

## Appendix Three

### Responses to the Gambling Policy Consultation 2022

Body or Organisation	Summary of issues	Response (where relevant)
Licensing, City of London Corporation	No Comment.	No response required
	<ul style="list-style-type: none"> <li>• <b>To align language</b> with local and national VAWG Strategy, so changing terminology to domestic abuse rather than domestic violence, so that this incorporates all forms of abuse including economic and coercive control. Can link to the Domestic Abuse Act 2021 statutory definition.</li> <li>• <b>Accountability and responsibility</b> - Gambling addiction will be treated, like any other addiction, as an illness. However, it is important there is emphasis that this is not used by perpetrators as an excuse or cause for abuse. This is in the same way as we do not accept alcohol/substance misuse as an excuse or cause of abusive behaviour. A statement or adapting the language to that effect by the council is important.</li> <li>• Following on from above point, perhaps an impact assessment to learn from the intersections of disadvantage. For example, where gambling/financial abuse further undercuts those experiencing abuse. Consideration around the expectations of who within the relationship is expected to “manage” this issue, it should be the perpetrator not the victim.</li> <li>• <b>Support and signposting</b> - There needs to be clear referral pathways for people struggling with gambling behaviours, as it is essential to provide support for an illness. However, this is also so</li> </ul>	<p>Policy Amended - Para 9.27 changed from Domestic Violence to Domestic Abuse.</p> <p>Policy not Amended - The policy is in relation to how the Council regulates gambling licensing under the Gambling Act 2005, we cannot go beyond what the act or Gambling Commission Guidance Permits. Furthermore, the act has a clause that states that Licensing Authorities should aim to permit gambling.</p> <p>Policy not Amended - All operators must have local area risk assessments place controls to protect vulnerable people and promote the licensing objectives at the premises. Furthermore, in completing this they are expected to have regard to our local area profiles, which have been added to in this policy, see annex 6.</p> <p>Policy not Amended - This is covered, page 21 para 10.31.</p>

	<p>that perpetrators do not hide behind the excuse that there is no help available. It is another means of taking accountability and allows us to give clear advice to victim/survivors.</p> <ul style="list-style-type: none"> <li>• A link to the VAWG Service Directory could be added which includes support numbers, pathways for professionals, victims, abusers, including training opportunities. www.towerhamlets.gov.uk/VAWG ServiceDirectory</li> </ul> <p>The following has been added below para 9.31:</p> <p><i>We would also encourage operators to consider any relevant policies produced by the Council's Violence Against Women and Girls (VAWG) Service. In particular, any training offered by this service in respect of this issue. For more information, please see the link to this service's web page below:</i></p> <p><a href="https://www.towerhamlets.gov.uk/lgnl/community_and_living/community_safety_crime_preve/domestic_violence/VAWG-Service-Directory/VAWG-Service-Directory.aspx">https://www.towerhamlets.gov.uk/lgnl/community_and_living/community_safety_crime_preve/domestic_violence/VAWG-Service-Directory/VAWG-Service-Directory.aspx</a></p> <ul style="list-style-type: none"> <li>• If you wanted something more specific to just abusers, this link includes GamCare and Respect Support services for perpetrators of abuse/abusers (towerhamlets.gov.uk)</li> <li>• “No Casino Policy” - Similar to an ideal of TH being a zero SEV borough, consideration around a “no casino” policy across the borough.</li> <li>• <b>Gamcare references</b> – Gamcare no longer offer stickers, but posters are available to order. Recommend changing ‘stickers’ to ‘posters’. Suggest rephrasing as “All ATM or other cash terminals to be</li> </ul>	<p>Policy Amended to add para under para 10.31.</p> <p>Policy not Amended - covered in para 10.31</p> <p>Policy not Amended - no casino policy already in place - see page 29.</p> <p>Policy Amended.</p>
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	<p><i>separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display posters with GamCare (or replacement organisation) Helpline information prominently displayed;” (16.5, bullet point 4)</i></p> <ul style="list-style-type: none"> <li>• Recommend altering the wording to reflect that GamCare can support applicants through their training for gambling industry staff. Suggest rephrasing as “<i>Applicants may wish to seek support with their applications from the Crime Reduction Officer and to seek GamCare training for their staff with a view to obtaining a certificate of training attendance.</i>” (Annex 4: Gambling Best Practice Guide, second last bullet point)</li> </ul>	<p>Policy Amended.</p>
	<p>Public health is fully supportive of the draft policy for the following reasons:</p> <ul style="list-style-type: none"> <li>• This policy addresses an issue of local public health importance and inequalities in Tower Hamlets.</li> <li>• This policy is in line with the strategic priorities for us as a council (Tower Hamlets Local Plan), our partners (Tower Hamlets Together - Health and Wellbeing Strategy) and based on evidence of poor health and social outcomes within our Joint Strategic Needs Assessment.</li> <li>• This policy draws on national and international evidence and best practice.</li> <li>• Public Health specifically supports Section 9.11 – 9.27, outlining how children and vulnerable persons will be protected from gambling related harm within the limitations of this policy.</li> <li>• Public Health specifically supports Section 12.10 which suggests including 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</li> </ul>	<p>No Response needed.</p>

