024 and 7 <sup>th</sup> October 2024 in accordance with the Act and Regulations as well as the Council's own consultation requirements. A report summarising the responses is attached as appendix 2
13.	Officers have provided comments on the consultation responses and this is attached to the report at appendix 3
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
14.	N/A
<b><u>Property/Other</u></b>	
15.	N/A
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
16.	Section 349 Gambling Act 2005
<b><u>Other Legal Implications:</u></b>	
17.	The SLP sets out the factors which the Licensing Authority shall take into account, along with relevant statutory guidance, the Gambling Act 2005 and Regulations made thereunder when performing its licensing functions. It is important to note and reiterate that the Licensing Authority is unable to consider issues relating to morality or demand when determining premises licence applications
18.	Public authorities, under the Equality Act 2010, have a legal obligation to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. An Equality Impact Assessment has not been carried out in this instance as the risks associated with the publication of this document on this duty are considered

	to be low
<b>RISK MANAGEMENT IMPLICATIONS</b>	
19.	Failure to properly consult or adopt such a policy will leave decisions by the authority at risk of challenge. Failure to adopt the SLP leaves the authority unable to perform its statutory functions and therefore the risk is high in this regard
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
20.	The Gambling Act policy is one of the policy framework documents that is required to be considered and adopted by full Council on a triennial basis.

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Consultation SLP with tracked changes
2.	Report summarising responses to consultation
3.	Officer responses to consultation comments
4.	ESIA

**Documents In Members' Rooms**

1.	None
<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>Yes</b>
<b>Data Protection Impact Assessment</b>	
<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>No</b>
<b>Other Background Documents</b>	
<b>Other Background documents available for inspection at:</b>	
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	
2.	



## **GAMBLING ACT 2005 SECTION 349**

### **STATEMENT OF PRINCIPLES**

This Statement of Principles, unless otherwise amended, will remain in force from 31st January 2025 until 31st January 2028

## Contents

Item	Page
<b>Part A - General</b> .....	<b>4</b>
1.0 Licensing Objectives .....	4
2.0 Introduction .....	4
3.0 Consultation on the Statement of Principles .....	5
4.0 Declaration .....	7
5.0 Responsible authorities and interested parties .....	7
6.0 Exchange of Information .....	9
7.0 Compliance and Enforcement .....	9
8.0 The Licensing Authority Functions .....	10
<b>Part B – Premises Licences</b> .....	<b>12</b>
9.0 Premises Licences – What Standards the Licensing Authority Expects from Applicants .....	12
10.0 General Principles .....	21
11.0 Conditions on premises licences .....	23
12.0 Other Legislation .....	25
13.0 Adult Gaming Centres (AGCs) .....	25
14.0 Licensed Family Entertainment Centres .....	26
15.0 Casinos .....	26
16.0 Bingo Premises .....	30
17.0 Betting Premises .....	30
18.0 Tracks .....	31
19.0 Travelling Fairs .....	33
20.0 Provisional Statements .....	33
21.0 Reviews of premises licences .....	33
<b>Part C – Permits, Temporary and Occasional Use Notices</b> .....	<b>35</b>
22.0 Unlicensed Family Entertainment Centre Gaming Machine Permits .....	35
23.0 Alcohol Licensed Premises Gaming Machine Permits .....	35
24.0 Prize Gaming Permits .....	36
25.0 Club Gaming and Club Machine Permits .....	37
26.0 Temporary Use Notices .....	38
27.0 Occasional Use Notices .....	38
<b>Part D – Other Information</b> .....	<b>39</b>
28.0 Rights of Appeal and Judicial Review .....	39

## Contents

29.0 Other Matters.....	39
30.0 The Licensing Authority Delegations.....	40
Appendix A – Map of Southampton.....	42
Appendix B - Local Profile.....	43

## Part A – General

### Part A - General

#### 1.0 Licensing Objectives

- 1.1 In exercising most of its functions under the Gambling Act 2005, the Licensing Authority must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 The Licensing Authority is aware the Gambling Commission has stated the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.
- 1.3 Various reports identify an increase in online gambling and the impact this has on our communities. The Licensing Authority recognises this but understands the remit for local authorities does not include online gambling but will take the impacts into consideration.
- 1.4 This Licensing Authority is aware that in accordance with Section 153 of the Act, in making its decisions about premises licences and temporary use notices it should aim to permit the use of the premises for gambling in so far as it thinks it:
- (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)).

#### 2.0 Introduction

- 2.1 Southampton City is the south coast's regional capital with a population of over 263,700 in an area of 50 square km. Southampton City is the gateway to a wide range of world-class features from the Solent with its marine leisure opportunities to the New Forest National Park. The city is home to two universities, the University of Southampton and Southampton Solent University, with around 37,800 higher education students.
- 2.2 Southampton has a rich heritage, with a famous seafaring history as an important Roman port. The Old Town is surrounded by a stretch of medieval walls. Southampton's sixty scheduled monuments include the town walls, numerous medieval vaults and cellars, the Tudor House Museum and the Roman remains at Bitterne Manor.

## Part A – General

- 2.3 Southampton is the cruise capital of northern Europe with 2m passengers passing through the port annually. The Port of Southampton is the UK's number one export port and is the country's leading port for automotive trade.
- Southampton City Council is developing a masterplan for the Mayflower Quarter, which sets out development from the north of Southampton Central train station to the waterfront. The development will provide facilities for businesses, alongside city centre homes and leisure opportunities. Engagement on Mayflower Quarter with key stakeholders across Southampton has taken place. Southampton City Council is now reaching out to the wider community for suggestions for the Mayflower Quarter area.
- 2.4 The Southampton Economic & Green Growth Strategy sets out plans to restore and renew Southampton as a greener, fairer and healthier city. The plans will be delivered over a 10-year period, from 2020-2030. Significant opportunities for funding have already been identified, including a £250 million development at Leisureworld, estimated to create 1,000 jobs. The development is planned to include a cinema, casino, leisure and wellbeing facilities, 650 new homes, two 150-room hotels, 80 serviced hotel apartments and a modern workspace.
- 2.5 Southampton City Centre is working with developer Tellon Capital to rejuvenate the Bargate Quarter in Southampton, the development is planned to include New Bargate to Queensway 'linear park' to showcase city's historic walls. Approximately 519 residential units. Approximately 2,515 square metres of retail. Hotel plans withdrawn in favour of new homes for local people. The developer is due to start during 2021 with a planned completion date of 2025.
- 2.6 Southampton City Council's is planning the regeneration of Bitterne District Centre through investment in public services in the Bitterne Hub. The Bitterne Hub development is planned to include a library, healthcare centre and leisure centre. The Hub development also creates the opportunity for new homes including extra care facilities through the release of some of the land currently occupied by these facilities.
- 2.7 In June 2024 gambling facilities in the city included three casinos, four bingo clubs, 31 betting offices, 15 amusement centres, one betting track, and 115 premises licensed for the supply of alcohol for consumption on the premises which have gaming machines installed.
- 2.8 A map of the Southampton area is attached as Appendix A.
- 3.0 Consultation on the Statement of Principles**
- 3.1 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must then be re-published.
- 3.2 The Licensing Authority has consulted widely on this statement before finalising and publishing it. It should be noted unsolicited comments may have been received from other persons but all of these have not been listed.
- 3.3 The Gambling Act requires the following parties be consulted by licensing authorities:

## Part A – General

- The Chief Officer of Police for Hampshire;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the Southampton area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

**3.4** This policy has been drafted after consultation with the following organisations and individuals.

- Adult Social Care
- Betting & Gaming Council
- British Amusement Catering Trade Association
- Bingo Association
- British Beer & Pub Association
- British Holiday & Home Parks Association
- Citizens Advice
- Community Safety
- Environmental Health
- Federation of licensed victuallers
- Gamblers Anonymous
- BeGambleAware
- Gambling Commission
- Gamcare
- Gamestec
- Gamstop
- Hampshire Constabulary
- Hampshire Fire and Rescue Service
- HM Revenue & Customs
- Licence holders including all the permit holders
- Local courts
- Mencap
- Planning and Sustainability
- Public Health Southampton
- Racecourse Association Ltd
- Safeguarding Children



## Part A – General

- Trading Standards

Additionally it was available for the general public through the Consultation web page of Southampton City Council

- 3.5 The full list of comments made and the consideration by the Council can be obtained from the Licensing Team, Southampton City Council, Civic Centre, Southampton SO14 7LY. The first policy was approved at a meeting of the Full Council on 15th November 2006 and has been subsequently revised and published via the Council's website ([www.southampton.gov.uk/gamblingslp](http://www.southampton.gov.uk/gamblingslp)). Copies are placed in all the city's public libraries as well as being available from the Licensing Team at the Civic Centre.
- 3.6 The Licensing Authority will also consult the above and any other relevant persons as may be appropriate for any subsequent revision of the statement.

- 3.7 Any comments as regards this statement should be sent to:

The Licensing Manager

Southampton City Council

Civic Centre

Southampton

SO14 7LY

Tel: 023 8083 3002

Email: [licensing.policy@southampton.gov.uk](mailto:licensing.policy@southampton.gov.uk)

- 3.8 It should be noted this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### 4.0 Declaration

- 4.1 In publishing this document, the Licensing Authority declares it has had regard to the licensing objectives of the Act, guidance issued by both the Government and the Gambling Commission and any responses from those consulted on the statement.

### 5.0 Responsible authorities and interested parties

- 5.1 When dealing with applications for and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as "responsible authorities" and "interested parties." (It should be noted these are defined differently to those defined in the Licensing Act 2003). Representations made by persons other than responsible authorities or interested parties will be inadmissible.

- 5.2 Southampton City Council has committed to adopt a Health in All Policies approach. This means that health information will be considered when creating policies and other significant pieces of work. Public health are not a responsible authority under the Gambling Act 2005, however, the licensing authority will consult the Director of Public Health on premises licence applications where appropriate. The licensing authority and Director of Public

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## Part A – General

Health will consider the use of the Gambling Commission's resources and toolkits when making decisions.

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5.3 "Responsible authorities" are public bodies that must be notified of applications by the applicant. They are as follows:

- the Licensing Authority in whose area the premises are wholly or partly situated;
- the Gambling Commission;
- the Chief Officer of Police;
- the Fire and Rescue Authority;
- the Local Planning Authority;
- the Environmental Health;
- the Southampton Local Safeguarding Children Board;
- HM Revenue and Customs; and
- Any other person prescribed by the Secretary of State

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5.4 A full list and contact details of all the Responsible Authorities under the Act are contained on the Council's website ([www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing)).

5.5 The Licensing Authority is required by the regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act when designating in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

5.6 In accordance with the suggestion in the Gambling Commission's Guidance to Local Authorities, this authority has approached the Local Children's Safeguarding Board who in turn have designated Southampton Children Services as the body that is competent to advise the authority about the protection of children from harm.

5.7 "Interested parties" are persons who may make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as follows:

"A person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person -

- lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- has business interests that might be affected by the authorised activities; or
- represents persons in either of those two groups referred to above".

## Part A – General

- 5.8** Each case will be considered on its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Local Authorities.
- 5.9** It will also consider the Gambling Commission’s Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 5.10** The Gambling Commission has recommended the Licensing Authority states interested parties include trade associations, and trade unions, and residents and tenants’ associations (paragraph 6.21 of the Gambling Commission Guidance to Local Authorities). This authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act, i.e. lives sufficiently close to the premises to be likely affected by the activities being applied for or has business interests that might be affected.
- 5.11** Interested parties can be persons who are democratically elected such as local councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected.
- 5.12** If interested parties wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with that particular licence application. If there are any doubts then please contact
- Democratic Services  
Southampton City Council  
Civic Centre  
Southampton  
SO14 7LY
- 5.13** Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

### **6.0 Exchange of Information**

- 6.1** Licensing Authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2** The Licensing Authority will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 2018, UK General Data Protection Regulations and other associated legislation will not be contravened. The Licensing Authority will also have regard to the Gambling Commission’s Guidance to licensing authorities,

## Part A – General

in particular part 13 or any other part of the guidance that is applicable as and when amended.

### 7.0 Compliance and Enforcement

7.1 Licensing Authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

7.2 This Licensing Authority's principles are that It will be guided by the Gambling Commission's "Guidance to Local Authorities", will adopt a risk-based inspection programme in accordance with the Regulators' Code and will endeavour to be:

- **Proportionate:** intervention only when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** decisions must be justified, and subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** focused on the problem and minimise side effects.

7.3 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 The main enforcement and compliance role for the Licensing Authority is to ensure compliance with the premises licences and other authorisations. The Gambling Commission will be the enforcement body for the operator and personal licences it issues. It should also be noted concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

7.5 In particular, the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (SI 2007 no. 1409) make provision for conditions to be attached to premises licences under section 167 and 168 of the Gambling Act 2005

7.6 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.7 Having regard to the principle of transparency, the Licensing Authority enforcement policy will be available on request to the Licensing Team.

7.8 Southampton City Council has an adopted Enforcement Policy which will be adhered to when considering enforcement activity.

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## **Part A – General**

### **8.0 The Licensing Authority Functions**

#### **8.1** The Licensing Authority will:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
- Maintain registers of the permits and licences issued under these functions

#### **8.2** The Licensing Authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operator Licences.

## Part B – Premises Licences

### Part B – Premises Licences

#### 9.0 Premises Licences – What Standards the Licensing Authority Expects from Applicants

9.1 The Licensing Authority is required to take into account the following when taking decisions in respect of premises licences:

- (a) Relevant Gambling Commission Codes of Practice
- (b) Relevant Gambling Commission Guidance
- (c) Reasonable consistency with the Licensing Objectives (subject to a and b)
- (d) This is our gambling statement of principles (subject to a – c)

9.2 It is important for there to be clear guidelines as to how we will make decisions about premises licence applications. In this way we can be consistent and ensure the committee have clear reasons for decisions taken. It is also important to be transparent about this process so those who apply for licences and those who may have opinions about gambling premises know how the process works.

9.3 In light of this we have set out below what we are looking for from applicants looking to offer gambling in Southampton.

9.4 Each application for a premises licence will be considered on its merits; applicants are expected to show how they will meet licensing objective concerns, in order to be granted a licence. Where applicants fail to show how they will meet licensing objective concerns, licence conditions can be imposed or the application rejected.

#### 9.5 Licensing objectives: minimum standards for all premises

9.5.1. We expect high standards from all gambling premises. These standards are in line with the three licensing objectives of the Gambling Act.

9.5.2. The Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in August 2024, formalise the need for operators to consider local risks.

9.5.3. All premises licensees are to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. It will be expected that operators will factor in the levels of deprivation in their local area and exercise greater vigilance, where appropriate, in matters such as monitoring, intervention, self-exclusion and display of information. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of policy.

The local risk assessment should consider the urban setting:

- The proximity of the premises to schools.
- The commercial environment.
- Factors affecting the footfall.
- Whether the premises is in an area of deprivation.

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## Part B – Premises Licences

- Whether the premises is in an area subject to high levels of crime and/or disorder.
- The ethnic profile of residents in the area.
- The demographics of the area in relation to vulnerable groups.
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship.

The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangements in place for local exchange of information regarding self-exclusion and gaming trends.
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information, provided in both English and any other prominent first language for that locality.
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council one stop shops, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.
- Arrangements in place to signpost vulnerable customers to relevant support organisations.

The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity to places where children congregate such as bus stops, cafes, shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

Other matters that the risk assessment may include:

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.

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## Part B – Premises Licences

- The layout of the premises so that staff have an unobstructed view of persons using the premises

Appendix B provides details on local profiles in the city. This appendix is to be considered as a separate document from this policy to allow it to be easily updated if necessary.

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### 9.5.4. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

Generally this objective will be addressed through operating licences issued by the Gambling Commission. However we will require that premises have protocols in place to prevent staff or customers becoming a victim of robbery and identify those persons who may be at risk and the existence of these protocols is well-publicised. We will also outline control measures for tracks, as track operators do not need to hold an operating licence. The Gambling Commission highlights "disorder is intended to mean activity that is more serious and disruptive than mere nuisance." For example, was police assistance required? How threatening was the behaviour to those who could see or hear it?

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### 9.5.5. Ensuring gambling is conducted in a fair and open way

Generally this objective will be addressed by:

- The management of the gambling business (in conjunction with the Gambling Commission, who are responsible for issuing and enforcement of the operating licence).
- The personal licence holders proving their suitability and actions (which again is the responsibility of the Gambling Commission)

In the case of those premises that do not hold an operating licence such as tracks, additional conditions may be required dependent on the risks outlined in the application.

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### 9.5.6. Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Gambling Act defines "children" as those persons under 16 years of age and "young persons" as those persons aged 16 or 17 years of age.

The term "vulnerable persons" is not defined, however the following offers some guidance:

- People who gamble more than they want to
- People who gamble beyond their means
- People who may not be able to make informed or balanced decisions about gambling due to a lack of mental capacity, potentially due to cognitive or mental health conditions, alcohol, drugs or even some pharmaceutical treatments.

The governments 'Gambling-related harms evidence review' updated on 30<sup>th</sup> September 2021 estimates 0.5% of the population reached the threshold to be considered problem gamblers and 3.8% of the population were considered as 'at risk gamblers'. People identified as problem gamblers are more typically



## Part B – Premises Licences

male and in younger age groups. The socio-demographic profile of gamblers appears to change as gambling risk increases, with harmful gambling associated with people who are unemployed and among people living in more deprived areas.

In Southampton we will also consider the following people to be vulnerable to the risks of gambling:

- Those who are dependent for a source of income on somebody who gambles more than they want to or beyond their means
- Those who are employed by gambling operators and have regular contact with gambling
- Those aged 16-29.
- Habitual players of gaming machines.

Additionally research by City of Westminster Council, Manchester City Council and the Local government Association identified the groups as at greater risk of harm from gambling. This list is not exhaustive but includes the following:

- Young people
- People from Asian or Oriental ethnic groups,
- People who are unemployed
- People in deprived areas
- People who are homeless
- People who are migrants
- People on probation
- People under the influence of drugs and/or alcohol
- People with some mental health, cognitive or neurodiverse conditions
- People with a history of problematic gambling

Research by Leeds Beckett University notes that problem gambling is likely to be twice as high in:

- Metropolitan Boroughs
- Urban Areas
- Areas of Greater Population Density
- Multi-cultural areas
- More prosperous areas

(Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016)

We expect all premises license holders to be aware that actual rates of problem gambling may be higher than reported in this document.

