

The background of the entire page is a photograph of a fountain at night. The fountain is illuminated from below, creating a bright, golden glow. The water jets are captured in motion, creating a spray of water droplets. The fountain is set against a dark, textured wall, possibly made of stone or brick. The overall atmosphere is dramatic and artistic.

Draft Gambling Statement of Licensing Principles Consultation

Full results summary

Data, Intelligence & Insight Team – October 2024



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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)*:

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,¹ 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 Coughlan²)’, 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 Haringey³), 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.⁴

¹ 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

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

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

⁴ 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
Emails / letters	4
Total	6

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



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 agreed 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*

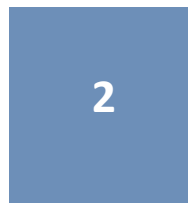
*operators thus providing opportunities for those operators to peel off customers from the regulated markets. The *** require that premises operate an age verification policy. The industry employs a policy called “Think 21”. This policy is successful in preventing underage gambling. Independent test 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

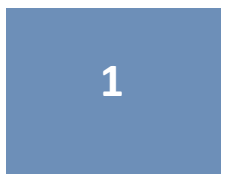
Have you read the proposed draft Gambling Act Statement of Licensing Principles policy?

Yes, some of it



"The draft policy is easy to understand"

Agree

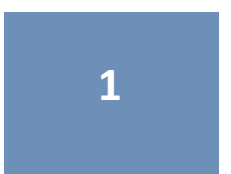


Strongly disagree

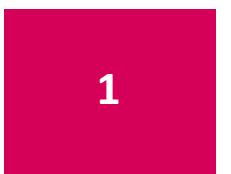


"The draft policy provides sufficient information"

Agree



Strongly disagree



Base respondents: 2