	<p>of premises affects this in their risk assessments. As well as section provision of signage and documents games rules, gambling care providers and other relevant information in both English and the other prominent first language for that locality. Section 12.10 also highlights the importance of advertisement not to target those underage i.e. in window displays.</p> <ul style="list-style-type: none"> <li>Public health supports Section 12.1 – 12.11 of this policy outlining the considerations the Authority will go through in determining gambling premises licenses.</li> </ul> <p>Public Health Recommendations:</p> <ul style="list-style-type: none"> <li>Do not permit any additional betting shops to open in areas of clustering as outlined on Figure 2 in the areas of St. Peter’s, Whitechapel North/Spitalfields and Banglatown South and in Bow.</li> </ul> <p>The available evidence shows that a multi-pronged approach is needed to successfully tackle gambling harm. The provisions in this policy therefore must be accompanied by additional action. We recommend that LBTH Licensing and Safety invest in work with local operators to encourage them to follow best practice. Examples would include:</p> <ul style="list-style-type: none"> <li>Protection of staff and lone working are addressed within the operators’ risk assessment.</li> <li>All operators are encouraged and</li> </ul>	<p>Note that unlike the Licensing Act 2003 Authorities cannot seek to reduce premises in certain areas.</p> <p>Policy Amended in line with the results of the online survey:  Paras added to “Location and Local Risk Assessments” this is to encourage applicants to speak to Public Health prior to their application so that they can use Public Health’s data to produce a suitable Local Areas Risk Assessment to ensure promotion of the gambling objective; Protecting children and other vulnerable people from being harmed or exploited by gambling.</p> <p>Policy no Amended. These examples are already included see para 16.5, page 40.</p>
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	<p>supported with materials where applicable to provide suggestions outlined in section 16.5 as normal practice, such as:</p> <ul style="list-style-type: none"> <li>- Leaflets aimed at giving assistance to problem gamblers clearly displayed in prominent areas and also more discreet areas such as toilets - Self-exclusion forms available</li> <li>- The odds clearly displayed on all fixed odds machines</li> <li>- All ATM or other cash terminals to be separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display stickers with GamCare (or replacement organisation)</li> <li>- Helpline information prominently displayed</li> <li>- There must be clear visible signs of any age restrictions in any gaming or betting establishments. Entrances to gambling and betting areas must be well supervised and age verification vetting operated</li> <li>- Posters with details of GamCare's (or replacement organisation) telephone number and website.</li> </ul> <ul style="list-style-type: none"> <li>• Operators should provide healthy lifestyle information in their premises linked to gambling e.g. leaflets regarding alcohol consumption and providing clear direction to local support for mental health problems, addictions, and debt advice. These leaflets should signpost to, and use wording from, independent support organisations rather than industry-funded organisations.</li> <li>• Operators should reduce advertising (I.e. window displays) especially to children at least in line with the Senet Group's set of Commitments as best practice. This should be demonstrated in their risk assessments.</li> </ul>	<p>Policy not Amended – The Gambling Act 2005 does not permit Authorities to add items that do not relate to Gambling or the Gambling Objectives. Public Health can object to a Licence to ask applicants to voluntarily add such things as a condition.</p> <p>Policy not Amended – already included in the Policy, top of page 25.</p> <p>Public Health receive weekly lists of</p>
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	<ul style="list-style-type: none"> <li>Finally, since gambling is increasingly recognised as involving public health concerns, the Authority should continue to work with Public Health to foster close working relationships over the life course of this policy to ensure that the health of Tower Hamlets residents is promoted within the context of licensed gambling establishments.</li> </ul>	<p>Licensing Applications, we would expect that they would contact us and review the application where they had concerns. Where there is concern that the gambling objectives are not being promoted, objections can be made.</p>
<p>Power Leisure Bookmakers Limited (Paddy Power)</p>	<p><b>Part A - 9.21 Objective 3 – protecting children and vulnerable persons from harm</b></p> <p>Whilst we acknowledge that protecting children from harm is fundamental, references to child sexual exploitation has no direct relevance to this objective and no evidence has been provided to support the inclusion of this content with the policy statement.</p> <p>The Authority should recognise that the principal duty is to protect children and other persons from the potentially harmful effects of gambling, as opposed to wider societal harm. Whilst we agree that licence holders and all businesses should be aware of the risks of child sexual exploitation, commentary in this regard is not relevant to the objective under the Gambling Act 2005. As children are not permitted into betting premises, there would already be the appropriate policies and procedures in place (for example, age verification/restricted access) to mitigate the risks of them being harmed or exploited by gambling – see LCCP code provision 3.2.7 and 3.2.8.</p> <p>The policy itself, also undermines the inclusion of this commentary as it earlier states <i>'In relation to children, it should be noted that the Gambling Commission has stated that this objective is explicitly to protect them from being harmed or</i></p>	<p>Policy not Amended – Some Gambling Premises are permitted to allow children in, e.g. Pubs with Gaming Machines. The policy does not seek to place Child Sexual Exploitation (CSE) measures as conditions on their Licences etc. The Policy simply expects and encourages Gambling Premises to be aware of the signs of CSE. This is to assist in preventing CSE from occurring in all parts of the Borough.</p>