These factors need to be addressed by applicants and licence holders when completing their risk assessments, further information on these subjects are contained appendix B.

What constitutes harm or exploitation will have to be considered on a case-by-case basis.

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## Part B – Premises Licences

We expect all premises licence holders to have suitable safeguarding policies in respect of children, young persons and vulnerable persons. We expect premises licence holders to ensure all staff are trained to recognise safeguarding issues when they arise and act appropriately. Such policies must be kept updated and staff training refreshed at frequent intervals.

Further we expect premises to display information on mental health, alcohol and drug services on-site where it is accessible by customers and staff.

### 9.5.7. General considerations for all gambling premises

We expect high standards from premises licence applicants in order to promote the licensing objectives. We will therefore look to apply licence conditions where appropriate to ensure these standards are met. The types of conditions we may look to apply in respect of all types of premises are listed below with more premises specific conditions listed in 10 to 19 below.

### 9.5.8. Data gathering and sharing

Keeping track of the incidence and handling of problem gambling in Southampton is a key part of promoting the licensing objectives. We expect all Southampton-based gambling premises to maintain a log and share this and other information with the Licensing Team upon request.

Data we consider should be recorded and shared includes (but is not exclusive to):

- (a) Number of interventions in a calendar month along with a short description of the cause and effect
- (b) Number of cases in a calendar month where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry
- (c) Number of mandatory exclusions needing enforcement in a calendar month along with a short description of the cause and effect
- (d) Attempts to enter by those under age in a calendar month along with short description of incident and action
- (e) Attempts to enter by those under age in the company of adults in a calendar month along with short description of incident and action
- (f) Attempts to enter by those under age with complicit adults in a calendar month along with short description of incident and action
- (g) Incidents of 'at risk behaviour' in a calendar month along with short description of incident and action
- (h) Incidents of 'behaviour requiring immediate intervention' in a calendar month along with short description of incident and action.

We will look to work with the trade to ensure inconvenience is minimised while we build up a picture of gambling risks and progress in risk management. Before any publication, information shared with the

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## Part B – Premises Licences

Licensing Team would be redacted as appropriate, so as to prevent dissemination of clearly sensitive personal data.

### 9.5.9. Knowledge

We expect all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling. Amongst other elements, staff knowledge should include (where appropriate):

- (a) The importance of social responsibility (Premises may wish to seek an audit from GamCare or such other appropriate body in order to obtain a Certificate of Social Responsibility)
- (b) Causes and consequences of problem gambling
- (c) Identifying and communicating with vulnerable persons: primary intervention and escalation
- (d) Dealing with problem gamblers: exclusion (mandatory and voluntary) and escalating for advice/treatment
- (e) Refusal of entry (alcohol and drugs)
- (f) Age verification procedures and need to return stakes/withdraw winnings if under age persons found gambling
- (g) Importance and enforcement of time/spend limits
- (h) The conditions of the licence
- (i) Maintaining an incident log
- (j) Offences under the Gambling Act
- (k) Categories of gaming machines and the stakes and odds associated with each machine
- (l) Types of gaming and the stakes and odds associated with each
- (m) Staff exclusion from gambling at the premises where they are employed and reasons for restriction
- (n) The "no tipping" rule, unless a common fund into which tips and service charges are paid for distribution to the staff (a "tronc") is established and conducted in accordance with current H.M. Revenue and Customs advice.
- (o) Ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.
- (p) Safe cash-handling/payment of winnings
- (q) Identify forged ID and bar those using forged ID from the premises
- (r) Knowledge of a problem gambling helpline number (for their own use as well as customers)
- (s) The importance of not encouraging customers to:
  - Increase the amount of money they have decided to gamble
  - Enter into continuous gambling for a prolonged period
  - Continue gambling when they have expressed a wish to stop

## Part B – Premises Licences

- Re-gamble winnings
- Chase losses.

Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling.

In so far as training, we do not intend to duplicate any existing training requirement, such as may be required by the Gambling Commission's Code of Practice.

For premises that supply alcohol by retail under the authority of a premises licence granted under the Licensing Act 2003 staff to receive alcohol intervention training.

### 9.5.10. A self-exclusion scheme

We expect all premises to operate a voluntary exclusion scheme. This means wherever customers request to be excluded from the premises, they are excluded for an agreed timeframe. A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant code of practice and trade association advice. The premises take responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period and has been signposted to counselling and support services.

### 9.5.11. Intervention to protect vulnerable persons from being harmed or exploited by gambling

We expect all premises offering gambling to have a mechanism in place to identify vulnerable persons and to monitor and intervene where customers may be gambling beyond their means or more than they would like or otherwise in a way that is harmful, or it is suspected it may be harmful to others who are dependent on them. Intervention may include raising the customer's awareness of the existence of support services and the availability of a voluntary exclusion scheme. However intervention may also include directing a counselling session and following that session potentially mandatory exclusion.

To reduce the impact of harmful gambling on associates of participants premises to have in place interventions for individuals who are displaying anger or aggressive behaviour linked to their gambling prior to leaving the premises.

Beyond this we do not wish to be overly prescriptive in how intervention shall proceed. This is a developing area and we feel there are benefits with different operators trying out different approaches; the best of which can then be taken forward on a wider scale.

### 9.5.12. The location of gambling premises

Locations for gambling premises, which may pose problems, include those in close proximity to premises frequented by children or other vulnerable persons e.g. schools or parks. Each case will be considered on its merits and if adequate measures are put in place in accordance with this policy to restrict access to children, protect vulnerable persons and prevent crime and disorder, there is no reason why one location

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## Part B – Premises Licences

poses substantively more risk than another. We recognise the presence of gambling premises with a constant stream of trade in what may have formerly been an underused area may serve to reduce crime and disorder, however this will only be the case where necessary safeguards are put in place either by the operator or by the licensing authority in the form of licence conditions.

### 9.5.13. Layout and Access

Premises should ensure appropriate systems and procedures are in place to ensure the exclusion of those persons who have requested to be excluded as well as under 18s (where appropriate). This should include, at minimum, a “Think 21” scheme with acceptable ID limited to either a photo driving licence, passport or PASS accredited proof-of-age scheme. Prominent signage at all entrances should indicate this requirement. We would encourage easily visible exit signs and large clock faces to be placed so visitors do not lose track of time

Whilst under 18s CANNOT enter the vast majority of licensed gambling premises, there are exceptions. Under 18s CAN enter:

- The gambling areas of a bingo club other than areas containing category C and above gaming machines
- The gambling areas of a track (on race days) other than off-course betting and areas containing category C gaming machines
- Licensed Family Entertainment Centres (FEC)  
(See the prescribed mandatory and default conditions and Gambling Commission guidance and codes of practice for details of under 18s rights of access and participation.)

In the case of premises that are able to allow under 18s to access some gambling areas, due attention should be given to layout and access to ensure under 18s do not participate in gambling or gain access to areas where access is restricted, and the areas are suitably monitored.

Where category C or above gaming machines are available in premises to which under 18s are admitted, we expect::

- All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- Only over 18s are admitted to the area where these machines are located
- Access to the area where the machines are located is supervised
- The area where the machines are located is arranged so it can be observed by staff of the operator or the licence holder
- At the entrance to, and inside any such area there are prominently displayed notices indicating access to the area is prohibited to persons under 18.

Where under 18s are loitering outside the premises, steps should be taken by the premises licence holder to discourage them from loitering

19 of 59

## Part B – Premises Licences

there and consideration should be made to reporting this to the police or education welfare officer as appropriate.

Furthermore, premises should ensure vulnerable persons are either excluded from gambling (in the case of those who are under the influence of alcohol or drugs, under voluntary exclusion or have been excluded for whatever other reason) or are under supervision with the possibility of intervention. Such exclusions should not discriminate against people who may be wrongly judged to be vulnerable e.g. people with a protected characteristic under the Equality Act 2010; we recognise this may be a difficult judgement to make at times and premises should ensure staff are trained to make reasonable and non-discriminatory judgements.

Whilst supervisors of entrances and exits may need to be registered with the Security Industry Authority, we expect all customer-facing and managerial staff in Southampton to show a due level of competence and understanding of responsible gambling. This may, for example, involve undergoing training and sitting an examination.

Sometimes several licences may be in place for just one premises or one licence may cover only part of the premises. In light of this operators must carefully consider the premises layout to ensure children and young persons (as appropriate) neither gain access to areas used for gambling nor are brought into close proximity to gambling.

### 9.5.14. Access

Premises should take such steps as are reasonably practicable to ensure entrances and exits to the premises will enable persons using the premises (including disabled persons) and the facilities to be safe and free from risks to health and while such persons are present on the premises every exit provided for their use shall be unsecured and free from obstruction.

### 9.5.15. Staff restrictions on access to gambling

Gambling premises staff are brought into close proximity with gaming and/or gaming machines on a regular basis and therefore may have a heightened vulnerability to problem gambling. There is also a risk of off duty staff colluding with their colleagues. For these reasons we feel staff must be excluded from gaming or gambling on the premises at which they work at all times. Larger operators may also want to consider offering an Employee Assistance Programme. Smaller operators may simply wish to refer staff with gambling problems to a local counselling service.

### 9.5.16. Staff to customer ratio

To ensure the safety of both customers and staff, sufficient staffing numbers should be in place at all times the premises is open. All premises will be expected to demonstrate they will have in place a suitable staff to customer ratio as appropriate to the premises. A suitable ratio should take into account the protection of staff and customers with respect to the crime and disorder objective as well as the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

## Part B – Premises Licences

When deciding their ratio we would advise premises to seek the advice of the Crime Reduction Officer prior to application.

### 9.5.17. Inducements to gamble

To further ensure the safety of both customers and staff and protect vulnerable persons from being harmed or exploited by gambling, premises should not use inducements to gamble such as [advertising](#) free or cut price alcohol or food.

### 9.5.18. Advertising

Applicants will be required to demonstrate how they will comply with the relevant Gambling Commission code of practice and Advertising Standards Authority regulations in respect of advertisements. Advertising should not target 'vulnerable persons'.

### 9.5.19. On-premises provision of gambling advice

A risk-aware and gambling literate customer base with recourse to advice and assistance is likely to have a lesser chance of being harmed or exploited by gambling. Where people gamble we want them to do so for entertainment rather than in the expectation of a big win or to chase losses.

In light of this, we will expect all gambling premises:

- (a) Provide leaflets and posters, free telephone helpline and GamCare/BeGambleAware contact details aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g. helpline number and online counselling facility. For every 100m<sup>2</sup> of gambling/gaming and/or gaming machines at least one prominent leaflet display must be provided along with a neighbouring poster to reinforce the message. Leaflets and posters should also be available in more discreet locations e.g. toilets.
- (b) Prominently display details of odds with each gaming machine

Premises should liaise with the BeGambleAware to gain approval for leaflet and poster content and ensure pointers to local sources of help and guidance are up to date and relevant.

Whenever a customer expresses concern about their gambling, unless prevented from doing so by staff safety concerns, staff should provide them with a responsible gambling leaflet, suggest they contact the helpline number and make them aware of their self-exclusion facilities and local counselling services available.

### 9.5.20. Exclusion of those who appear to be under the influence of alcohol or drugs etc.

In order to protect both staff and those who are under the influence of alcohol or drugs (thereby potentially distorting their ability to make rational decisions), those persons who appear to be in such a state must be immediately excluded from the premises. Signage should be prominently displayed to indicate this. Please note with reference to those persons with mental impairment or mental health difficulties, premises would be well-advised to consult a suitable Mental Health

## Part B – Premises Licences

Advisor and formulate a policy to protect this category of vulnerable person from being harmed or exploited by gambling, while allowing people with mental capacity to enjoy gambling as other customers do.

### 9.5.21. Safe Cash-handling

In the interest of preventing crime and disorder, we require all gambling premises in Southampton to have a minimum provision for safe cash-handling and thereby prevent against theft/robbery etc. We will expect minimum standards in terms of:

- The frequency of banking cash (to avoid large sums being involved)
- Use of security personnel for transport
- No. of staff handling cash at any one time
- A fully up to date CCTV system with records kept for an appropriate length of time (including signage to indicate the presence of such a system)
- Local and emergency contact details for the emergency services clearly displayed in office areas
- Consultation with a Crime Reduction Officer and regular security reviews

For security reasons, while we will not expect premises to tell us the precise details of the protocols they have in place, the licensing authority will need to be satisfied effective procedures exist. It should be prominently publicised on-site that robust security measures are in place.

### 9.5.22. Safe payment of winnings

In the interest of preventing aggravated robbery etc. gambling premises should consider offering their customers a choice of methods by which their winnings may be paid. This could include either cheque or BACS payment. These options should be well publicised.

### 9.5.23. Adequate lighting inside and out

We expect all premises to have adequate lighting inside and out (appropriate to the premises in question) to ensure against robbery and other covert activity.

### 9.5.24. Engagement with the police

In addition to the need to consult a local Crime Reduction Officer, the operators of new premises/premises undergoing a refurbishment should also engage with the police's architectural liaison unit at the design stage to ensure crime prevention and detection.

### 9.5.25. Specific types of premises and what we are looking for in respect of each

While we have outlined minimum standards we expect from all gambling premises in the previous section, any areas we need to stress, due to differences between premises types, are outlined below.



## Part B – Premises Licences

The Council will pay particular attention to any Codes of Practice, issued by the Gambling Commission in respect of specific types of premises.

### 10.0 General Principles

**10.1** Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

**10.2** The Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks it:

- (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))

**10.3** The Licensing Authority appreciates that in accordance with the Gambling Commission's Guidance "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any "no casino" resolution – see section on Casinos below – paragraph 15 below) and also unmet demand is not a criterion for the Licensing Authority.

### 10.4 Definition of "premises"

"Premises" is defined in the Act as "at any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

**10.5** This Licensing Authority takes particular note of the Gambling Commission's Guidance to Local Authorities which states (paragraphs 7.26 and 7.27):

"Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The plan of the premises should clearly denote entrances and exits."

For bingo and Family Entertainment Centres premises, it is a mandatory condition under-18s should not have access to areas where category B and C

## Part B – Premises Licences

gaming machines are located and this is achieved through further mandatory conditions that require the area to be:

- separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose
- supervised at all times to ensure under-18s do not enter the area, and supervised by either:
  - one or more persons whose responsibilities include ensuring under-18s do not enter the areas
  - CCTV monitored by one or more persons whose responsibilities include ensuring under-18s do not enter the areas
- arranged in a way that ensures all parts of the area can be observed.

A notice must be displayed in a prominent place at the entrance to the area stating no person under the age of 18 is permitted to enter the area. ”

### 10.6 Duplication with other regulatory regimes

The Licensing Authority will seek to avoid any duplication with other statutory or regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be granted planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions that are not able to be met by licensees due to planning restrictions, should such a situation arise.

### 11.0 Conditions on premises licences

11.1 The mandatory and default conditions are designed to be sufficient to ensure an operation is reasonably consistent with the licensing objectives.

Accordingly, additional conditions will only be imposed where, in the circumstances of the case, there is evidence of a risk to the licensing objectives that is not adequately addressed by the mandatory and default conditions or policies, procedures and mitigation measure outlined in the local area risk assessment.

11.2 The Licensing Authority will ensure any conditions imposed are proportionate to the circumstances which they are seeking to address, and will ensure any premises licence conditions are:

- relevant to the need to make the proposed building suitable as a gambling facility (i.e. relate only to gambling, as appropriate under s.153);
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises;
- not replicating requirements set out elsewhere (e.g. the Commission’s Licence conditions and codes of practice (LCCP) or other legislation),
- not seeking to address a matter already dealt with by mandatory conditions and;

## Part B – Premises Licences

- reasonable in all other respects

**11.3** Decisions upon individual conditions will be made on a case by case basis. The authority recognises conditions can only be imposed when necessary and any conditions imposed must be proportionate to the aim. There will be a number of measures this Licensing Authority will consider utilising, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

**11.4** The Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include:

- supervision of entrances;
- segregation of gambling from non-gambling areas frequented by children;
- supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

These matters are in accordance with the Gambling Commission's Guidance.

**11.5** The Licensing Authority will also ensure where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

**11.6** The Licensing Authority is aware tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure entrances to each type of premises are distinct and children are excluded from gambling areas where they are not permitted to enter.

**11.7** It is noted there are conditions which the Licensing Authority cannot attach to premises licence which are:

## Part B – Premises Licences

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or methods of operation;
- conditions which provide membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winnings or prizes

### 11.8 Door Supervisors

The Gambling Commission advises in its Guidance to Local Authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. .

- 11.9 For premises other than casinos and bingo premises, operators and licensing authorities may decide supervision of entrances/machines is necessary for particular cases.

### 12.0 Other Legislation

- 12.1 The Licensing Authority will not take into account matters not related to gambling and the licensing objectives when considering an application for a premises licence. However, it is for the operator to ensure premises comply with all other relevant legislation such as fire safety, food safety and health & safety. It should be noted these examples are not exhaustive, and applicants must ensure they comply with all other regulatory regimes in respect of their employees and the public.

- 12.2 So far as is possible, this statement of principles will avoid duplicating those other regulatory regimes.

### 13.0 Adult Gaming Centres (AGCs)

- 13.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority there will be sufficient measures to ensure, for example, persons under the age of 18 do not have access to the premises.

- 13.2 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however, appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry

## Part B – Premises Licences

- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Staff training

This list is neither mandatory nor exhaustive and is merely indicative of reasonable measures which might be in place.

### 14.0 Licensed Family Entertainment Centres

**14.1** The Licensing Authority will specifically have regard to the need to protect children and children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority there will be sufficient measures to ensure persons under the age of 18 do not have access to the adult only gaming machine areas.

