

APPENDIX 2

EVALUATION OF CONSULTATION RESPONSES

RESPONDENT	PARA	COMMENTS	CONSIDERATION
Public Health	Part A 1.1	Suggest additional point under 1.1 - Regardless of the type of licence or permit applied for, Tameside MBC is looking to maintain high standards to ensure responsible gambling and protection of the licencing objectives in Tameside. Where appropriate, based on a local area's specific issues and needs, additional measures, protections or licence conditions may be applied to protect those who are most vulnerable from being harmed by gambling	1.1 covers the Licensing Objectives as set out in the Gambling Act 2003, the Council cannot amend the objectives.
	6.4	Suggest additional point under 6.4 - There are a number of issues in relation to harmful gambling which we may wish to review during pre-planned or proactive compliance visits, including but not limited to: •details of training policies and training undertaken by staff •records of refusals to serve or admit on age grounds •the premises' approach to managing self-exclusion, how the premises fulfils the requirement to participate in multi-operator schemes and numbers of people currently self-excluded •involvement or impact of any work in local gambling such as Betwatch schemes •confirming that appropriate signage and information is in place.	Policy amended to include suggestion
	7.1	7.1 As a Licensing Authority we are required under the Act to: • Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licenses SUGGEST CHANGE TO: • Be responsible for the licensing of premises where gambling activities are to take place by deciding whether to grant or reject premise licence applications and decide any conditions to apply where the decision is taken to grant. Decisions are based on the Gambling Act 2005, relevant guidance, Codes of Practice, our Gambling Policy and the three licencing objectives highlighted in section 1.1.	7.1 of the policy sets out the Council's statutory functions and the types of Licences, Permits and Notices that can be issued. The suggested amendment is not relevant and is covered in other sections of the Policy
	8.14	Suggest additional points under 8.14 Location Further guidance of what locations are deemed to be higher risk due to their access by vulnerable groups can be found in the risk assessment section of this document. The authority will consider licence applications and existing licences very carefully	As the responses identifies guidance is provided under the risk assessment section 25. The Council does not currently

		<p>where gambling premises will be located in close proximity to other premises frequented by children or other vulnerable persons (as defined in the local area profile), in relation to the third licencing objective. In other local authorities, close proximity has been defined as within 400m of a location where vulnerable person may frequent (2). If an applicant can show how the licencing objectives concerns can be overcome, that will be taken into account.</p>	<p>have a local area profile.</p> <p>All applications are considered “very carefully” and on their merits.</p>
	8.19	<p>Suggest additional points under 8.19 -</p> <p>Whilst regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences; if there are persistent or serious disorder problems that we consider an operator could or should do more to prevent, we will bring this to the attention of the Gambling Commission so that it can consider the continuing suitability of the operator to hold an operating licence</p> <p>Participation in the Safebet Alliance The Authority encourages operators to participate in the Safebet Alliance in order to help ensure the highest standards for the safety and security of staff working at betting premises.</p> <p>Where an operator does not participate in the scheme, it is expected that they can satisfactorily demonstrate the security measures they incorporate are adequate.</p>	<p>Amended to include having looked at other Council’s Policies this is a common inclusion</p>
	8.21 – 8.26	<p>Suggested amendments relating to protecting children and younger persons from being harmed or exploited</p> <p>8.23 – suggested requirements and expectations of operators relating to protection of children and younger persons</p> <p>8.25 – Self Exclusion</p> <p>8.26 – other vulnerable groups</p> <p>Inducements to gamble</p> <p>Provision of Gambling Advice</p> <p>Data Collection</p>	<p>This has been included in the gambling related harm section</p> <p>Policy amended to include these points – see 8.25</p> <p>Policy amended see 8.27</p> <p>Policy amended see 8.28</p> <p>Policy amended see 8.29</p> <p>Policy amended see 8.30</p> <p>Data Collection – the obligation for premises to record data has been</p>

		<p>Betting Machines – suggested conditions and considerations relating to betting machines</p> <p>Layout of premises</p>	<p>incorporated into the Policy. The template suggested by Public Health will be provided to premises upon compliance inspections and conversations will be had with staff requesting them to keep the log</p> <p>Policy amended. See 12.2 – conditions measure for consideration to meet the licensing objectives included in the Policy.</p> <p>Comments noted. This is covered elsewhere in the Policy.</p>
	18.1	<p>Other matters TMBC consider relevant may include:</p> <ul style="list-style-type: none"> • the location of gaming machines on the premises and ability to supervise their use; • whether under 18s are permitted on the premises; • previous convictions of the applicant; • Any other further risks indicated by the application. <p>Dependent on the conditions of their Licensing Act licence, premises with consumption of alcohol on the premises may admit under 18s. However premises must ensure under 18s do not play category C gaming machines or limited equal chance gaming which are restricted to over 18s. It should be noted that the holder of a gaming machine permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.</p>	Policy amended to include the relevant considerations.
	25.3	<p>Suggest additional bullet points added to 25.3:</p> <ul style="list-style-type: none"> • Levels of poverty and deprivation in the region • Levels of crime and disorder, particularly where this is related to an existing gambling premises. 	Policy amended