	<p><i>exploited by gambling</i>’.</p> <p>It should be noted that the Gambling Commission guidance states: a licensing authority may identify the safeguarding as a key priority...in which case its statement would set out those policies preures and control measures it would expect licensees to follow to mitigate any risks relating to underage gambling’. We suggest that the policy is amended to reflect this.</p> <p>Paddy Power is a responsible operator and implements measures to address local risks that to activities that would take place within their premises.</p> <p><b>Part B - 2. Duplication with other regulatory regimes and licensing objectives - planning</b></p> <p><i>‘Gambling Licensing and Planning are two separate regimes. Tower Hamlets as a Licensing Authority could not refuse an application because of the absence of appropriate planning consent. However, we would generally expect applicants to have planning and other permissions, such as any compliance with Building Control, required for lawful operation of the premises in place at the time of the Gambling application.</i></p> <p><i>As stated above, applicants for New betting offices/shops are expected to have considered Policies Part 1 (Policy D.TC5) of the Local Plan 2031, before making an application for a Gambling Premises Licence.’</i></p> <p>Whilst we acknowledge that appropriate planning permission must ultimately be obtained for any proposed premises, section 210 of the Gambling Act 2005 prescribes that the Licensing Authority shall not have regard to whether or not planning or building approval will be obtained.</p>	<p>Policy not Amended – this does not seek to suggest that any application would be refused/rejected if appropriate planning permission had been obtained. It is to advice applicants to ensure that they speak to Planning so that they can be sure that any measure place in their application or supporting documents does not inadvertently breach any planning legislation. Furthermore that they speak to Planning particularly in respect of New Betting Shops to avoid the cost of a Gambling Act application if they are likely to achieve the correct planning permissions to enable them to carry out Gambling Activities.</p>
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In consideration of the correct legal requirements under the licensing regime, as identified at paragraph 2.2, we suggest that any reference to obtaining planning permission prior to submission of a licence application or at the time a licence application is made be removed in its entirety or at least amended to reflect the correct legal position that the authority might expect applicants to 'obtain' appropriate planning or other relevant permissions.