**14.2** The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- [Proof of age scheme](#)
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare/BeGambleAware
- Measures/training for staff on how to deal with suspected truant school children on the premises
- Ensuring there are no inducements to remain in the gaming areas longer than anyone can reasonably afford to
- Staff training

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

**14.3** The Licensing Authority will refer to any conditions applied by the Gambling Commission to operating licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority is also aware of mandatory and default conditions on these premises licences.

## Part B – Premises Licences

### 15.0 Casinos

#### 15.1 “No Casino” resolution

The Licensing Authority has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

- 15.2 Such a resolution would be reviewed at three yearly intervals or sooner should the circumstances warrant a revision of the resolution. Any such decision will be made by Full Council. Such a resolution would not affect pre-existing licensed casinos.

#### Casinos and competing applications

- 15.3 On 26 February 2008 the Secretary of State issued the Code of Practice on Determinations relating to large and small Casinos. The Licensing Authority will comply with this Code which sets out:

- (a) the procedure to be followed in making any determinations required under paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005; and
- (b) matters to which the Licensing Authority should have regard in making those determinations.

- 15.4 On 15 May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved and Southampton City Council was authorised to issue a Large Casino Premises Licence.

- 15.5 On 22<sup>nd</sup> March 2016 the Licensing Authority granted a Provisional Statement for a Large Casino to Aspers. That provisional statement lasted for a period of three years to 22<sup>nd</sup> March 2019. After an application to extend the provisional statement the Licensing Authority granted an extension until 22<sup>nd</sup> March 2022. This was further extended to 28<sup>th</sup> November 2023 and has not been extended further. ..

- 15.6 At this stage the licensing authority is considering its options with regards to the large casino licence. The options currently available to the authority are:-

- (a) Invite applications for a large casino.
- (b) Hold onto the licence but not invite applications.
- (c) Return the licence to the government for redistribution.

- 15.7 Should the Licensing Authority decide to invite applications it will follow the process under Schedule 9 of the Gambling Act 2005 and have regard to The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and the Code of Practice issued by the Secretary of State.

- 15.8 In accordance with the above regulations the Licensing Authority will publish an invitation calling for applications for the Large Casino Premises Licence. In addition, consideration of all applications will be deferred until the published closing date for applications.

- 15.9 Where the Licensing Authority receives multiple applications for the Large Casino Premises Licence, there will be a two-stage application process in accordance with the Code of Practice issued by the Secretary of State.

## Part B – Premises Licences

### General Principles

**15.10** In the Code of Practice published on 26 February 2008 by the Secretary of State, it states that a Council should pay particular attention to the following in determining the principles or criteria they propose to apply:

- (a) protection of children
- (b) crime and disorder
- (c) fair gambling
- (d) employment and regeneration
- (e) design and location
- (f) non-gambling facilities
- (g) financial and other contributions

**15.11** The Licensing Authority recognises that applicants may either apply for a full Large Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Large Casino Premises Licences however must fulfil certain criteria, in that they must:

- (a) hold or have applied for an Operating Licence; and
- (b) have the right to occupy

In making any decision in respect of an application, the Licensing Authority shall not take into account the likelihood of the applicant's obtaining planning permission or building regulation approval and any decision shall not constrain any later decision by the Authority under the law relating to planning or building. The Licensing Authority does, however, strongly recommend that planning permission is sought prior to submitting an application.

**15.12** In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.

**15.13** In making a decision on both stages of the procedure, the Licensing Authority will have regard to any Regulations, Guidance or Code of Practice issued by the Secretary of State, DCMS or Gambling Commission.

### Casino Application Stage 1

**15.14** The Licensing Authority will provide an application pack that will include a Statement of the procedure that the Licensing Authority proposes to follow in assessing applications for Large Casino Premises Licence.

**15.15** With regard to Stage 1, the General Principles as stated in Part B of this Gambling Licensing Policy shall apply to all casino applications.

**15.16** Stage 1 – 'The Regulatory Test' will be implemented where the Licensing Authority receives a Premises Licence application or a Provisional Statement application. The Licensing Authority will consider each application separately on its own merit and with no reference being made to the other applications received.

**15.17** At this stage the Licensing Authority cannot accept any additional information other than the prescribed application form laid down in The Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales)

## Part B – Premises Licences

Regulations 2007. All such additional information will be disregarded and returned to the applicant.

- 15.18** The Licensing Authority recognises that each of the other competing applicants is considered an ‘interested party’ and as a result may make representations. Such applicants are however reminded that an interested party is defined in Part A of this Policy and each representation will be considered carefully to ensure it meets the principles set within this Gambling Licensing Policy.
- 15.19** Representations will be treated in the same manner as for a Premises Licence and in accordance with paragraphs relating to Representations in this Policy and the Principles for deciding on interested parties as stated in this Gambling Licensing Policy. It is recognised that the Licensing Authority’s decision may be appealed against, in which case the Licensing Authority will not proceed to Stage 2 until all appeals have been dealt with.
- 15.20** If this process results in more than one provisional decision to grant a Premises Licence, Stage 2 – the “Greatest Benefit” test, will be implemented.
- 15.21** Where a Provisional Statement application is successful, the Licensing Authority may limit the period of time for which the Provisional Statement will have effect. This period may be extended if the applicant so applies.

### Casino Application Stage 2

- 15.22** The Licensing Authority will not consider any Stage 2 applications until the closing date for applications in the competition.
- 15.23** At Stage 2, the applicant will be required to state what benefit’ they can bring to the residents of Southampton and how they can contribute to the wellbeing of the area.
- 15.24** Details of the Licensing Authority’s evaluation criteria and an explanation of the proposed process will be part of the Application Pack that will be sent to applicants.
- 15.25** Where an applicant presents proposals for consideration by the Licensing Authority, they will be requested to prepare a draft Legal Agreement committing themselves to the proposals being made in advance of consideration by the Licensing Committee. The Licensing Authority regards the completion of a legal agreement as being of great importance in securing the delivery of the benefits proposed. A decision by the Licensing Authority to approve an application will provide the requisite authority for the Council to enter into the Agreement, subject to any legal challenge to the Authority’s decision. The form of such Legal Agreement will be provided in the application pack. In the event that the successful applicant fails to carry out the proposal in accordance with the Legal Agreement, the Licensing Authority may receive liquidated damages. Adherence to the Agreement will also be a condition on the Premises Licence so that a breach of the Agreement may result in a review of the Licence.
- 15.26** In the event that the successful operator does not open a casino within the agreed timescale, then the Licensing Authority has the power to revoke and in doing so the Licensing Authority may elect to run a new competition.
- 15.27** The decision on the successful applicant will be made public and the reasons published on the Council’s web site, with any necessary redaction to preserve commercial confidentiality.



## Part B – Premises Licences

- 15.28** The Licensing Committee members will be able to consider all the applications and award their own scoring as considered appropriate using the competition principles and weighting document in the application pack. The Casino Licence or Provisional Statement will be offered to the highest ranked applicant at Stage 2, subject to completion of the Legal Agreement being accepted. If the Agreement is not completed then the Licensing Authority reserves the right to make the award for the next ranked applicant.
- 15.29** The unsuccessful applicant(s) will be informed of the result and reasons for rejection as soon as is reasonably practicable. Once a decision has been made by the Licensing Committee there will be no right of appeal against this decision.
- 15.30** In accordance with the Code of Practice issued by the Secretary of State, the Licensing Authority shall ensure that there is a Register of Interests in place disclosing interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. The Register will be published on the Council's web site; alternatively a hard copy will be made available upon request free of charge. However, applicants should note that this does not apply to any agreement between the Licensing Authority and applicant entered into during the second stage of the competition. The Register will be update as required during the application process.

### **15.31 Betting Machines**

The Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

### **16.0 Bingo Premises**

- 16.1** The Licensing Authority has noted if children are allowed to enter premises licensed for bingo they must not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will ensure:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where the machines are located;
  - access to the area where the machines are located is supervised;
  - the area where the machines are located is arranged so it can be observed by staff of the operator or the licence holder; and
  - at the entrance to, and inside any such area there are prominently displayed notices indicating access to the area is prohibited to persons under 18.

## Part B – Premises Licences

**16.2** This Licensing Authority will follow the guidance about the particular issues licensing authorities should take into account in relation to the suitability and layout of bingo premises.

### 17.0 Betting Premises

**17.1 Betting machines** – The Licensing Authority will, in accordance with the Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of **betting** machines an operator wants to offer. This is in addition to the four **gaming** machines permitted with a premises licence.

**17.2** This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Staff training

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

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### 18.0 Tracks

**18.1** Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalisator” or “tote”), and also general betting, often known as “fixed-odds” betting.

**18.2** The Licensing Authority is aware tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure entrances to each type of premises are distinct and children are excluded from gambling areas where they are not permitted to enter.

**18.3** The Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure children do not have access to adult only gaming facilities. It is noted children and young persons will be permitted

## Part B – Premises Licences

to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

**18.4** This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Staff training

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **18.5 Gaming machines**

The Licensing Authority will consider the location of gaming machines at tracks, and applicants for track premises licences will need to demonstrate, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

### **18.6 Betting machines**

The Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

### **18.7 Condition on rules being displayed**

The Gambling Commission has advised in its Guidance to Local Authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

## Part B – Premises Licences

### 18.8 Applications and plans

This Licensing Authority note the guidance states the following with regard to defining the premises:

- 18.9** S.151 of the Act requires applicants for premises licences to submit plans of the premises with their application. This ensures licensing authorities have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan also informs future premises inspection activity.
- 18.10** Plans for tracks need not be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 18.11** In the majority of cases, such as greyhound tracks, racecourses, football stadia and cricket grounds, defining the extent of boundaries may be assisted by reference to existing plans already submitted to obtain other permissions. These could include:
- the obtaining of a safety certificate under ‘Safety at Sports Ground’ legislation (this applies in respect of sports grounds with capacity to accommodate more than 10,000 spectators)
  - the historic boundaries under previous legislation such as, the approval of tracks under Schedule 3 of the Betting, Gaming and Lotteries Act 1963.
- 18.12** It is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Licensing authorities should satisfy themselves the plan provides sufficient information to enable them to assess an application.
- 18.13** As the plan forms part of the licence document, it also needs to be sufficiently flexible to ensure a relatively small change in the premises layout would not require an operator to submit an application to vary the track premises licence. Only a significant change to the track layout would require a licence variation. For example, moving a category C gaming machine from one end of a bar that had been marked on the plan as a gaming machine area to another may not necessitate a full variation to a tracks premises licence, nor would the establishment of a new betting area at a racetrack, as neither of these events have any impact on the purpose of the licence or the conditions attached to it. However, relocating category C machines to entirely different parts of a track would generally need to be the subject of an application to vary the premises licence.
- 19.0 Travelling Fairs**
- 19.1** It will fall to the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

## Part B – Premises Licences

**19.2** The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

**19.3** It has been noted the 27-day statutory maximum for the land being used as a fair, is per calendar year, and it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure land which crosses our boundaries is monitored so the statutory limits are not exceeded.

### **20.0 Provisional Statements**

**20.1** The Licensing Authority notes at 11.11 of the Guidance for the Gambling Commission it states “S.210 of the Act, which applies to both premises licences and provisional statements, makes it clear that a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.”.

**20.2** In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional stage; or
- (b) which, in the authority’s opinion, reflect a change in the operator’s circumstances.

### **21.0 Reviews of premises licences**

**21.1** Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the authority to wish would alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Licensing Authority’s statement of principles.

**21.2** The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## **Part C – Permits / Temporary & Occasional Use Notices**

### **Part C – Permits, Temporary and Occasional Use Notices**

#### **22.0 Unlicensed Family Entertainment Centre Gaming Machine Permits**

**22.1** Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted the applicant must show the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

**22.2** The Gambling Act 2005 states a Licensing Authority may prepare a statement of principles they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission under Section 25.

**22.3** The Guidance also states: "...An application for a permit may be granted only if the Licensing Authority is satisfied the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application."

**22.4** The Licensing Authority cannot attach conditions to this type of permit.

**22.5** The Licensing Authority will expect the applicant to show there are policies and procedures in place to protect children from harm. Harm in this context is not necessarily limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include the following:

- appropriate measures / training for staff as regards suspected truant school children on the premises,
- measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

**22.6** The Licensing Authority will also expect

- applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- the applicant shall disclose relevant convictions (those that are set out in Schedule 7 of the Act) in order that the Licensing Authority may consider whether it would be contrary to the licensing objectives to grant a permit; and
- staff are trained to have a full understanding of the maximum stakes and prizes.

#### **23.0 Alcohol Licensed Premises Gaming Machine Permits**

**23.1** There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

## Part C – Permits / Temporary & Occasional Use Notices

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. written notice has been provided to the licensing authority, that a fee has been provided and any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

**23.2** If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission, and “such matters as they think relevant.”

**23.3** The Licensing Authority considers “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority there will be sufficient measures to ensure persons under the age of 18 do not have access to the adult only gaming machines. Measures which will satisfy the authority may include:

- The adult machines being in sight of the bar, or in the sight of staff who will monitor the machines are not being used by persons under the age of 18;
- Notices and signage; and
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

**23.4** The Licensing Authority recognises some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

**23.5** The Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than applied for. Conditions (other than these) cannot be attached.

**23.6** It should also be noted the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **24.0 Prize Gaming Permits**

**24.1** In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

**24.2** The applicant should set out the types of gaming he or she is intending to offer and should be able to demonstrate:

## **Part C – Permits / Temporary & Occasional Use Notices**

- they understand the limits to stakes and prizes that are set out in Regulations; and
- the gaming offered is within the law

**24.3** It should be noted there are conditions in the Gambling Act 2005 with which the permit holder must comply, but the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

### **25.0 Club Gaming and Club Machine Permits**

**25.1** Members Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Gaming Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

**25.2** Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

**25.3** The Licensing Authority may only refuse an application on the grounds:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police



## **Part C – Permits / Temporary & Occasional Use Notices**

- 25.4** There is a “fast-track” procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the ground upon which an authority can refuse a permit are reduced and the grounds on which an application under the process may be refused are:
- (a) the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.”
- 25.5** There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.
- 26.0 Temporary Use Notices**
- 26.1** There are a number of statutory limits as regards Temporary Use Notices. It is noted it falls to the Licensing Authority to decide what constitutes a ‘set of premises’ where Temporary Use Notices are received relating to the same building/site.
- 26.2** As with “premises” the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of a set of premises the Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises.
- 26.3** The Licensing Authority will consider objecting to Temporary Use Notices where it appears their effect would be to permit regular gambling in a place that could be described as one set of premises
- 27.0 Occasional Use Notices**
- 27.1** The Licensing Authority has very little discretion as regards these notices aside from ensuring the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will need, though, to consider the definition of a “track” and whether the applicant is permitted to avail him/herself of the notice.

## Part D – Other Information

### Part D – Other Information

#### 28.0 Rights of Appeal and Judicial Review

**28.1** The Licensing Authority is aware its decisions may be subject to an appeal in accordance with the provisions of the Act and judicial review. To ensure a transparent decision making process the Licensing Authority will:

- give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so; and
- wherever practicable, as best practice, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so.

**28.2** An appeal may be commenced by the giving of a notice of appeal by the appellant to the local magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.

**28.3** Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

#### 29.0 Other Matters

**29.1** In order to ensure applicants and persons who make representations have the necessary information to be able to do so, the information below will be available on the Council's website ([www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing)) or by contacting the Licensing Team:

- Register of premises licences issued by the Licensing Authority
- Fees
- Guidance on how to make an application
- List of responsible authorities and contact details
- Application forms, where appropriate
- Making representations
- Applying for a review of a licence

## Part D – Other Information

### 30.0 The Licensing Authority Delegations

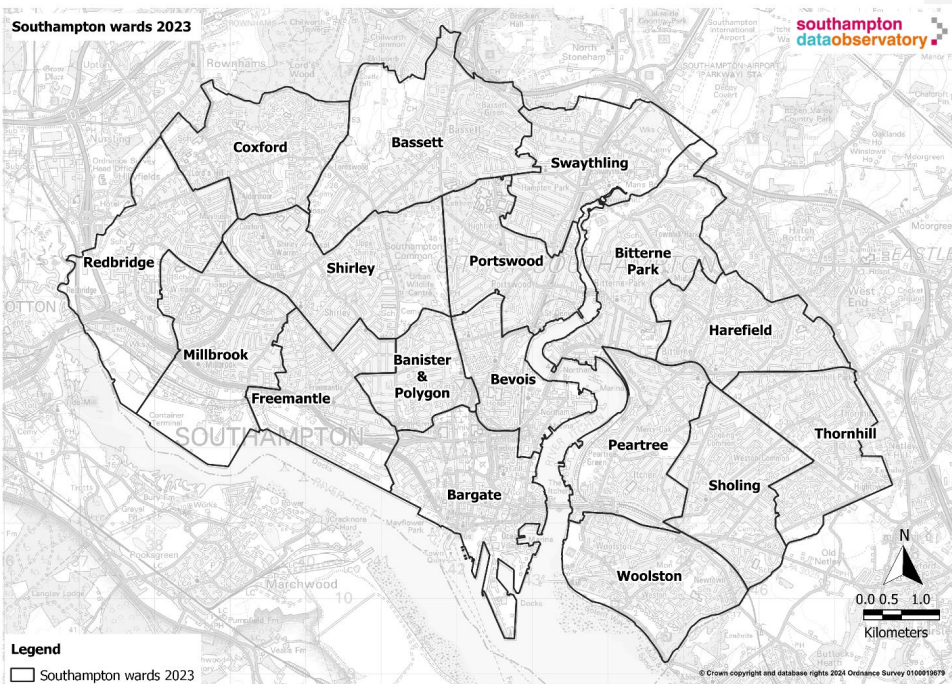
Matter to be dealt with	Full Council	Licensing Committee or Sub-Committee	Officers
Three year licensing statement of principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		Full Licensing Committee	
Application for premises licence		Where representations have been received and not withdrawn (save in respect of any application for a Large Casino which will be heard by the full Licensing Committee)	Where no representations received/ representations have been withdrawn
Application for a variation to a premises licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a premises licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional transfer		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X

**Part D – Other Information**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Licensing Committee or Sub-Committee</b>	<b>Officers</b>
Consideration of temporary use notice			<b>X</b>
Decision to give a counter notice to a temporary use notice		<b>X</b>	
Decision to determine an application without holding a hearing on grounds contained within S.162 (3)			<b>X</b>
Decision to reject an application for review made under S.197 based on grounds contained within S.198			<b>X</b>
Take “action” (under S.202) following review		Where application heard by Sub-Committee	Where no hearing and all parties agree in advance to relevant “action”.

