

## **Officer response to consultation comments**

“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.”

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**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.”

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### ***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.

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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***

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“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.

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***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,

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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

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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.***