Paragraph 2.3 of the policy invites applicants to consider Policy D.TC5 of the Local Plan 2031 before making an application for a Gambling Premises Licence. We acknowledge that information regarding local profile is an important tool to assist operators identifying potential risks to the Licensing Objectives under the Act. Evidenced led assessment enables the implementation of appropriate policies and procedures to mitigate any risks identified. However, any reference to a presumption of refusal or resistance to an application under the Gambling Act 2005 would be in direct contravention of the legal test provided by section 153. Whilst some of the considerations identified in Policy D.TC5 may be appropriate under the planning regime, their inclusion within or reference to the Council's Statement of Principles not only seek to undermine the principles of the Act itself, but also potentially jeopardise any determination made by the Authority. As an example, any decision under the Act which gave weight to inappropriate policy considerations such as a general reference to an over concentration of similar venues would expose such a decision to immediate challenge. We therefore recommend that the draft policy be amended to correctly identify the principles that would be applied under the Gambling Act 2005 and not considerations relevant to other regimes or Council

	policy.	
Resident 1	There are too many facilities where gambling is too easy and accessible. I would suggest tighter limits on opening hours for arcades or similar	Policy amended to encourage this, whilst noting that we cannot set a blanket limit on for these venues under the Act.
Resident 2	These polices do not go far enough in protecting society in the first instance (reducing hours, controlling proximity / advertisement of location) OR in holding gambling centres accountable for behaviours (delivering support, advertising helplines, declining service)	As above in reference to hours for adult gaming centres. In reference to controls on proximity this would need to be done via objection where the applicant fails to demonstrate in their application that the application will promote the gambling objectives.  Advertisements and helplines etc. already covered in the policy.
Resident 3	existing gambling in the borough should all be shut down on public health grounds	Public Health is not a gambling objective thus licences cannot be refused or revoked on this basis.
Resident 4	I am opposed to this draft. It is too extensive. I think there should only be minimal regulations pertaining to gambling, or to any legitimate business activity.	This is aimed at the legislation, which is not being considered here, and is out of scope in regard to this policy.
Resident 5	Please oppose all gambling as strenuously as possible	The Act means Licensing Authorities must aim to permit. Applications can only be refused where they fail to promote/undermine the gambling objectives.
Resident 6	The policy embodies improvements to the existing policy. However, personally I think the restrictions on gambling do not go far enough... Betting companies have huge economic power, and for too long they have enjoyed 'light touch' regulation. Their super-profits - derived from 'rigged' gaming through the use of clever algorithms to fleece punters - are evidence of this apparent freedom to 'print money', making their owners fortunes. I would like to see much tougher regulation in our Borough (TH).	This relates to the legislation on Gambling and is out of scope of what this policy can consider.
Resident 7	Healthcare professionals should be specifically consulted (mental health workers especially working in addiction and local GPs) as they see directly the harms gambling establishments inflict on vulnerable people. I also think that the licensing hours should be restricted eg 5pm-10pm	Policy amended to encourage this, whilst noting that we cannot set a blanket limit on for these venues under the Act.  Public Health in the Council are consulted, though they are not a responsible authority under the act.
Resident 8	I support the proposed changes	No comment needed.
Resident 9	Does not go far enough to discourage	The Act means Licensing Authorities

	gambling, which is dangerous for everyone (not just children and vulnerable people).	must aim to permit. Applications can only be refused where they fail to promote/undermine the gambling objectives. We cannot discourage gambling premises under the Act.
Resident 10	Gambling is harmful to citizens, is anti ethical. It preys on vulnerable people.	This relates to the legislation on Gambling and is out of scope of what this policy can consider.
Resident 11	Again, I've not see your draft statement.	No comment needed.
Resident 12	As long as anybody can get in and spend as much as they want, those premises will create nothing but trouble. Many lives will be affected by the lost of money and those people can do any thing in a moment of despair. There should be a personal limit for each customer. I do not know how they can do these. But otherwise it is impossible to protect residence as well as customers and workers. I still remember the customer who killed betting shop employe. He was a known person, kinda friendly face until one day he did the killing. When you open places like this, good business does not want to be around. Only the ones who wants to exploit those people will be opening shops. This not Tower Hamlets that we want.	This relates to the legislation on Gambling and is out of scope of what this policy can consider.  However, if the application or a licence premises is failing to promote the gambling objectives then a review can be applied for or in the case of a new application an objection made.
Resident 13	Gambling is an under-estimated public harm, exploiting people who cannot afford or manage a "flutter". The borough has a public health duty to reduce harm to residents' financial and emotional wellbeing, and strict controls on gambling outlets is its most effective tool	The Act means Licensing Authorities must aim to permit. Reduction of gambling harms is already covered, and Gambling Operators must demonstrate this under their Operators Licence and Premises licence.
Resident 14	Gambling has no value to society and leads to further deprivation and ASB.	This relates to the legislation on Gambling and is out of scope of what this policy can consider.