

Appendix A – summary of consultation responses and suggested amendments:

This Appendix addresses the comments made by consultees and where appropriate provides suggested amendments to the draft statement of principles or outlines a response, all consultees have been thanks for participating:

Consultee	Comments	Amendments	Notes
1. Gamble Aware	<p>Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.</p> <p>Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy.</p> <p>However, you may find GambleAware's recently published interactive maps useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.</p> <p>GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:</p> <ul style="list-style-type: none"> • https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach • https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales <p>GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the</p>	None.	<p>The comments will be shared with our colleagues in Public Health.</p> <p>The Local Government Association (LGA) 'Gambling Regulation Councillor Handbook' is circulated each year to all Councillors.</p> <p>The LGA 'Tackling Gambling Related Harm Whole Council Approach' will also now be circulated.</p> <p>Signposting to support services will be refreshed on the Council website and shared with other consultees.</p>

	<p>homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.</p> <p>Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the National Gambling Helpline on 0808 8020 133 and also www.begambleaware.org. Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.</p>		
2. GaMHive response (Dr Sunita Thomson JP)	<p>I am part of a team called GaMHive and we were set up by Jo Evans, as a support service for Gamblers and Affected Others.</p> <p>I would very much like to be part of the Steering Committee on this, if possible.</p> <p>I will forward the statement to GaMHive and feedback their comments.</p> <p>GaMHive response:</p> <p>I represent a Gambling harm support service called GaMHive, which was set up by GMCA to support gamblers and affected others, by signposting to counselling and support services.</p> <p>The new policy reads well and we are particularly interested in:</p> <ul style="list-style-type: none"> • Protecting children and other vulnerable persons from being harmed or exploited by gambling. <p>If you need any help implementing the policies, please do not hesitate to contact me</p>	None.	<p>No steering group for the development of the statutory policy. Statutory consultation requirements followed.</p> <p>The comments will be share with our colleagues in Public Health.</p>

3. Maria Jenkins	My opinion never gamble !!	None.	Standard response.
4. St Katharine's Church	<p>I am replying as PCC Treasurer on behalf of St Katharine's Church in Blackrod to a request to pass comments on the Review of Statement of Principles in connection with the Gambling Act 2005.</p> <p>We do apply for a licence once per year to allow us to operate a Christmas raffle when tickets are sold "off site" during October and November each year, so we are at the very low end of the gambling spectrum. We always apply at the start of the year and ensure that the returns requested are sent in the required time frames. It is a big help to us to be able to spread fundraising in this way and proceeds are used for the upkeep of the building. We usually raise about £1000 pa in this way and all the prizes are either given or money raised during coffee mornings for the cash prizes usually £150, £100 and £50.</p>	None.	Standard response.
5. Lotteries Council	<p>Thank you for giving us the opportunity to respond to your consultation on your review of the Statement of Principles for Gambling.</p> <p>The Lotteries Council is the membership body which brings together over 400 organisations who either run charity lotteries (also known as society lotteries) or provide services to support the running of charity lotteries. Most of our members are licensed by the Gambling Commission, although we do have a number of members who are registered by their local authority. We are therefore commenting only on the sections of the Statement which relate to lotteries.</p> <p>Comments</p> <p>The document contains 2 definitions of a lottery. Para 2.5 is an abbreviated definition and Appendix 3 (Glossary) contains a more detailed one. Unfortunately para 2.5 is so abbreviated that it omits one of the fundamental elements of what makes a</p>	<p>Suggested amendments in red:</p> <p>2.5 – A 'Lottery' is where participants are involved in an</p>	Amendments have been suggested to the draft document to regarding the consultee's comments.