## Appendix

### 31.0 Appendix A – Map of Southampton



Crown copyright and database rights 2024 Ordnance Survey 010001967932.0

## Appendix

### Appendix B Local Profile

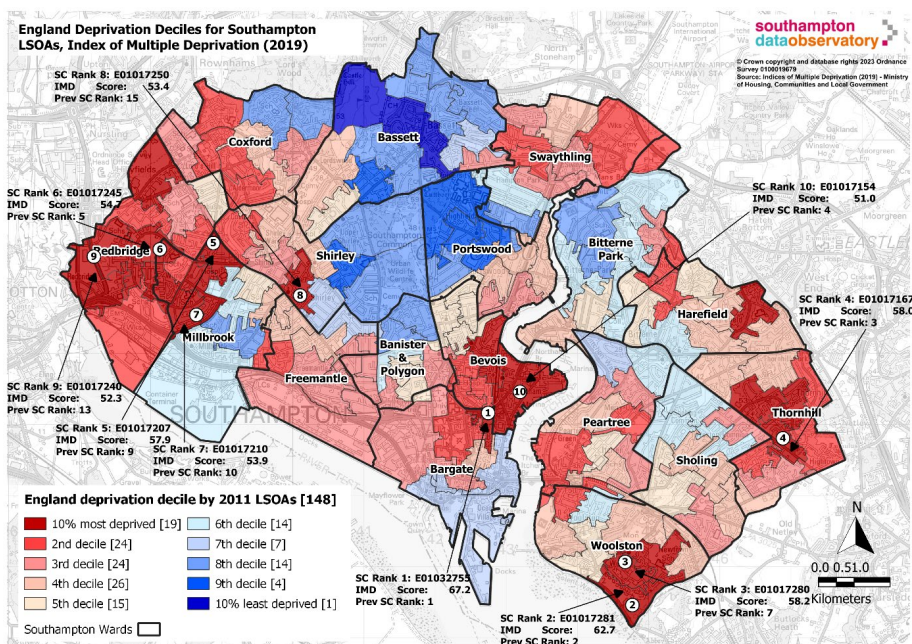
Southampton has a young demographic compared to the England average. There are an estimated 64,600 children aged between 0 and 19 years in 2024 living in Southampton. Ethnic diversity is increasing and about a quarter of children and young people live in poverty. (From Joint Strategic Needs assessment)

The following maps are broken down into LSOAs (Lower-layer Super Output Areas), which are small areas designed to be of a similar population size, with an average of approximately 1,500 residents or 650 households. There are 32,844 Lower-layer Super Output Areas (LSOAs) in England and 158 in Southampton.

The below information can also be found [here](#). This link will provide current information rather than the below which was current at time of drafting.

### Deprivation

The following map provides details on the scale of deprivation across the city in 2019, the deeper the red the more deprived an area is whereas a deeper blue indicates the least deprived.



Crown copyright and database rights 2024 Ordnance Survey 0100019679

## Appendix

Overall, there has been very little change in relative deprivation levels in Southampton compared to other local authorities in England since the last IMD in 2015, with the Southampton remaining a relatively deprived city.

Three LSOAs have remained in top five for this city...

- Bargate (Golden Grove): 1st in IMD(2019); 1st in IMD(2015)
- Weston (International Way): 2nd in IMD(2019); 2nd in IMD(2015)
- Thornhill (Lydgate Road): 4th in IMD(2019); 3rd in IMD(2015)

Two LSOAs that were in the top ten previously are now in the top five.....

Weston (Kingsclere Avenue): 3rd in IMD(2019); 7th in IMD(2015)

Millbrook (Lockerley Cres): 5th in IMD(2019); 9th IMD(2015)

The two LSOAs have been replaced in the top five for IMD 2015, remain in the top ten for the IMD 2019.....

- Redbridge (Mansel Park): 6th in IMD(2019); 5th in IMD(2015)
- Northam (Stadium): 10th in IMD(2019); 4th in IMD(2015)

Some of the five most deprived LSOAs are featured in the top five in the following domains.....

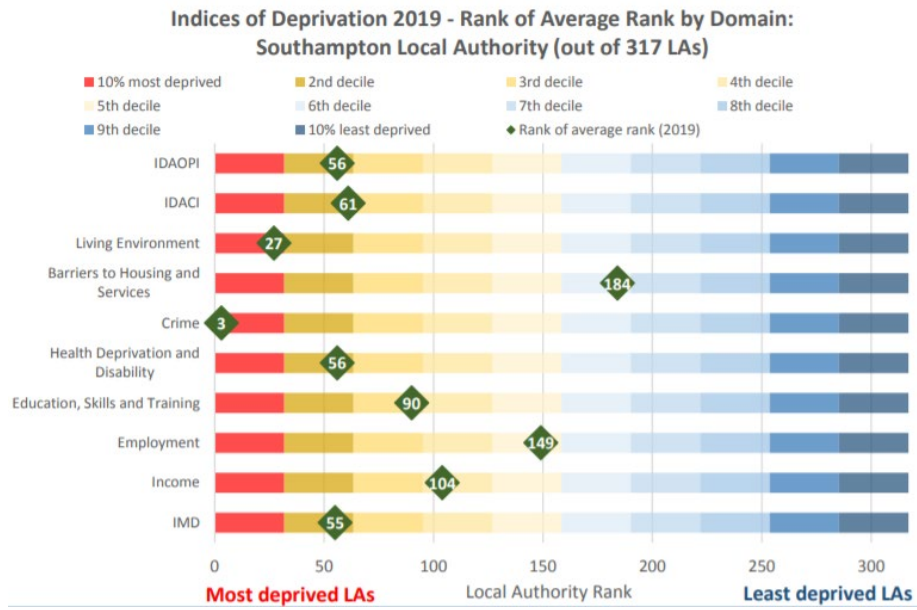
Employment (4/5); Income (4/5); Education (3/5); Health (2/5); Crime (2/5)

Other key findings from the IMD 2019 analysis for the city are:

- Of the 317 Local Authorities in England, Southampton is ranked 55th (previously 54th) most deprived based on average rank of LSOAs and 61st (previously 67th) most deprived based on average score of LSOAs
- The fact Southampton appears to be more deprived based on the average rank measure (55th nationally and 2nd amongst comparators), illustrates how Southampton is more uniformly deprived rather than being highly polarised (i.e. extremes of deprivation)
- Southampton has 19 LSOAs within the 10% most deprived in England (same as in 2015) and one LSOA in the 10% least deprived in England (previously zero in 2015)
- Around 12% of Southampton's population live in neighbourhoods within the 10% most deprived nationally; this rises to 18% for the under 18 population, suggesting deprivation disproportionately impacts upon young people in the city
- Over 45% of Southampton's population live in neighbourhoods within the 30% most deprived nationally (around 117,000 people)
- At neighbourhood level, approximately half of the LSOAs in Southampton have become more deprived (77/148; 52%) since 2015, whilst half have become less deprived
- The five most deprived neighbourhoods in Southampton are in Bargate (Golden Grove), Weston (International Way), Weston (Kingsclere Avenue), Thornhill (Lydgate Road) and Millbrook (Lockerley Crescent)
- Southampton is ranked 3rd worst in the country for crime deprivation and is in the worst 20% of local authorities for 5 other deprivation domains

## Appendix

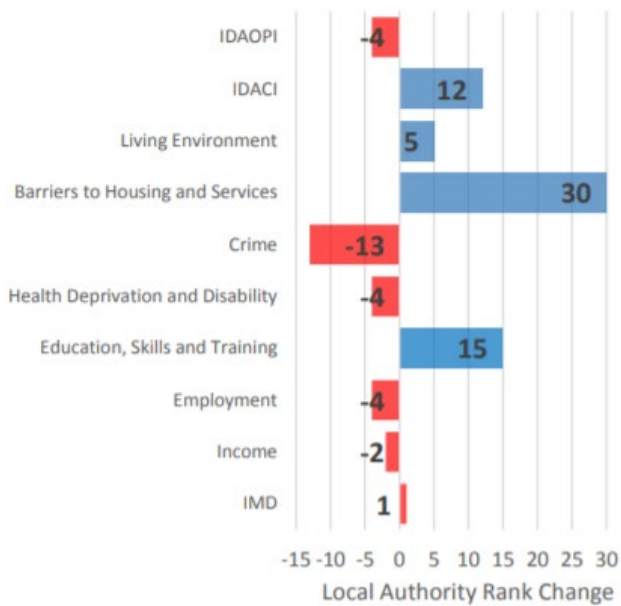
The charts below show Southampton's rank (based on average rank of LSOAs) amongst all 317 LAs in England for each deprivation domain, and how this has changed between 2015 and 2019





## Appendix

### Indices of Deprivation - Change in Rank of Average Rank between 2015 and 2019: Southampton Local Authority by Domain



Southampton is ranked 3rd worst in the country for crime and is in the worst 20% of LAs for 5 domains

Crime is the domain which has worsened the most, whilst there have been improvements in Barriers to Housing and Services, Education, Skills and Training and two other domains

#### Housing

Homelessness is reported as spread evenly across the city with no ward or wards standing out as a particular problem. However, the larger Council estate areas generally see less homelessness than other areas.

Extract from the SCC Homeless Prevention Strategy

Like the rest of the South East, Southampton's property prices continue to grow at a rate that puts home ownership out of reach for the majority of households. As such the demand for social housing in the city is extremely high and waiting times for an affordable home can often reach up to seven years. Southampton is less affordable than England as a whole and is in the top 5 least affordable areas among its ONS comparators

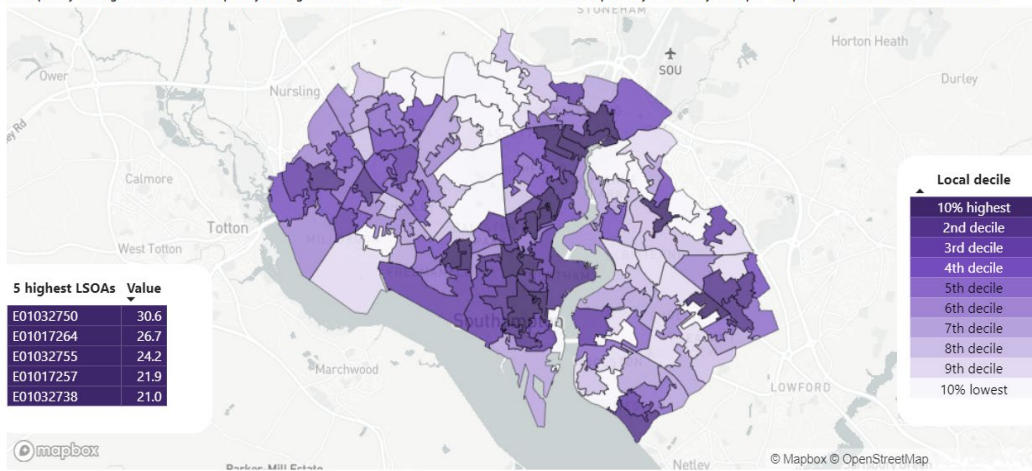
## Appendix

Consequently, the private rented sector has become a very useful source of meeting local housing needs and has grown to become one of the largest private rented sectors in the South East.

Private rented homes in the city vary in quality, size and cost but generally rent levels are lower here (especially in some areas of the city), than other parts of the region such as the New Forest and Winchester. As a result, people on limited incomes can find themselves priced out of these more expensive housing areas, causing them to move to Southampton out of economic necessity, placing greater strain on the city's housing supply.

Households can be defined as 'overcrowded' from Census 2021 data, these are households with an occupancy rating of -1 or less which is calculated when there are more people than rooms. The map below shows the areas (LSOAs – neighbourhoods with around 1,500 population each) with higher percentages of overcrowding are Bargate, Bevois and Freemantle.

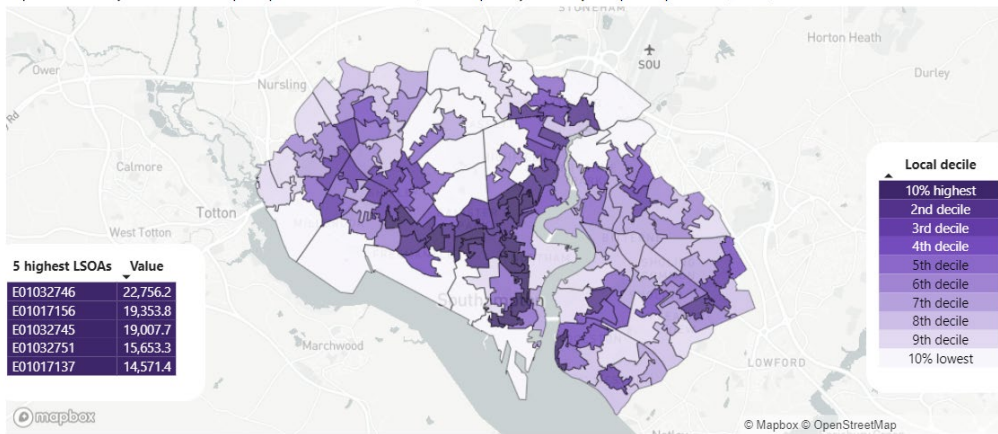
Occupancy rating for rooms: Occupancy rating of rooms: -1. deciles of households. Southampton by lower layer super output areas (LSOAs): Census 2021



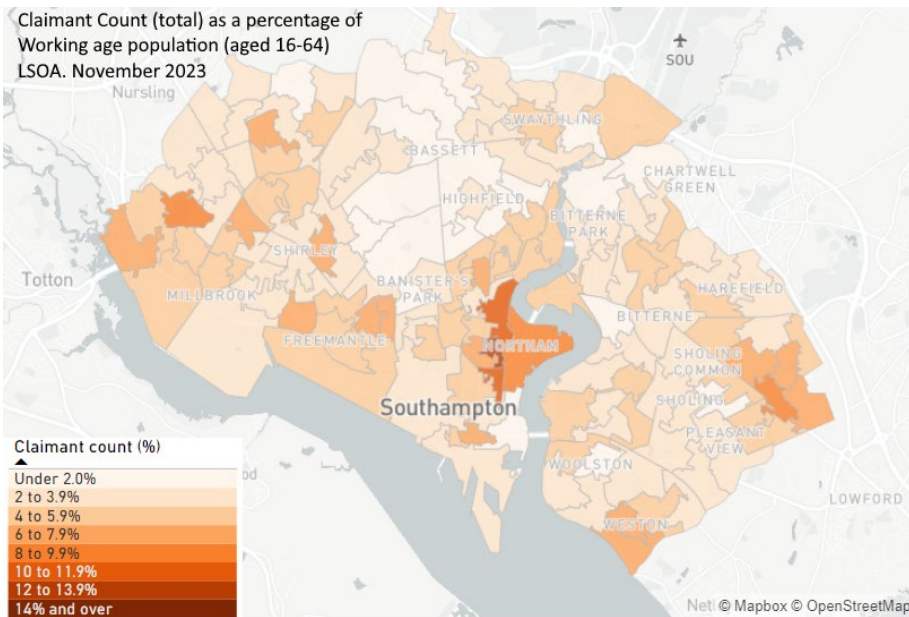
## Appendix

Population density shows where there are more people living per square kilometre compared to other areas. This is often in areas with less green space and more high-density housing.

Population Density: Usual residents per square kilometre deciles, Southampton by lower layer super output areas (LSOAs): Census 2021

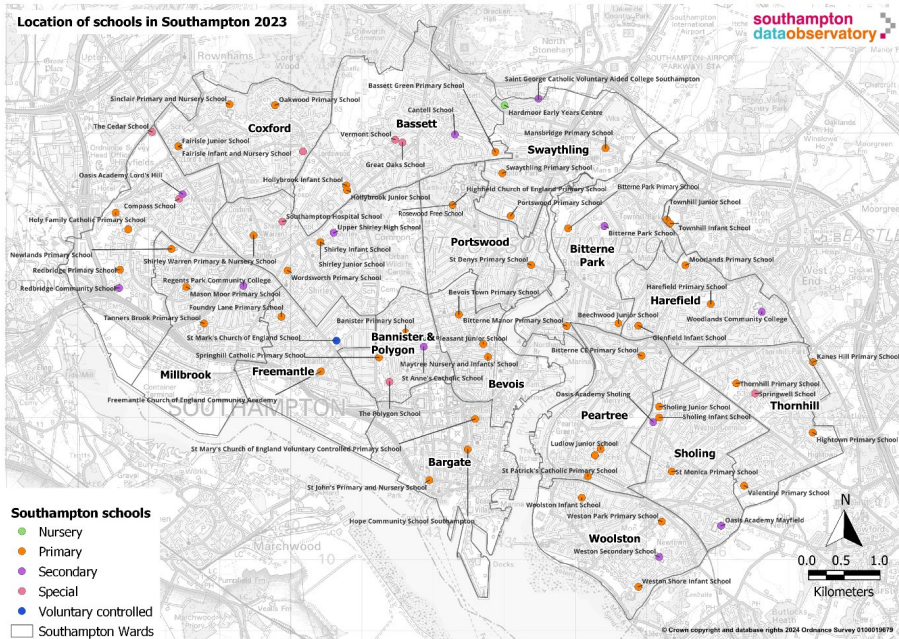


The following map shows the percentages of working age adults claiming benefit principally for the reason of being unemployed. The areas with the higher percentages are in Bevois, Thornhill and Weston Shore.