	25.4	<p>Suggest last bullet under 25.4 is changed to: Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, food banks, homelessness services, job centres, places where alcohol or drug dependant people may congregate, etc.</p> <p>Whilst each application and review of existing licences will be treated upon its own merits, applications which the authority feels is in close proximity or on route to the following sensitive locations will require applicants to provide further detailed information as to how their proposals will promote the gambling objectives (in particular protecting children and vulnerable persons from being harmed or exploited by gambling):</p> <ul style="list-style-type: none"> • a school, college, nursery or other similar premises substantially used by or for children or young persons (including children's homes and specialist units); • a park or similar space used for children's play or young people's recreational activity; • a Hospital, Mental Incapacity or Disability Centre or similar premises; • vulnerable adult centres and community buildings (e.g. centre for gambling addicts) • substance misuse treatment services • youth or other children or vulnerable people specialist services. • social housing for vulnerable adults • locations known to attract unaccompanied vulnerable young people or criminals • high crime and disorder hot spots. <p>It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.</p>	Policy amended to include other locations which may be frequented by vulnerable persons.
	26.1	<p>Suggest additional point under 26.1: Should a local area profile be developed at a future point it will be available on the TMBC website and licence applicants will be expected to review this when undertaking their own risk assessment.</p>	Comments noted. Consideration will be given to including a local area profile when the policy is next reviewed in 2022
Novomatic UK	N/A	As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the "Act") it is subject to the Regulators' Code. The code imposes a number of obligations on the Authority, including one that it should carry out its activities in a	Comments noted.

		<p>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. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. We suggest that reference is made in the Draft to the Code's application to the Authority's activities under the Act.</p>	
	4.3	<p>Para 4.3: As is confirmed at paragraph 8.3, moral objections to gambling are not valid reasons to reject an application for a premises licence. We are unsure how this sits with para 4.3 of the Draft and in particular, which "business interests" of faith groups might be affected by the activities – putting aside any moral objections to what is a legal activity. We would therefore suggest the removal of such bodies from the example of those with business interests that might be affected and therefore who can qualify as an Interested Party.</p>	Comments noted.
	8.7	<p>Para 8.7, first bullet point and Paras 8.21 and 8.23: As the Authority appreciates, children are legally permitted to take part in limited types of gambling (Category D machines) and plainly therefore, the reference to preventing children from "being in close proximity to gambling", from "taking part in gambling" and from "accessing gambling premises" is not quite correct and we suggest these provisions are corrected.</p>	Comments noted. The provisions relate to gambling premises generally.
	8.12, 8.13, 8.15	<p>Paras 8.12, 8.13 and 15 : We refer to the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement if the premises are "not yet complete" or that applications can only considered for "finished buildings" as suggested in the Draft. It was held by the court that the then current Guidance issued by the Commission was wrong. The Guidance was subsequently amended. We suggest that this is reflected in the Draft.</p>	Policy amended to reflect updated guidance.
	9.3	<p>Para 9.3: We do not understand the reference to the "physical separation of areas" in the context of AGCs</p>	This refers to AGC's that appear in shopping centres and service stations. Physical separation/barriers are required.
	11 and 12	<p>Paras 11 and 12: We do not understand why the bullet points that are set out for</p>	Policy amended.

		AGCs as potential “measures” are not considered relevant for Betting or Bingo premises where they are at least as relevant. Indeed, the stake/bet that can be made and prizes won are as great and in some instances greater in those premises than in AGCs and FECs. It seems inconsistent not to repeat the points.	
	25.1	Para 25.1: The Local Risk Assessment (LRA) is a creature of the LCCP. The requirement is to “assess the local risks to the licensing objectives posed by the provision of gambling facilities at [the] premises and have policies, procedures and control measures to mitigate those risks.” We suggest that this slightly fuller extract could usefully be included in the Draft.	Policy amended.
	25.3	Para 25.3: Most gambling premises (and AGCs in particular) offer anonymous forms of gambling in the sense that customers’ play is private and not tracked. This is an important factor when considering the 2nd bullet point in the Draft.	Policy amended reference to benefits payments removed.
	25.3	Para 25.3: We query how the proximity of refreshment and entertainment type facilities are relevant to the licensing objectives – which is what the LRA is all about. As the Draft stands, we suggest those references are removed.	Policy amended.
	25.5	Para 25.5: As per 2 above, as moral objections to gambling are not valid reasons to reject an application for a premises licence or indeed relevant to the risks posed to the licensing objectives, we do not understand why “matters of faith” are relevant to the LRA and suggest this paragraph be removed.	Policy amended.