	<p>lottery, namely payment. The Gambling Commission defines a lottery as follows:</p> <p>“In simple terms a lottery is a kind of gambling that has three essential elements:</p> <ul style="list-style-type: none"> • payment is required to participate • one or more prizes are awarded • those prizes are awarded by chance. <p>The definition in Appendix 3 is correct and comprehensive. However, there is reference towards the end of the definition to the National Lottery Commission (also referenced in para 3.24) which no longer exists. Indeed, it is difficult to see what the sentence in brackets at the end of the definition adds and would be better deleted.</p> <p>Appendix 2, para 5c refers to “persons who ... were unable to prove they were 19 (or 16 for lotteries)”. The Gambling Act (s45) defines a child as an individual under 16 and a young person as an individual, not a child, who is under 18. It is therefore legal for individuals aged 18 to gamble. Incidentally, while it is still legally the case that young persons can play lotteries (but not the National Lottery), most lottery operators have voluntarily adopted 18 as the minimum age requirement for entry.</p> <p>We are content that the section on Small Society Lotteries (paras 7.10-7.12) correctly reflects the legal position.</p>	<p>arrangement, (inserted) following a payment to participate, where prizes are allocated wholly by a process of chance.</p> <p>2. Appendix 3 – (inserted following merger) Gambling Commission.</p> <p>3. Appendix 2 5c – (change to) 18.</p>	
6. Greater Manchester Police Bolton Division	Greater Manchester Police have no comments or representations against this review.	None.	Standard response.
7. Poppleston Allen Solicitors acting for Merkur Slots UK Limited & Merkur Bingo & Casino Entertainment UK Limited	The Merkur Group of companies is a leading national operator of bingo, AGC and FEC premises with clear and proactive policies to promote the Gambling Licensing Objectives. Operators of premises licences have full authority to provide their services by the provision of an Operating Licence granted by the Gambling		