## Appendix

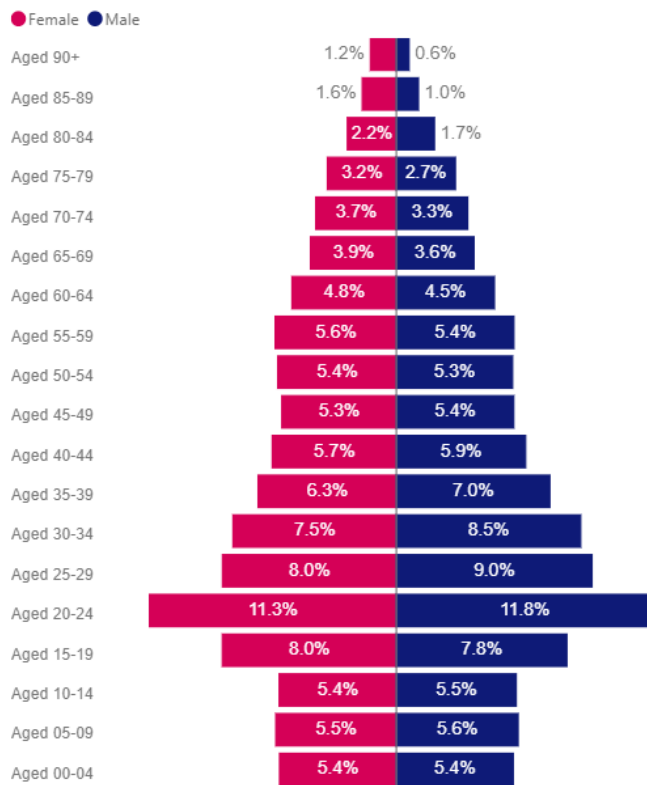
Vulnerable groups at risk from gambling defined by the Gambling Act includes children and young people. The map below shows the location of schools by establishment type.



## Appendix

There are 73,766 residents aged 15 to 29 years in the city, 28.0% of the total population. The following population structure figure shows the percentage of the population by males and females in Southampton.

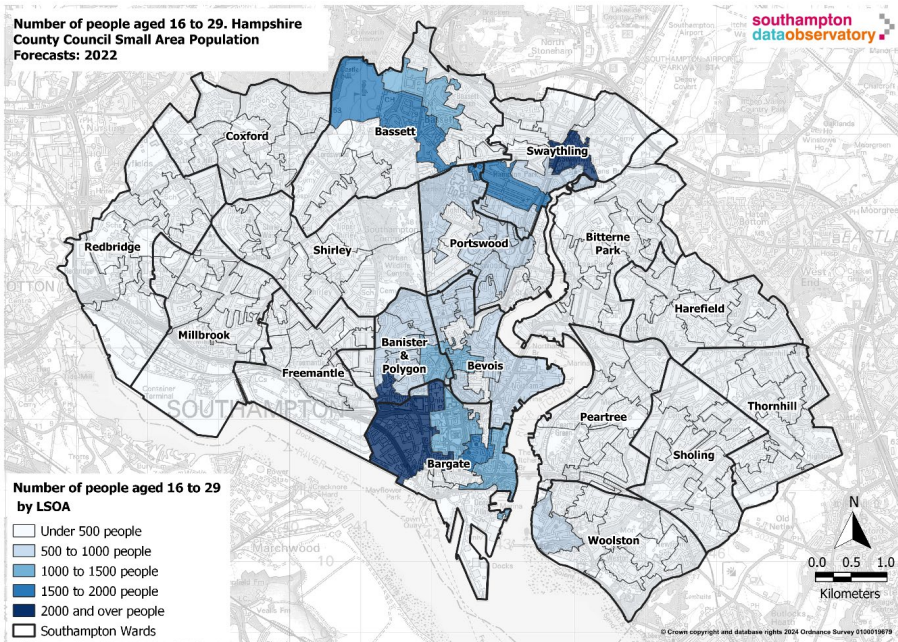
Percentage of population by sex for Southampton 2022





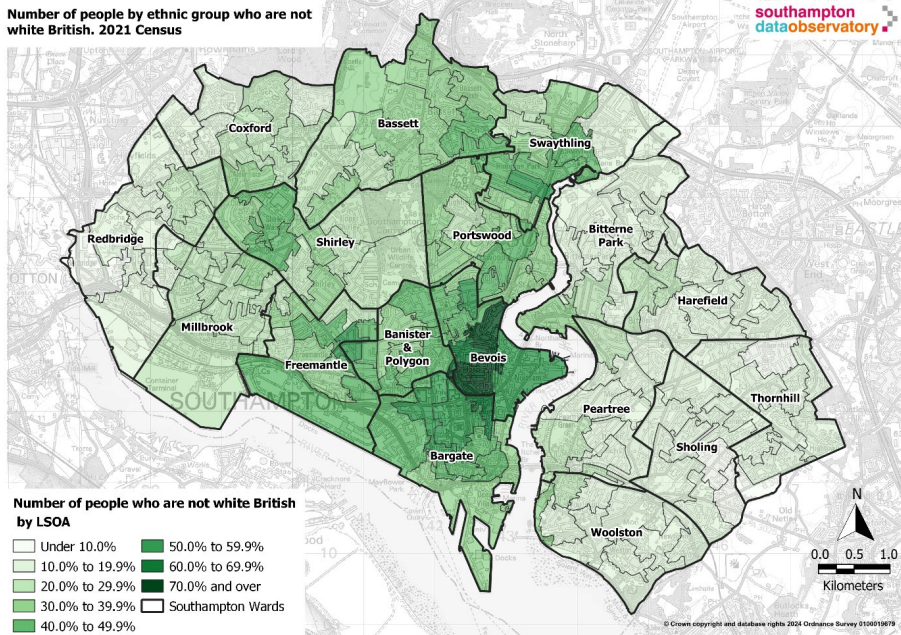
## Appendix

The following map shows which LSOAs (neighbourhoods of 1,500 people approx.) have the highest counts of 16 to 29 year olds.



## Appendix

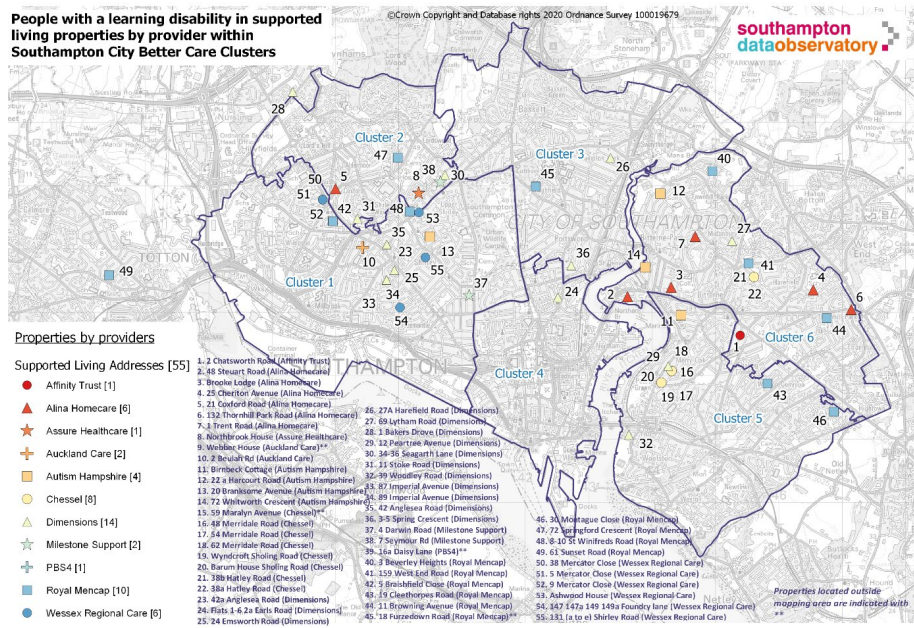
The 2021 Census showed higher percentages of other ethnic groups living in the Bevois ward area of the city and Bargate, Swaythling and Bassett compared to other areas.



## Appendix

Some population groups may be more at risk to gambling addiction. Geographic locations relating to these groups are shown in the following maps.

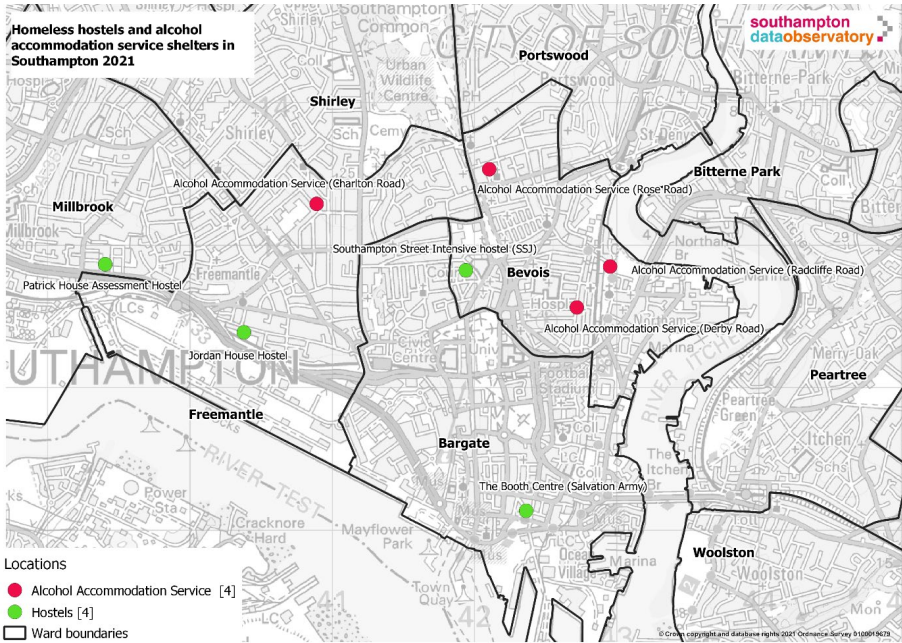
Locations of supported living accommodation for people with a learning disability





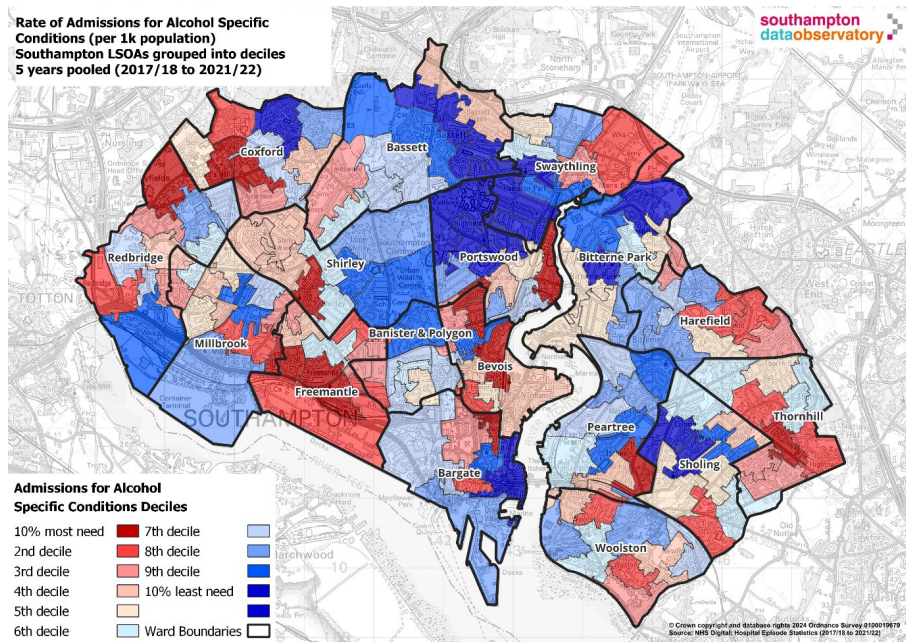
## Appendix

People who use homeless hostels and alcohol services accommodation shelters



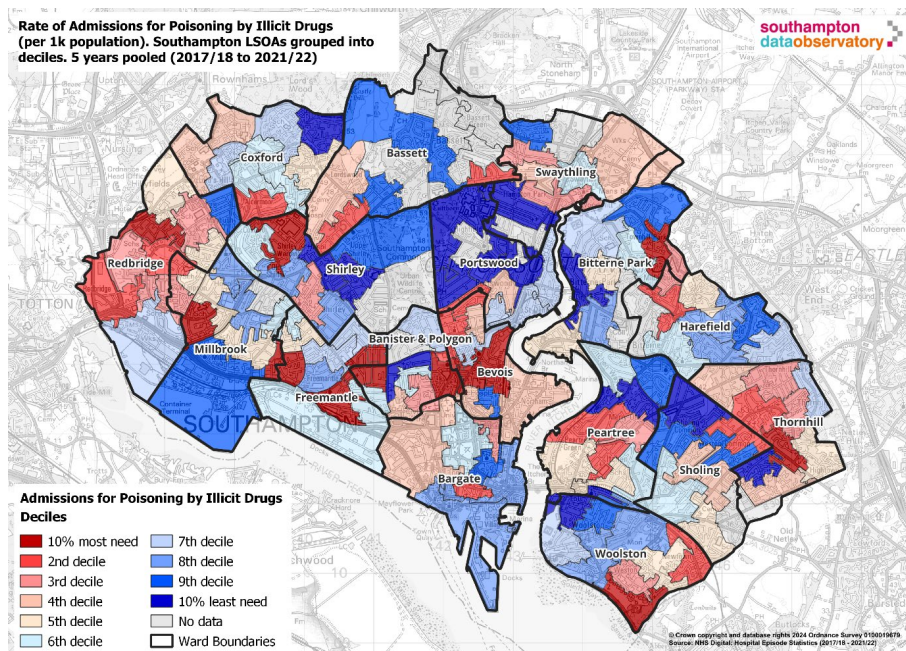
## Appendix

People of all ages who have been admitted to hospital with an alcohol specific condition mapped by where they live



## Appendix

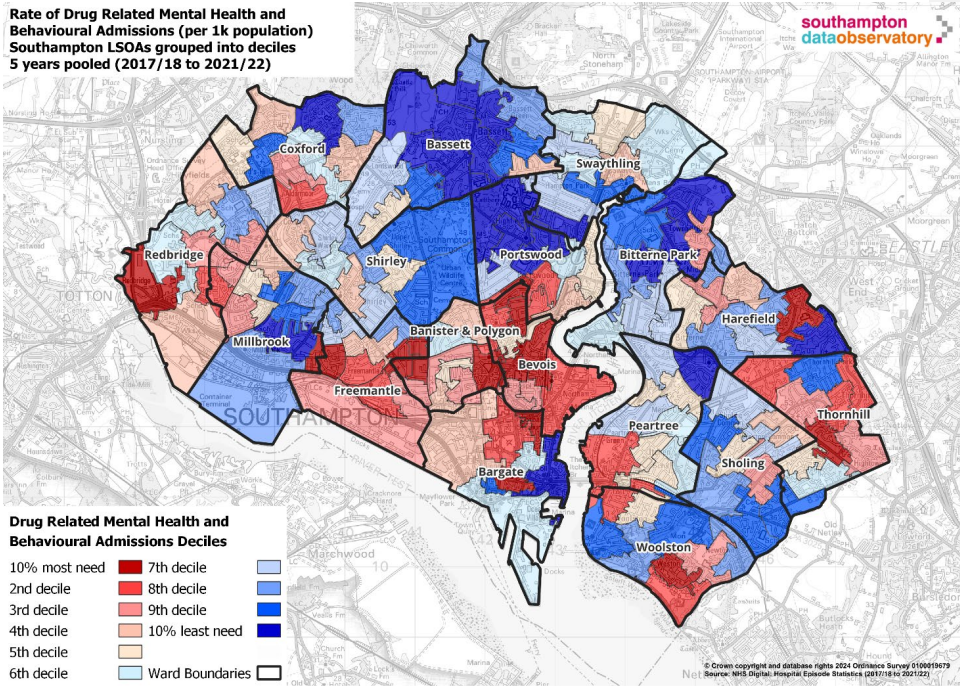
People of all ages who have been admitted to hospital with a primary diagnosis of poisoning by illicit drugs mapped by where they live





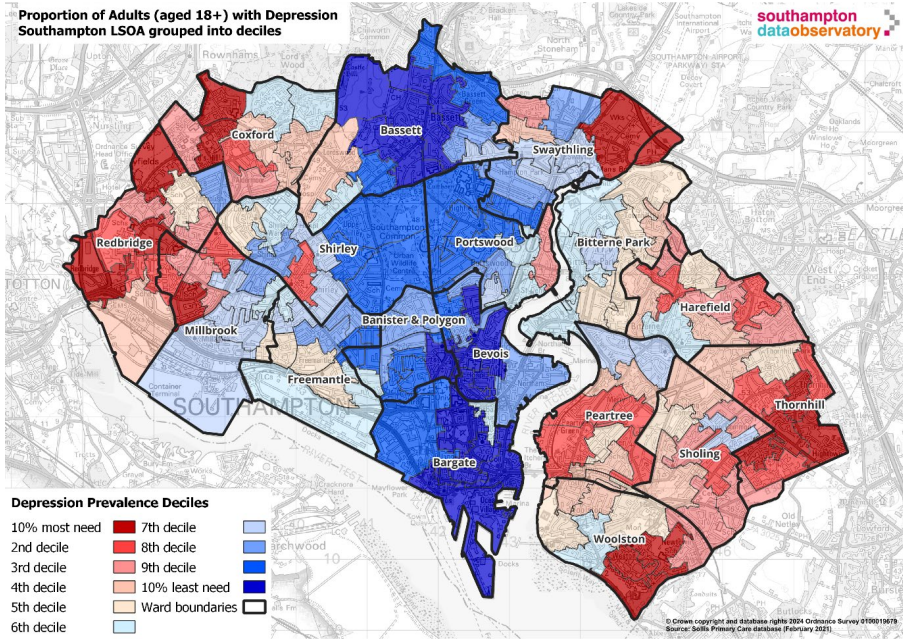
## Appendix

People of all ages who have been admitted to hospital with primary or secondary diagnosis of drug related mental health and behavioural disorders mapped by where they live



## Appendix

Patients 18+ with a GP diagnosis of a depression mapped by where they live



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# Draft Gambling Statement of Licensing Principles Consultation

## Full results summary

Data, Intelligence & Insight Team – October 2024



- [Introduction and Methodology](#)
- [Respondents](#)
- [Proposals](#)
- [Free text comments](#)
- [Draft policy](#)





# Introduction and Methodology



- Southampton City Council undertook public consultation on a Draft Gambling Statement of Licensing Principles. This included asking for feedback on three key themes:
  - Detail on how the large casino process will be dealt with, should the authority decide to invite applications
  - Updating the local area profile
  - Suggesting no further changes to the draft Gambling Act Statement of Licensing Principles
- The consultation took place between **13/08/2024 – 07/10/2024**.
- The Statement of Licensing Principles is fully reviewed every three years. This is a legislative requirement.
- The aim of this consultation was to:
  - Communicate clearly to residents and stakeholders the proposed Statement of Licensing Principles Consultation.
  - Ensure any resident, business or stakeholder who wished to comment on the proposals had the opportunity to do so, enabling them to raise any impacts the proposals may have.
  - Allow participants to propose alternative suggestions for consideration which they feel could achieve the objective in a different way.
- This report summarises the aims, principles, methodology and results of the public consultation. It provides a summary of the consultation responses both for the consideration of decision makers and any interested individuals and stakeholders.
- It is important to be mindful that a consultation is not a vote, it is an opportunity for stakeholders to express their views, concerns and alternatives to a proposal. This report outlines in detail the representations made during the consultation period so that decision makers can consider what has been said alongside other information.