	<p>Commission. The UK's gambling regulator has therefore approved the measures implemented and those policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice.</p> <p>Foreword</p> <p>We strongly disagree with the commentary included in the draft policy as it does not appropriately identify the permissive regime envisioned by Parliament and implemented by the Gambling Act 2005. Comments relating to public health, and the imposition of additional obligations/conditions placed on operators fail to consider the extensive social responsibility provisions now contained in the governing legislation. The Authority's policy, as per section 349 of the Gambling Act 2005, should contain the principles that it proposes to apply in exercising its functions under the Gambling Act 2005, it is therefore not an appropriate document to contain additional commentary, which is beyond the scope of the policy's function, and it should be removed.</p> <p><i>3.12 Gambling-Related Harm and Public Health</i></p> <p><i>However, we know that self-reported surveys underestimate true prevalence of harm given the unfortunately shame and stigma associated with gambling disorder. For every person who gambles, it is estimated that between six and ten people are 'affected others and experience similar harms.</i></p> <p><i>Anyone who gambles is vulnerable to harm.</i></p> <p>The above statements provide no supporting evidence and are inflammatory. We value local data that helps to identify and provide evidence of local risks of harm associated with gambling</p>	<p>Forward – none.</p> <p>3.12 None.</p>	<p>The 'Forward' defines that this is a joint piece of work, completed by the ten Greater Manchester Authorities, who have worked together to develop a joint statement for the city region, supporting communities and business, but also recognising some of the difficulties in this area.</p> <p>The draft Statement references the legislation throughout, providing advice, direction, and insight into many of the topics outlined in Poppleston Allen's response, and outlines GM responsibility, the regulatory expectations and proportionality.</p> <p>No amendments but comments are noted and will be shared with our colleagues in Public Health and the Responsible Authorities.</p>
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	<p>as these assist licensees to develop and apply appropriate and proportionate measures to mitigate risk and uphold the licensing objectives. Commentary must be based on current evidence rather than broad, generic statements or macro-societal trends that may have little to no relevance regarding the immediate local area.</p> <p>We suggest that these sections/comments are speculative and misleading as they are based on hypothetical and unquantifiable risks that could potentially arise from gambling. Suggestions that all gambling is harmful does not consider the empirical evidence that the significant majority of individuals that participate in gambling do so in a responsible manner without harm. It is not the licensing authority's role to limit gambling rather than 'aim to permit' gambling that is in accordance with the relevant codes of practice and guidance issued by the Gambling Commission and is reasonably consistent with the licensing objectives.</p> <p>The third licensing objective places a fundamental obligation on all operators to ensure that the appropriate policies, procedures, and safeguards are in place to mitigate any of these potential risk factors.</p> <p><i>Nonetheless, the licensing authority will consult the Director of Public Health on all premises licence applications and will advise the Director of Public Health to consider the use of the Gambling Commission's toolkit for public health and safeguarding:</i></p> <p>Although the policy recognises that public health teams are not a responsible authority under the Act, we would like to ensure that any collaboration and publication of findings are based on local up-to-date evidence and not merely reflect macro-societal trends, A local area profile must be tailored to their area of authority and national trends do not provide qualitative assessments of local risks. We understand that local analysis is an invaluable tool to direct local resources and assist with the identification of potential risks. Local profiles assist operators in</p>	None.	No amendment but comments are noted and will be shared with our colleagues in Public Health.
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	<p>the development of local training and the implementation of appropriate operational controls.</p> <p><i>5. Relevant Factors when Considering Applications and Reviews</i></p> <p><i>5.1 In considering applications for new gambling licences, variations to existing licences and licence reviews the licensing authority will consider the following matters:</i></p> <ul style="list-style-type: none"> • <i>the physical suitability of the premises</i> • <i>the level of deprivation and ill health in the area</i> <p>The policy is not clear what ‘physical suitability’ involves, and we suggest more clarification is needed to explain what this point covers. Part 5.13 – 5.14 of the Guidance to Licensing Authorities refers to the physical layout of the premises and acknowledges that where this may be inhibiting an operator’s duty to uphold the licensing objectives then proportionate changes will need to be considered. We suggest the policy is amended to provide clarity for both operators and interested parties.</p> <p>Deprivation analysis can assist licensees with the development and application of appropriate and proportionate measures to mitigate potential risks of harm and uphold the Licensing Objectives under the Gambling Act 2005. However, evidence of harm and risks associated with gambling must be considered alongside operator’s proposals and applications cannot be subject to presumption of refusal.</p> <p>We acknowledge that information regarding local profiles is an important tool to assist operators identifying potential risks to the Licensing Objectives under the Act. Evidenced led assessments enable the implementation of appropriate policies and procedures to mitigate any risks identified.</p>	5.1 None.	<p>No amendments but applications will be considered in accordance with the legal framework and take into consideration all the relevant information, including the premises suitability and location, together with the licensing objectives, before a licence is granted, etc.</p>
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	<p>operation and appropriate safeguards cannot be applied. Additional controls must only be implemented where necessary and proportionate to do so.</p> <p><i>5.40 Expectations of operators:</i></p> <p><i>Data gathering and sharing where appropriate, we may look to impose premises specific conditions to require this information to be provided to the licensing authority annually. However, we strongly encourage operators to share this information with the licensing authority voluntarily.</i></p> <p>Local area risk assessments are readily available at licensed premises for inspection by local authority officers and are shared with Responsible Authorities as part of any new or variation applications, as required by the ordinary code provision 10.12. These are live documents subject to regular review and evaluation to reflect any material change in local circumstances and premises operation (Social Responsibility Code 10.1.1). Operators are required to report incident data to the Gambling Commission and authorities should not seek to duplicate mandatory regulatory requirements.</p> <p><i>6.14 Gaming machines at bingo premises</i></p> <p><i>6.14 Bingo facilities in bingo premises may not be offered between the hours of midnight and 9am. However, there are no restrictions on access to gaming machines in bingo premises.</i></p> <p>Whilst the above statement is not incorrect, this only focuses on the default hours offered and disregards an applicant's right to apply for hours beyond these times. The policy provides no evidence to suggest that later opening hours incur problems and operators are already under a responsibility to ensure that all premises are effectively managed, risk assessed and supervised accordingly. We suggest this section is amended to also include where a premises licence may have excluded the default hours and therefore be outside the hours of midnight and 9am.</p>	<p>5.40 None.</p> <p>6.14 None.</p>	<p>No amendment but comments noted.</p> <p>No amendment but comments noted.</p>
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	<p><i>6.18 The licensing authority is concerned that later opening hours will attract the more vulnerable, such as those who are intoxicated or who have gambling addictions. The licensing authority will expect applicants can demonstrate that robust measures will be in place to protect the vulnerable and the additional hours are not being sought to take advantage of the gaming machine entitlement.</i></p> <p>This statement provides no supporting evidence, and the councils policy should not seek to impose an obligation on licensees to validate their day-to-day operation. Whilst bingo facilities may not be offered between the hours of midnight and 9am under the default provisions provided by the legislation, Parliament has prescribed that there are no default restrictions regarding gaming machines (see guidance to licensing authorities' part 18). Gaming machine operation outside the default bingo hours permitted in bingo premises is an entitlement provided by the regulations and it is not within the authority's discretion to restrict the legal activities permitted without robust evidence to support any such restriction. Furthermore, the authority has offered no current or local evidence to support this statement in suggesting that gambling is more attractive to vulnerable persons at later hours of the day than any other time. Whilst the authority has every right to exercise its function in controlling where gaming machines may be played, this does not extend to a prescriptive requirement mandating all Bingo premises to suspend business. As discussed in point 5.13, operators are under a requirement to uphold social responsibility and will have risk assessed any potential concerns that may arise from activity within their premises. Merkur has effective policies and procedures to manage their premises accordingly and always ensures that there is close supervision and familiarity within their business.</p> <p>Conclusion</p>	6.18 None.	No amendment but comments noted.
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	<p>We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the licensing objectives. We look forward to discussion on the proposed Statement of Principles with you.</p>		
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