Southampton City Council is committed to consultations of the highest standard, which are meaningful and comply with *The Gunning Principles (considered to be the legal standard for consultations)*:

Page 73

1. Proposals are still at a formative stage (a final decision has not yet been made)
2. There is sufficient information put forward in the proposals to allow ‘intelligent consideration’
3. There is adequate time for consideration and response
4. Conscientious consideration must be given to the consultation responses before a decision is made



New Conversations 2.0  
LGA guide to engagement



## Rules: The Gunning Principles

They were coined by Stephen Sedley QC in a court case in 1985 relating to a school closure consultation (R v London Borough of Brent ex parte Gunning). Prior to this, very little consideration had been given to the laws of consultation. Sedley defined that a consultation is only legitimate when these four principles are met:

1. **proposals are still at a formative stage**  
A final decision has not yet been made, or predetermined, by the decision makers
2. **there is sufficient information to give ‘intelligent consideration’**  
The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response
3. **there is adequate time for consideration and response**  
There must be sufficient opportunity for consultees to participate in the consultation. There is no set timeframe for consultation,<sup>1</sup> despite the widely accepted twelve-week consultation period, as the length of time given for consultee to respond can vary depending on the subject and extent of impact of the consultation
4. **‘conscientious consideration’ must be given to the consultation responses before a decision is made**  
Decision-makers should be able to provide evidence that they took consultation responses into account

These principles were reinforced in 2001 in the ‘Coughlan Case (R v North and East Devon Health Authority ex parte Coughlan<sup>2</sup>)’, which involved a health authority closure and confirmed that they applied to all consultations, and then in a Supreme Court case in 2014 (R ex parte Moseley v LB Haringey<sup>3</sup>), which endorsed the legal standing of the four principles. Since then, the Gunning Principles have formed a strong legal foundation from which the legitimacy of public consultations is assessed, and are frequently referred to as a legal basis for judicial review decisions.<sup>4</sup>

<sup>1</sup> In some local authorities, their local voluntary Compact agreement with the third sector may specify the length of time they are required to consult for. However, in many cases, the Compact is either inactive or has been cancelled so the consultation timeframe is open to debate

<sup>2</sup> BAILII, [England and Wales Court of Appeal \(Civil Decision\) Decisions](#), Accessed: 13 December 2016.

<sup>3</sup> BAILII, [United Kingdom Supreme Court](#), Accessed: 13 December 2016

<sup>4</sup> The information used to produce this document has been taken from the Law of Consultation training course provided by The Consultation Institute



- The agreed approach for this consultation was to use an online questionnaire as the main route for feedback. Questionnaires enable an appropriate amount of explanatory and supporting information to be included in a structured questionnaire, helping to ensure respondents are aware of the background and detail of the proposals.
- Respondents could also write letters or emails to provide feedback on the proposals. Emails or letters from stakeholders that contained consultation feedback were collated and analysed as a part of the overall consultation.
- The consultation was promoted in the following ways by sending emails or letters to:
  - All gambling licence holders
  - Responsible authorities
  - Trade bodies
  - Published on our website
- Respondents were given opportunities throughout the questionnaire to provide written feedback on the proposals. In addition anyone could provide feedback in letters and emails. All written responses and questionnaire comments have been read and then assigned to categories based upon similar sentiment or theme.



# Who are the respondents?

Overall, there were **6** separate responses to the consultation. Responses came through the following routes:

	Total number of responses
Questionnaire	2
Post Emails / letters	4
<b>Total</b>	<b>6</b>

Interest in consultation:





# Proposals



## Proposal One

*“Background on updates to the large casino application process.*

*Large casinos are defined by legislation as having a minimum total customer area of 1,500m2. Further details on how large casinos are defined by legislation can be found in the Gambling commission guidance [here](#).*

*Please note that at this time we are not currently inviting applications for large casinos in the city. This part of the consultation relates to proposed updates to the statement of principles only, that outline the context of the Gambling Act 2005 and options for inviting applications and the process around this, should we decide to invite applications at a later stage.*

*The proposed additional wording can be found in section 15:3 through to 15:31 in the full draft Gambling Act Statement of Licensing Principles policy [here](#).”*

## Proposal three

*“Finally, we are proposing to keep all other elements of the draft Gambling Act Statement of Licensing Principles policy the same.”*

## Proposal Two

*“Local Area Profile updates*

*We are proposing that the draft Gambling Act Statement of Licensing Principles policy contains updated data regarding the past three years within the local area profile. As well as updated data, the draft Gambling Act Statement of Licensing Principles policy is proposing to include more interactive maps. This is for applicants and licence holders to consider when making their applications and preparing their risk assessments.*

*The policy currently contains information and maps on:*

*Deprivation (including the Indices of Deprivation)*

*Housing (including information on homelessness, overcrowded households, population density)*

*Benefit claimants*

*Locations of schools*

*Age ranges of the population*

*Information on ethnicity*

*Locations of supported living accommodation for people with a learning disability.*

*Locations of homeless hostels and alcohol accommodation service shelters*

*Rates of admissions for alcohol specific conditions*

*Rate of admissions for poisoning by illicit drugs*

*Rate of admissions of drug related mental health and behavioural admissions*

*Proportion of Adults aged 18+ with depression ”*



# Agreement

**Proposal One**  
 To what extent do you agree or disagree with the proposed additions to the section regarding Large Casino applications?



**Proposal Two**  
 To what extent do you agree or disagree with the proposed updates to the local area profile?



**Proposal Three**  
 To what extent do you agree or disagree with the proposal to keep all other elements of the Draft Gambling Act Statement of Licensing Principles the same?



Base respondents: 2

	Strongly agree	Agree	Neither	Disagree	Strongly disagree
Proposal One		1	1		
Proposal Two	1	1			
Proposal Three		1	1		





# Impact

**Proposal One**  
 What impact do you feel this may have on you, your business or the wider community?



**Proposal Two**  
 What impact do you feel this may have on you, your business or the wider community?



**Proposal Three**  
 What impact do you feel this may have on you, your business or the wider community?



Base respondents: 2

	A very positive Impact	A fairly positive impact	No impact at all	A fairly negative impact	A very negative impact
Proposal One			2		
Proposal Two			1		1
Proposal Three			1		1



# Free Text comments

## Positive comments (2)

*"We welcome the position Southampton City Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles."*

*"Local authorities can play a greater role in reducing gambling harm, particularly for those of our clients who experience harm in land-based gambling venues, due to council's licensing responsibilities."*

## Concerns (11)

*"Para 5.2. As you know section 157 of the Gambling Act defines the Responsible Authorities. These and the licensing objectives differ from the Licensing Act 2003. It is not clear on the council's website what the Public Protection Service covers, but we assume that this is meant to be the RA under s157 (g). It is essential that the Policy does not seek to extend the remit of the Act by adding another Responsible Authority. The Health Authorities are not Responsible authorities unlike under the 2003 Act."*

*"Para 9.5.6. We note that you include those aged 16-29 as those vulnerable to the risks of gambling. It is not stated how the age range is selected. Most of the venues the council will licence will be for those aged over 18 in any event and the age of 29 might seem somewhat arbitrary."*

*"Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. We cannot see reference to the Code in this regard."*

*"We do not understand the basis for the inclusion of "habitual players of gaming machines" as being among the list of vulnerable people. What is this based on please? Many people regularly play gaming machines as part of their leisure time and while they might be frequent players they do not necessarily play for long periods and are always supervised in well run venues. Conversely, we note that those who habitually place bets or play in casinos are for some reason not included in that list."*

*"Para 9.5.8 The list of data that should be recorded mentions recording "cause and effect". With respect, the draft is not clear as to what is to be recorded, bearing in mind that records are live documents in a live environment, where staff should be focussed on their supervisory duties and not distracted by over burdensome recording requirements. Sub paras g and h suggest that incidents should be recorded but that the definition of the type of incident to be recorded will only be provided after the event. Plainly that will not work."*

*"Para 9.5.10. We do not think that the final sentence is correct. If a customer self excludes from the venue, the LCCP are clear that it must be for a fixed initial period. The person cannot gain readmittance during that period regardless of counselling sessions that might have taken place. However, it is of critical importance that it is appreciated (as has been confirmed by the courts) that the onus is on the individual not to enter venues from which they have been self excluded."*

*"9.5.14: With respect, access is not a matter for the Gambling Act 2005 which is the subject of the draft policy. Similarly, many other matters and policies will affect operating venues, but the policy is not the place for them."*

*"Para 16.1. We do not understand why the conditions for AGCs are not listed for bingo as well. Bingo venues have the same machines as AGCs and indeed also have alcohol."*

*"Para 17. There does not seem to be any suggested conditions for betting venues. Again, they should at least include those that are listed for AGCs. Perhaps those at para 18.4 are meant for betting venues even though they are in the Track section?"*

*"Para 14.2. We would have thought that proof of age schemes are important for FECs, which can of course offer Category C gaming machines."*

*"The \*\* is concerned that the imposition of additional licensing conditions could become commonplace if there are no precise requirements regarding the need for evidence in the revised licensing policy statement. If additional licence conditions are more commonly applied, this would increase variation across licensing authorities and create uncertainty amongst operators regarding licensing requirements, overcomplicating the licensing process for operators and local authorities. Working in partnership with local authorities."*



## Suggestions (6)

*"It is vital that Southampton City Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area."*

*"Building on the proactive approach the council is already taking, we would like to see Southampton City Council commit in its statement of principles to a public health approach to gambling."*

*"This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers."*

*"In the absence of Cumulative Impact Assessments as a method by which the "aim to permit" approach can be challenged, Southampton 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."*

*"The changes to Southampton 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."*

*"The local risk assessment should consider the urban setting: The proximity of the premises to schools, The commercial environment, Factors affecting the footfall, Whether the premises is in an area of deprivation, Whether the premises is in an area subject to high levels of crime and/or disorder, The ethnic profile of residents in the area, The demographics of the area in relation to vulnerable groups, The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather, The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities, Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc & The proximity of churches, mosques, temples or any other place of worship.*

*The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected: The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this, Information held by the licensee regarding self-exclusions and incidences of underage gambling, Arrangements in place for local exchange of information regarding self-exclusion and gaming trends, Gaming trends that may mirror days for financial payments such as pay days or benefit payments, Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc, The provision of signage and documents relating to games rules, gambling care providers and other relevant information, provided in both English and any other prominent first language for that locality, The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council one stop shops, addiction clinics or help centres, places where alcohol or drug dependent people may congregate & Arrangements in place to signpost vulnerable customers to relevant support organisations.*

*The local risk assessment should show how children are to be protected: The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc, The proximity to places where children congregate such as bus stops, cafes, shops & Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.*

*Other matters that the risk assessment may include: Details as to the location and coverage of working CCTV cameras, and how the system will be monitored & The layout of the premises so that staff have an unobstructed view of persons using the premises."*



## Suggestions (8)

*“Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. We cannot see reference to the Code in this regard and suggest that the Draft be amended to include a reference to it as outlined.”*

*“Conversely, we note that those who habitually place bets or play in casinos are for some reason not included in that list. We would suggest that this is revisited.”*

*“As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the Act) it is subject to the Regulators’ Code. That Code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates.”*

*“Para 9.5.17. AGCs and other venues have for decades provided light refreshments to their customers and indeed bingo clubs offer very cheap larger meals. These are not “inducements” to gamble but part of the service provision and part of why customers visit venues. To suggest that these are inducement is with respect to misunderstand the long established sectors. We urge you to revisit this paragraph.”*

*“We understand that the only proposed changes to the draft statement of principles are changes to the detail on how the large casino process will be dealt with should the authority decide to invite applications and an update to the local area profile. Notwithstanding this, there are a number of comments on the existing drafting of the statement of principles. There are a number of updates required. At paragraph 9.5.2 the reference to the Gambling Commissions LCCP should be amended to reflect the fact that the most recent version was published in August 2024. The references to problem gambling rates contained within paragraph 9.5.6 should also be updated. As stated previously the most recent NHS health survey found that problem gambling rates among adults are 0.4%. The “expectations” with regard to data gathering and sharing, staff training and knowledge (9.5.8 and 9.5.9) should be deleted as in these instances the Licensing Authority is trespassing into issues for which the Gambling Commission has responsibility through the Operating Licence. “*

*“There does not seem to be any suggested conditions for betting venues. Again, they should at least include those that are listed for AGCs.”*

*“Misleading/ambiguous premises signage - There are increasing numbers of premises (usually Adult Gaming Centres) which describe themselves on their shopfronts and external signage as casinos despite these premises not being permitted to operate as a casino. Section 150 Gambling Act 2005 creates five separate classes of premises licences – the operation of a casino (a casino premises licence), the provision of facilities for the playing of bingo ( a bingo premises licence) , making category B gaming machines available for use (an adult gaming centre premises licence), making category C gaming machines available for use (a family entertainment centre premises licence) and the provision of facilities for betting (a betting premises licence). Whilst casinos are permitted under a casino premises licence to provide bingo and betting facilities, the holder of an adult gaming centre premises licence may not offer casino facilities. 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. Differentiation between Licensing Act 2003 and Gambling Act 2005 applications When considering applications for premises licences, it is important to clearly distinguish between the regimes, processes, and procedures established by the Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities—the regimes, processes, and procedures relating to the Licensing Act 2003. Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, which are then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications, where the LCCP provides a comprehensive package of conditions for all types of premises licence.”*

*“It should continue to be the case that additional conditions in the Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances with clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In most cases, these will not need to be supplemented by additional conditions.”*



## Other comments (3)

*“Southampton City Council has committed to adopt a Health in All Policies approach. This means that health information will be considered when creating policies and other significant pieces of work. Public health are not a responsible authority under the Gambling Act 2005, however, the licensing authority will consult the Director of Public Health on premises licence applications where appropriate.*

*“Research notes that problem gambling is likely to be twice as high in:*

- Metropolitan Boroughs
- Urban Areas
- Areas of Greater Population Density
- Multi-cultural areas
- More prosperous areas

*(Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016)”*

*“Betting and Gaming in the UK*

*Any consideration of gambling licensing at the local level should also be considered within the broader context. The raft of measures recently put in place by the industry (in terms of protecting players from gambling-related harm), the Gambling Commission, and the Government (a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures, and voluntary restrictions on advertising) have contributed to problem gambling rates now being lower than they were at the passage of the 2005 Gambling Act (see further details on problem gambling rates below). In addition, a range of further measures will be implemented imminently following the Government’s White Paper, published in April 2023. These include: financial risk checks for those at risk of gambling harm, changes to the way operators market to their customers, changes to online game design which will remove certain features, the introduction of a mandatory levy for research, prevention and treatment (RPT) activities, an Ombudsman to adjudicate on customer redress and the introduction of mandatory stake limits on online slots, bringing the maximum stakes online in line with land based casinos.*

*It should also be noted that:*

- *The overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2023) was 5,995. This is reducing yearly and has fallen by 28% since March 2019 – equating to 2,309 betting shop closures in just four years.*
- *Planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.*
- *In April 2019, a maximum stake of £2 was applied to the operation of fixed odds betting terminals.*
- *Successive prevalence surveys and health surveys show that problem gambling rates in the UK are stable.”*



## Other comments (1)

### ***“Problem Gambling***

*A point often lost in the debate about the future of gambling regulation is that problem gambling rates in the UK are low by international comparison.*

*The most recent “Gold standard” NHS (National Health Service) Health Survey found that problem gambling rates among adults are 0.4 per cent – the rate was 0.5 per cent in 2018. In comparison to other European countries, problem gambling rates in the UK are low. The problem gambling rate is 2.4 per cent in Italy, 1.4 per cent in Norway, and 1.3 per cent in France. Both the Gambling Commission and the Government have acknowledged that problem gambling levels have not increased. However, one problem gambler is one too many, and we are working hard to improve standards further across the regulated betting and gaming industry. In June 2020, the \*\* largest members committed to increasing the amount they spend on RPT (Research, Prevention and Treatment) services from 0.1 per cent to 1 per cent in 2023. This was expected to raise £100 million but they have gone further and will have donated £110 million by 2024. In the White Paper, the Government committed to introducing a statutory RPT (Research, Prevention and Treatment) levy, which would apply to all gambling licensees (excluding the national lottery). This levy is expected to raise £100m annually by 2026/2027. The\*\* also funds the £10 million Young People’s Gambling Harm Prevention Programme, delivered by leading charities. As of March last year (2023), it has educated over 3 million children. Advertising and Sponsorship All betting advertising and sponsorship must comply with strict guidelines, and safer gambling messaging must be regularly and prominently displayed. The Government has previously stated that there is “no causal link” between exposure to advertising and the development of problem gambling, as stated in a response by then Minister of State at DCMS, in June 2021. The Gambling Review White Paper, in relation to advertising, restated that there was “little evidence” of a causal link with gambling harms or the development of gambling disorder. The Seventh Industry Code for Socially Responsible Advertising, adopted by all \* members, adds*

*a number of further protections in particular for young people. New measures include ensuring that all social media ads must target consumers aged 25 and over unless the website proves they can be precisely targeted at over-18s. In addition to raising advertising standards for young people, this code, which came into force on 1 December 2023, extended the previous commitment that 20% of TV and radio advertising is devoted to safer gambling messaging to digital media advertising. Under the ‘whistle-to-whistle’ ban, ads cannot be shown from five minutes before a live sporting event until five minutes after it ends, before the 9 p.m. watershed. Research by \*\*found that in its first 12 months in operation, the ban reduced the number of TV betting adverts seen by children by 97% at that time. Overall, the number of gambling adverts viewed by young people also fell by 70% over the entire duration of live sports programmes. At the same time, the ban also reduced the number of views of betting ads by 1.7 billion during its first five months in operation. \*\* members also continue to abide by the stringent measures established by advertising standards watchdogs. These measures are in stark contrast to the unsafe, unregulated black market online, which has none of the safer gambling measures offered by \*\* members, including strict age verification checks. Any withdrawal of advertising would simply level the playing field with illegal*

*operators thus providing opportunities for those operators to peel off customers from the regulated markets. The \*\*\* require that premises operate an age verification policy. The industry employs a policy called “Think 21”. This policy is successful in preventing underage gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission shows that ID challenge rates are consistently around 85%. Following the publication of the Gambling Commission’s response to their consultation on age verification on premises, all gambling venues will be moving to a “Think 25” policy from 30th August 2024. Since Serve Legal began working with the gambling sector in 2009, the industry has now become the highest performing sector across all age verification testing. Across thousands of audits, there was an average pass rate of 91.4 per cent (2024 data). For casinos, there is a near perfect pass rate in the last period of 98%. When comparing Serve Legal audit data between members of the \*\*and comparative age verification audit data in the Alcohol and Lottery sector we see how the gambling sector is performing between 10-15 per cent higher every year. It should be noted that the Executive Summary of the Gambling White Paper stated that when parliamentary time allows, the Government will align the gambling licensing system with that for alcohol by introducing new powers to conduct cumulative impact assessments. The \*\* is fully committed to ensuring constructive working relationships between betting and gaming operators and licensing authorities and that problems can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this, and the opportunity to respond to this consultation is welcomed.”*



# Draft policy

Have you read the proposed draft Gambling Act Statement of Licensing Principles policy?

Yes, some of it



"The draft policy is easy to understand"

Agree



Strongly disagree



"The draft policy provides sufficient information"

Agree



Strongly disagree



Page 85

Base respondents: 2

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### Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

<b>Name or Brief Description of Proposal</b>	Update Gambling Act 2005 Statement of Licensing Principles
<b>Brief Service Profile (including number of customers)</b>	
<p>Gambling is just one of a number of activities overseen by licensing. The local authority, acting as the licensing authority administers Gambling licences linked to premises, small lotteries and occasional or temporary use gambling activities. Currently in Southampton there are:-</p> <ul style="list-style-type: none"> <li>• 3 casino licences</li> <li>• 10 Adult Gaming Centres</li> <li>• 28 Alcohol licensed permits</li> <li>• 23 Betting premises licences</li> <li>• 4 Bingo licences</li> <li>• 5 club gaming permits</li> <li>• 5 Family Entertainment Centres</li> <li>• 50 Small society lotteries</li> </ul>	
<b>Summary of Impact and Issues</b>	
<p>The Gambling Act 2005 requires the Council to publish a Statement of Licensing Principles (SLP) every three years. The current SLP expires on 31<sup>st</sup> January 2025. The proposed SLP has an updated Area Profile. The other significant change is to include a section on how the licensing authority will deal with any applications it receives for the large casino licence should it decide to go out to invite applications for it.</p>	

Gambling is a key part of the hospitality industry for the city and generates income, employment, a choice of entertainment and community support. The licensing authority is responsible, in cooperation with the Gambling Commission, for the licensing of premises licences. These venues are highly regulated to create an as safe as possible environment for people to enjoy gambling activity.

There is evidence that a small percentage of participants engage in harmful gambling. The SLP assists in reducing this impact at premises.

**Potential Positive Impacts**

As above, provides a well-regulated environment for people to enjoy gambling activity with measures in place to reduce the impacts of harmful gambling. Provides employment opportunities in the city and an income in the way of rates and spend generally in the city.

<b>Responsible Service Manager</b>	Phil Bates, Licensing Manger
<b>Date</b>	
<b>Approved by Senior Manager</b>	
<b>Date</b>	

**Potential Impact**

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Age</b>	Persons under 18 are restricted by law in gambling activities. However The Young People and Gambling Survey 2019 found that 11% of children surveyed had gambled in some form in the last 7 days, down from 23% in 2011. The survey found children and young people (aged 11 to 16) were gambling at higher rates than they were consuming e-cigarettes, smoking or taking illegal drugs. Those who reported gambling were more likely to also report substance use and lower educational attainment. An evidence review conducted by Public Health England has found that there is a significant link between the opportunities to gamble, advertising of gambling, and density of gambling premises with the likelihood of young people trying to gamble or experiencing harm from gambling. The same evidence review also found that family members gambling	Ensuring staff are trained to challenge those they suspect to under age.  Support of age recognition software in machines to prevent underage gambling.

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>increased the likelihood of Intimate Partner Violence and other Adverse Childhood Effects that cause significant harms to those that experience them. These can include maltreatment, malnutrition, and physical and psychological abuse.</p> <p>People aged under 24 are identified as at a higher risk of suffering from gambling harms.</p> <p>The Bargate ward has the highest population of those aged 16-24 in the city, with a population of 34.9% young people. The city as a whole has 43,000 young people in the age range most at risk from harm from gambling. The young population is expected to increase by 6% between 2021 and 2028.</p> <p><a href="#">[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</a></p> <p><a href="#">Population size and structure (southampton.gov.uk)</a></p>	
<b>Disability</b>	<p>As with age some people with mental health disabilities are susceptible to harmful gambling. Those with sensory disabilities are also likely to have mental health issues which makes them more susceptible to harmful gambling.</p> <p>Public Health England has found that there are correlations with those experiencing poor mental health, social isolation, and disability being more likely to gamble and more likely to experience gambling related harm. This is likely linked to the social and inclusive aspects of gambling premises which are seen by these populations as places where social connections can be</p>	<p>Gambling venues is heavily regulated and monitored to support the three licensing Gambling Act licensing objectives</p> <ul style="list-style-type: none"> <li>• preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• ensuring that gambling is conducted in a fair and open way, and</li> </ul>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>made. An additional factor to be considered is that these populations may be more vulnerable to the harms that gambling can cause, as well as more at risk of those harms to begin with.</p> <p>Depression in Southampton is higher than the England average, with 10.1% of people estimated to have an unresolved diagnosis of depression. Those living in higher levels of deprivation are more likely to have higher levels of depression.</p> <p><a href="http://www.gov.uk">[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</a></p> <p><a href="http://southampton.gov.uk">Mental health and wellbeing (southampton.gov.uk)</a></p>	<ul style="list-style-type: none"> <li>protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ul> <p>Staff are on site trained to identify the signs of problem gambling and intervene.</p> <p>Premises are required to undertake a risk assessment based on the local profile attached to the SLP</p>
<b>Gender Reassignment</b>	No identified impacts.	N/a
<b>Care Experienced</b>	No risks identified	N/a
<b>Marriage and Civil Partnership</b>	<p>Individual studies have been found by Public Health England do support the idea that those not in long term or stable relationships (single, separated, divorced or widowed) may be more likely experience harmful gambling, but the evidence is limited in scope.</p> <p><a href="http://www.gov.uk">Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)</a></p>	<p>Gambling in venues is heavily regulated and monitored to support the three licensing Gambling Act licensing objectives</p> <ul style="list-style-type: none"> <li>preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>ensuring that gambling is conducted in a fair and open way, and</li> <li>protecting children</li> </ul>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
		<p>and other vulnerable persons from being harmed or exploited by gambling</p> <p>Staff are on site trained to identify the signs of problem gambling and intervene.</p>
<b>Pregnancy and Maternity</b>	No evidence was found that detailed a link between pregnancy, maternity, and gambling.	N/a
<b>Race</b>	<p>There are significant links between many ethnic minorities and increased gambling rates, with individual studies reporting that some groups are more than three times more likely to gamble and experience gambling related harm than white populations. Some cultures oppose gambling and substance use, and these may be protective factors against gambling harm.</p> <p>There is a wide amount of ethnic diversity within the city, with 22.3% of the population listing their ethnicity as something other than White British.</p> <p>Bargate ward has the 2<sup>nd</sup> highest rates of ethnic diversity in the city, with 36% of residents identifying as non White British compared to 22% city average.</p> <p><a href="http://www.gov.uk">[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</a></p> <p><a href="http://southampton.gov.uk">Ethnicity and language (southampton.gov.uk)</a></p> <p><a href="http://southampton.gov.uk">ward-profile-infographic-bargate_tcm71-404658.pdf (southampton.gov.uk)</a></p>	<p>Gambling in venues is heavily regulated and monitored to support the three licensing Gambling Act licensing objectives</p> <ul style="list-style-type: none"> <li>• preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• ensuring that gambling is conducted in a fair and open way, and</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ul> <p>Staff are on site trained to identify the signs of problem gambling and i Premises are required to undertake a risk assessment</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
		based on the local profile attached to the SLP intervene.
<b>Religion or Belief</b>	<p>Some religions oppose gambling and substance use, there is not sufficient evidence to determine if this is a protective factor. While those in religions are less likely to gamble, they may be less likely to seek help for fear of stigma.</p> <p>The largest religion in Southampton is Christian (51.5%), followed by 'no religion' (33.5%). Both philosophies permit gambling.</p> <p>The second largest religion in Southampton after Christianity is Islam, with 4% of the population identifying as Muslim. This rises to 9.6% of the population in Bargate. Islam does not permit gambling.</p> <p><a href="#">[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</a></p> <p><a href="#">Ethnicity and language (southampton.gov.uk)</a></p>	<p>Gambling in venues is heavily regulated and monitored to support the three licensing Gambling Act licensing objectives</p> <ul style="list-style-type: none"> <li>preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>ensuring that gambling is conducted in a fair and open way, and</li> <li>protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ul> <p>Staff are on site trained to identify the signs of problem gambling and intervene.</p> <p>Premises are required to undertake a risk assessment based on the local profile attached to the SLP</p>
<b>Sex</b>	Males are more likely to gamble, more likely to gamble more money each time, and are more likely to experience harm from problem or harmful	Gambling in venues is heavily regulated and monitored to support the three licensing Gambling

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>gambling. Landmark birthdays (18 &amp; 21) were found to also increase the likelihood of a young person gambling. Problem and harmful gambling is also present in female populations when studied and problem and harmful gambling should not be thought of as a purely male harm.</p> <p>Males aged 20-24 are the biggest demographic in the city, followed by females aged 20-24.</p> <p><a href="https://www.gov.uk/government/reviews/gambling-related-harms-evidence-review">[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</a></p> <p><a href="https://www.southampton.gov.uk/population-size-and-structure">Population size and structure (southampton.gov.uk)</a></p>	<p>Act licensing objectives</p> <ul style="list-style-type: none"> <li>preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>ensuring that gambling is conducted in a fair and open way, and</li> <li>protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ul> <p>Staff are on site trained to identify the signs of problem gambling and intervene.</p> <p>Premises are required to undertake a risk assessment based on the local profile attached to the SLP</p>
<p><b>Sexual Orientation</b></p>	<p>The first UK Games Industry Census in 2020 found that LGBT+ people make up 21% of the UK gaming industry, yet LGBT+ people make up just 3–7% of the population. This greatly increases LGBT+ community to gambling related harms.</p> <p><i>[Taylor, M. (2020) UK Games Industry Census: Understanding Diversity in the UK Games Industry Workforce, ukie, University of Sheffield, UKRI and Arts and Humanities Research Council.]</i></p>	<p>Gambling in venues is heavily regulated and monitored to support the three licensing Gambling Act licensing objectives</p> <ul style="list-style-type: none"> <li>preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> </ul>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
		<ul style="list-style-type: none"> <li>• ensuring that gambling is conducted in a fair and open way, and</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ul> <p>Staff are on site trained to identify the signs of problem gambling and intervene.</p>
<p><b>Community Safety</b></p>	<p>The evidence review by Public Health England found that family members gambling increased the likelihood of Intimate Partner Violence and other Adverse Childhood Effects that cause significant harms to those that experience them. These can include maltreatment, malnutrition, and physical and psychological abuse. While not the sole cause of IPV and child maltreatment, it was a significant factor.</p> <p>Domestic violence accounts for 17% of all recorded crime in Southampton, and has increased in each of the previous eight years.</p> <p><a href="http://www.gov.uk">[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</a></p> <p><a href="http://southampton.gov.uk">Domestic abuse (southampton.gov.uk)</a></p>	<p>Gambling in venues is heavily regulated and monitored to support the three licensing Gambling Act licensing objectives</p> <ul style="list-style-type: none"> <li>• preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• ensuring that gambling is conducted in a fair and open way, and</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ul> <p>Staff are on site trained to identify the signs of problem gambling and intervene.</p> <p>Premises are required to undertake a risk assessment based on the local profile attached to the SLP</p>



Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
<p><b>Poverty</b></p>	<p>Financial harms are the third most commonly reported harm amongst gamblers, irrespective of gambling severity. Various financial harms including debt and bankruptcies have been reported as associated with large gambling properties like Casinos.</p> <p>Southampton is the 55<sup>th</sup> most deprived local authority in England, and is more deprived than comparator cities like Bristol, Leeds and Sheffield.</p> <p>Deprivation and inequalities between residents and neighbourhoods in Southampton are significant and continue to be a driver for crime and poor health outcomes in Southampton. In addition, key outcomes for children and young people in Southampton continue to be poorer than the national average, with outcomes significantly poorer (and starting earlier in life) for those residents living in the most deprived areas of the city compared to those living in the least deprived areas.</p> <p><a href="#">Harms associated with gambling: an abbreviated systematic review (publishing.service.gov.uk)</a></p> <p><a href="#">Deprivation and poverty (southampton.gov.uk)</a></p>	<p>Gambling in casinos is heavily regulated and monitored to support the three licensing Gambling Act licensing objectives</p> <ul style="list-style-type: none"> <li>• preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• ensuring that gambling is conducted in a fair and open way, and</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ul> <p>Staff are on site trained to identify the signs of problem gambling and intervene.</p> <p>Premises are required to undertake a risk assessment based on the local profile attached to the SLP</p>
<p><b>Health &amp; Wellbeing</b></p>	<p>Problem gambling is identified as a health issue linked to addiction. On average 3.8% of gamblers are expected to experience negative impacts as a result of their gambling.</p> <p>Gambling provides many opportunities</p>	<p>Gambling in venues is heavily regulated and monitored to support the three licensing Gambling Act licensing objectives</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>to cause and exacerbate health harms in the users of gambling premises and their social networks. Harm from gambling increases with alcohol use and there are existing relationships between gambling and other substance use. Gambling and IPV and child maltreatment, and gambling and mental health issues are also linked. Those experiencing negative health issues are more likely to use gambling premises, creating or worsening potential harms like anxiety, neurotic symptoms, suicidality, and degradation of social networks. The financial impact of gambling can create harms that extend beyond the gambling premises, bringing additional pressures to those experiencing harm from gambling.</p> <p><a href="http://www.gov.uk">[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</a></p>	<ul style="list-style-type: none"> <li>• preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• ensuring that gambling is conducted in a fair and open way, and</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ul> <p>Staff are on site trained to identify the signs of problem gambling and intervene.. Licence holder to provide licensing authority with data showing incidents of problem gambling and interventions so both can work together to minimise impact</p>
<p><b>Other Significant Impacts</b></p>	<p><b>NIGHT SHIFTS</b> Shift work has been shown to have a detrimental effect on the health of employees, negatively impacting daily sleep length, circadian rhythms, work-life balances and stress. This is particularly worse for those working night shifts. Shift work is also associated with obesity, cardiovascular disease, diabetes and cancers. Shift work is also associated with negative impacts on family lives, higher separation rates, less effective parenting, and deterioration of family</p>	<p>Gambling in venues is heavily regulated and monitored to support the three licensing Gambling Act licensing objectives</p> <ul style="list-style-type: none"> <li>• preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to</li> </ul>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>cohesion.</p> <p><a href="http://publichealthwm.org">_ (publichealthwm.org)</a></p> <p>VETERANS UK armed forces veterans report a higher prevalence rate of problem gambling compared with non-veterans, with potential negative impact on family life.</p> <p>A Public Health England evidence review found that those experiencing traumatic and violent events like someone being killed, wounded, or physically attacked increased the likelihood of both gambling and gambling related harms, with veterans being a prominent feature in the studies used in the evidence review.</p> <p><i>[Dighton, G., Roberts, E., Hoon, A. E., &amp; Dymond, S. (2018). Gambling problems and the impact of family in UK armed forces veterans, Journal of Behavioral Addictions, 7(2), 355-365. Retrieved Jul 20, 2022, from <a href="https://akjournals.com/view/journals/2006/7/2/article-p355.xml">https://akjournals.com/view/journals/2006/7/2/article-p355.xml</a>]</i></p> <p><a href="http://www.gov.uk">[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</a></p> <p>SUBSTANCE USE There is a strong association between substance use and gambling. Those that use substances (alcohol, tobacco, illegal drugs) are more likely to gamble, and those that gamble are more likely to have substance use issues. At time of writing Southampton has the highest rate of people with alcohol issues being admitted to hospital in the country, according to a pilot survey at UHS.</p> <p><a href="http://www.gov.uk">[Gambling-related harms evidence</a></p>	<p>support crime</p> <ul style="list-style-type: none"> <li>ensuring that gambling is conducted in a fair and open way, and</li> <li>protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ul> <p>Staff are on site trained to identify the signs of problem gambling and intervene.</p> <p>Premises are required to undertake a risk assessment based on the local profile attached to the SLP</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p><a href="#">review: summary - GOV.UK (www.gov.uk)</a></p> <p><a href="#">Local Alcohol Profiles for England - Data - OHID (phe.org.uk)</a></p> <p><b>EDUCATIONAL ATTAINMENT</b>  Young People reporting that they had gambled in the last year were more likely to have lower educational attainment.  Lower educational attainment is one of the factors that is typically present in those that problem gamble.</p> <p><b>ECONOMIC COST</b>  The excess economic costs of harmful gambling were estimated as between £1.04bn and £1.7bn for England, primarily affecting homelessness, mental health, suicide, substance use, unemployment, criminal activity and imprisonment.</p> <p>But we expect that the true costs are higher because the lack of evidence meant that it was not possible to cost all types of harms or the wider harms to individuals or society. Previous research on the economic costs of gambling in England (from 2016) estimated the excess cost of harmful gambling to be between £200 million and £570 million for England. These estimates are likely to change with further evidence.</p> <p><b>RISK TO PUBLIC HEALTH</b>  There is limited evidence relating to the specific health effects of casinos in comparison to the health effects of gambling overall. This represents a gap in the available literature and is not the same as evidence of no effect. It is known that the pattern of problem gambling is more correlated with casinos and electronic gaming</p>	

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>machines than the lottery and sports pools.</p> <p>The evidence suggests that harmful gambling should be considered a public health issue because it is associated with harms to individuals, their families, close associates and wider society.</p> <p><a href="#">[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</a></p>	

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## **Officer response to consultation comments** Appendix 4

“Para 5.2. As you know section 157 of the Gambling Act defines the Responsible Authorities. These and the licensing objectives differ from the Licensing Act 2003. It is not clear on the council’s website what the Public Protection Service covers, but we assume that this is meant to be the RA under s157 (g). It is essential that the Policy does not seek to extend the remit of the Act by adding another Responsible Authority. The Health “Authorities are not Responsible authorities unlike under the 2003 Act.”

***Officer response – Document amended (Note is now para 5.3)***

“Para 9.5.6. We note that you include those aged 16-29 as those vulnerable to the risks of gambling. It is not stated how the age range is selected. Most of the venues the council will licence will be for those aged over 18 in any event and the age of 29 might seem somewhat arbitrary.”

***Officer response – This has been inherited from previous SLPs and is recognition that young people tend to be more vulnerable to the harms of gambling.***

“Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. We cannot see reference to the Code in this regard.”

***Officers response - Para 7.2 covers risk based inspection programme.***

“We do not understand the basis for the inclusion of “habitual players of gaming machines” as being among the list of vulnerable people. What is this based on please? Many people regularly play gaming machines as part of their leisure time and while they might be frequent players they do not necessarily play for long periods and are always supervised in well run venues. Conversely, we note that those who habitually place bets or play in casinos are for some reason not included in that list.”

AND

“Conversely, we note that those who habitually place bets or play in casinos are for some reason not included in that list. We would suggest that this is revisited.”

***Officer response – We recognise venues are well supervised however the placing of bets or playing at a casino table involve human interaction whereas a machine does not require such interaction thereby making it easier for players to hide any issues.***

“Para 9.5.8 The list of data that should be recorded mentions recording “cause and effect”. With respect, the draft is not clear as to what is to be recorded, bearing in mind that records are live documents in a live environment, where staff should be focussed on their supervisory duties and not distracted by over burdensome recording requirements. Sub paras g and h suggest that incidents should be recorded but that the definition of the type of incident to be recorded will only be provided after the event. Plainly that will not work.”

***Officer response – Document amended to be more specific.***

“Para 9.5.10. We do not think that the final sentence is correct. If a customer self excludes from the venue, the LCCP are clear that it must be for a fixed initial period. The person cannot gain readmittance during that period regardless of counselling sessions that might have taken place. However, it is of critical importance that it is appreciated (as has been confirmed by the courts) that the onus is on the individual not to enter venues from which they have been self excluded.”

## **Officer response to consultation comments**

**Officer response – Document amended to read individual has been signposted to counselling and support services. We remain that our expectation is a responsible operator will take responsibility to ensure those that have self excluded remain so.**

“9.5.14: With respect, access is not a matter for the Gambling Act 2005 which is the subject of the draft policy. Similarly, many other matters and policies will affect operating venues, but the policy is not the place for them.”

**Officer response – This is a valid point and the SLP should not enter into areas outside of the purpose of the document, but this is a key element of the council’s agenda of making the city an accessible location for all.**

“Para 16.1. We do not understand why the conditions for AGCs are not listed for bingo as well. Bingo venues have the same machines as AGCs and indeed also have alcohol.”

**Officers response – The two types of venues are different and require different approaches. The list at 13.2 states it is neither mandatory or exhaustive.**

“Para 17. There does not seem to be any suggested conditions for betting venues. Again, they should at least include those that are listed for AGCs. Perhaps those at para 18.4 are meant for betting venues even though they are in the Track section?”

**Officer response – New para 17.2 added**

“Para 14.2. We would have thought that proof of age schemes are important for FECs, which can of course offer Category C gaming machines.”

**Officer response – added**

“The \*\* is concerned that the imposition of additional licensing conditions could become commonplace if there are no precise requirements regarding the need for evidence in the revised licensing policy statement. If additional licence conditions are more commonly applied, this would increase variation across licensing authorities and create uncertainty amongst operators regarding licensing requirements, overcomplicating the licensing process for operators and local authorities. Working in partnership with local authorities.”

**Officer response – Para 7.2 makes it clear the authority will only intervene when necessary and it is justified.**

“It is vital that Southampton City Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area.”

**Officer response – A new para 5.2 has been added adding health information will be used in supporting policy.**

“Building on the proactive approach the council is already taking, we would like to see Southampton City Council commit in its statement of principles to a public health approach to gambling.”

**Officer response – Significant additions have been proposed to address this.**

“This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers.”



## **Officer response to consultation comments**

### ***Officer response – The SLP is not the place to dictate this.***

“In the absence of Cumulative Impact Assessments as a method by which the “aim to permit” approach can be challenged, Southampton 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.”

### ***Officer response – The Local area profile has been updated***

“The changes to Southampton 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.”

***Officer response - Currently there is no change in legislation or guidance. The White paper is merely proposals and these were set by the previous government. We are still to learn the current position on Gambling from this government. We can address any changes when necessary, rather than act on speculation.***

“The local risk assessment should consider the urban setting: The proximity of the premises to schools, The commercial environment, Factors affecting the footfall, Whether the premises is in an area of deprivation, whether the premises is in an area subject to high levels of crime and/or disorder, The ethnic profile of residents in the area, The demographics of the area in relation to vulnerable groups, The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather, The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities, Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc & The proximity of churches, mosques, temples or any other place of worship.

The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected: The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this, Information held by the licensee regarding self-exclusions and incidences of underage gambling, Arrangements in place for local exchange of information regarding self-exclusion and gaming trends, Gaming trends that may mirror days for financial payments such as pay days or benefit payments, Arrangements for monitoring and dealing

with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc, The provision of signage and documents relating to games rules, gambling care providers and other relevant information, provided in both English and any other prominent first language for that locality, The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council one stop shops, addiction clinics or help centres, places where alcohol or drug dependent people may congregate & Arrangements in place to signpost vulnerable customers to relevant support organisations.

The local risk assessment should show how children are to be protected: The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc, The proximity to places where children congregate such as bus stops, cafes, shops & Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

## **Officer response to consultation comments**

Other matters that the risk assessment may include: Details as to the location and coverage of working CCTV cameras, and how the system will be monitored & The layout of the premises so that staff have an unobstructed view of persons using the premises.”

***Officer response – the local profile attached has been updated.***

“Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. We cannot see reference to the Code in this regard and suggest that the Draft be amended to include a reference to it as outlined.”

***Officer response – Para 7.2 refers to the regulators code which this comment refers to.***

“As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the Act) it is subject to the Regulators’ Code. That Code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates.”

***Officer response – This noted but see no need for any amendment.***

“Para 9.5.17. AGCs and other venues have for decades provided light refreshments to their customers and indeed bingo clubs offer very cheap larger meals. These are not “inducements” to gamble but part of the service provision and part of why customers visit venues. To suggest that these are inducement is with respect to misunderstand the long established sectors. We urge you to revisit this paragraph.”

***Officer response – Para amended to show advertising of such***

“We understand that the only proposed changes to the draft statement of principles are changes to the detail on how the large casino process will be dealt with should the authority decide to invite applications and an update to the local area profile. Notwithstanding this, there are a number of comments on the existing drafting of the statement of principles. There are a number of updates required. At paragraph 9.5.2 the reference to the Gambling Commissions LCCP should be amended to reflect the fact that the most recent version was published in August 2024. The references to problem gambling rates contained within paragraph 9.5.6 should also be updated. As stated previously the most recent NHS health survey found that problem gambling rates among adults are 0.4%. The “expectations” with regard to data gathering and sharing, staff training and knowledge (9.5.8 and 9.5.9) should be deleted as in these instances the Licensing Authority is trespassing into issues for which the Gambling Commission has responsibility through the Operating Licence. “

***Officer response – Updated to reflect updated LCCP. The NHS data is a different data set, content that is still applicable. Think it perfectly acceptable to set out expectations. We work in partnership with the Gambling Commission and would report any concerns to them.***

“There does not seem to be any suggested conditions for betting venues. Again, they should at least include those that are listed for AGCs.”

***Officer response – Amended to include list***

## **Officer response to consultation comments**

“Misleading/ambiguous premises signage - There are increasing numbers of premises (usually Adult Gaming Centres) which describe themselves on their shopfronts and external signage as casinos despite these premises not being permitted to operate as a casino. Section 150 Gambling Act 2005 creates five separate classes of premises licences – the operation of a casino (a casino premises licence), the provision of facilities for the playing of bingo ( a bingo premises licence) , making category B gaming machines available for use (an adult gaming centre premises licence), making category C gaming machines available for use (a family entertainment centre premises licence) and the provision of facilities for betting (a betting premises licence). Whilst casinos are permitted under a casino premises licence to provide bingo and betting facilities, the holder of an adult gaming centre premises licence may not offer casino facilities. 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. Differentiation between Licensing Act 2003 and Gambling Act 2005 applications When considering applications for premises licences, it is important to clearly distinguish between the regimes, processes, and procedures established by the Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities—the regimes, processes, and procedures relating to the Licensing Act 2003. Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, which are then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications, where the LCCP provides a comprehensive package of conditions for all types of premises licence.”

***Officer response – We have no evidence of such ambiguous signage.***

“It should continue to be the case that additional conditions in the Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances with clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In most cases, these will not need to be supplemented by additional conditions.”

***Officer response – Compliance with regulator code as mentioned in the SLP addresses this.***

“Research notes that problem gambling is likely to be twice as high in:

- Metropolitan Boroughs
- Urban Areas
- Areas of Greater Population Density
- Multi-cultural areas
- More prosperous areas

(Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016)”

***Officer response – Noted, the local area profile highlights the risks***

“Southampton City Council has committed to adopt a Health in All Policies approach. This means that health information will be considered when creating policies and other significant pieces of work. Public health are not a responsible authority under the Gambling Act 2005, however, the licensing authority will consult the Director of Public Health on premises licence applications where appropriate.

## **Officer response to consultation comments**

***Officers response – In light of a number of the responses about relating to health a number of changes have been proposed to the SLP. These changes were sent to the other respondents. One respondent was in full support of the amendments. The only other respondent listed the following points***

The bullet point list proposed as para 9.5.3 should be redrafted.

The purpose of the local risk assessment is to identify risks to the licensing objectives and outline the mitigation policies proposed by the applicant. The bullet point lists as drafted as it contains a number of references that are not relevant to any assessment of risk to the licensing objectives. For example, issues such as street drinking, youths participating in anti-social behaviour, drug dealing etc are irrelevant considerations in the context of risk to the licensing objectives. These are issues of nuisance, the prevention of which is not a GA 20054 licensing objectives.

***Officer response – The issues listed are indicators of an area suffering from deprivation which in turn is an element of risk to be considered for gambling.***

Furthermore, the references to whether the premises is in an area of deprivation or “gaming trends that mirror ... benefit payments” should be deleted. These can only be relevant if the authority has predetermined that those in receipt of benefits or living/using premises in a “deprived” area are more likely to commit crime as a result of gambling than those not in receipt of benefits / living in more affluent areas or are automatically to be considered vulnerable. In addition, by including this within the bullet point list, the inference is that investment in new facilities in less affluent areas may face a higher bar than in more affluent areas.

***Officer response – These are relevant factors to be considered when an applicant is conducting its risk assessment.***

The proposed paragraph 9.5.6 should not be included at all. This research relates to specific circumstances in Leeds and its inclusion in the Southampton policy is pejorative.

***Officer response – Although conducted in an area other than Southampton it draws on conclusions that may impact Southampton.***

The following entries are more comment about gambling than the SLP.

“Betting and Gaming in the UK

Any consideration of gambling licensing at the local level should also be considered within the broader context. The raft of measures recently put in place by the industry (in terms of protecting players from gambling-related harm), the Gambling Commission, and the Government (a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures, and voluntary restrictions on advertising) have contributed to problem gambling rates now being lower than they were at the passage of the 2005 Gambling Act (see further details on problem gambling rates below). In addition, a range of further measures will be implemented imminently following the Government’s White Paper,

## **Officer response to consultation comments**

published in April 2023. These include: financial risk checks for those at risk of gambling harm, changes to the way operators market to their customers, changes to online game design which will remove certain features, the introduction of a mandatory levy for research, prevention and treatment (RPT) activities, an Ombudsman to adjudicate on customer redress and the introduction of mandatory stake limits on online slots, bringing the maximum stakes online in line with land based casinos.

It should also be noted that:

- The overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2023) was 5,995. This is reducing yearly and has fallen by 28% since March 2019 – equating to 2,309 betting shop closures in just four years.
- Planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019, a maximum stake of £2 was applied to the operation of fixed odds betting terminals.
- Successive prevalence surveys and health surveys show that problem gambling rates in the UK are stable.”

AND

### “Problem Gambling

A point often lost in the debate about the future of gambling regulation is that problem gambling rates in the UK are low by international comparison. The most recent “Gold standard” NHS (National Health Service) Health Survey found that problem gambling rates among adults are 0.4 per cent – the rate was 0.5 per cent in 2018. In comparison to other European countries, problem gambling rates in the UK are low. The problem gambling rate is 2.4 per cent in Italy, 1.4 per cent in Norway, and 1.3 per cent in France. Both the Gambling Commission and the Government have acknowledged that problem gambling levels have not increased. However, one problem gambler is one too many, and we are working hard to improve standards further across the regulated betting and gaming industry. In June 2020, the \*\* largest members committed to increasing the amount they spend on RPT (Research, Prevention and Treatment) services from 0.1 per cent to 1 per cent in 2023. This was expected to raise £100 million but they have gone further and will have donated £110 million by 2024. In the White Paper, the Government committed to introducing a statutory RPT (Research, Prevention and Treatment) levy, which would apply to all gambling licensees (excluding the national lottery). This levy is expected to raise £100m annually by 2026/2027. The\*\* also funds the £10 million Young People’s Gambling Harm Prevention Programme, delivered by leading charities. As of March last year (2023), it has educated over 3 million children. Advertising and Sponsorship All betting advertising and sponsorship must comply with strict guidelines, and safer gambling messaging must be regularly and prominently displayed. The Government has previously stated that there is “no causal link” between exposure to advertising and the development of problem gambling, as stated in a response by then Minister of State at DCMS, in June 2021. The Gambling Review White Paper, in relation to advertising, restated that there was “little evidence” of a causal link with gambling harms or the development of gambling disorder. The Seventh Industry Code for Socially Responsible Advertising, adopted by all \*\* members, adds a number of further protections in particular for young people. New measures include ensuring that all social media ads must

## **Officer response to consultation comments**

target consumers aged 25 and over unless the website proves they can be precisely targeted at over-18s. In addition to raising advertising standards for young people, this code, which came into force on 1 December 2023, extended the previous commitment that 20% of TV and radio advertising is devoted to safer gambling messaging to digital media advertising. Under the 'whistle-to-whistle' ban, ads cannot be shown from five minutes before a live sporting event until five minutes after it ends, before the 9 p.m. watershed. Research by \*\*found that in its first 12 months in operation, the ban reduced the number of TV betting adverts seen by children by 97% at that time. Overall, the number of gambling adverts viewed by young people also fell by 70% over the entire duration of live sports programmes. At the same time, the ban also reduced the number of views of betting ads by 1.7 billion during its first five months in operation. \*\* members also continue to abide by the stringent measures established by advertising standards watchdogs. These measures are in stark contrast to the unsafe, unregulated black market online, which has none of the safer gambling measures offered by \*\* members, including strict age verification checks. Any withdrawal of advertising would simply level the playing field with illegal operators thus providing opportunities for those operators to peel off customers from the regulated markets. The \*\*\* require that premises operate an age verification policy. The industry employs a policy called "Think 21". This policy is successful in preventing underage gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission shows that ID challenge rates are consistently around 85%. Following the publication of the Gambling Commission's response to their consultation on age verification on premises, all gambling venues will be moving to a "Think 25" policy from 30th August 2024. Since Serve Legal began working with the gambling sector in 2009, the industry has now become the highest performing sector across all age verification testing. Across thousands of audits, there was an average pass rate of 91.4 per cent (2024 data). For casinos, there is a near perfect pass rate in the last period of 98%. When comparing Serve Legal audit data between members of the \*\*and comparative age verification audit data in the Alcohol and Lottery sector we see how the gambling sector is performing between 10-15 per cent higher every year. It should be noted that the Executive Summary of the Gambling White Paper stated that when parliamentary time allows, the Government will align the gambling licensing system with that for alcohol by introducing new powers to conduct cumulative impact assessments. The \*\* is fully committed to ensuring constructive working relationships between betting and gaming operators and licensing authorities and that problems can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this, and the opportunity to respond to this consultation is welcomed."

***Officer comments – this has no impact on how we will administer licences.***