

Summary of Consultation Feedback on the Greenwich Revised Draft Statement of Gambling Policy

Feedback from: Gam Care

Issue raised: Generic consultation response letter suggesting a number of desired issues or factors which Gamcare thought may be useful to consider or include in the policy. These suggestions include the:-

- Development of a risk-map for RBG so that there is an awareness of potential and actual risks around gambling premises.
- Consider proposals for new gambling premises that may impact on the licensing objectives by virtue of being located near accommodation or centres for vulnerable people that may include those with addiction problems.
- Provide detailed risk assessments at each gambling premises pertinent to the surrounding area, so that the premises are aware of the challenges and put in place appropriate mitigation.
- Questions are posed, such as, does the operator have the appropriate management controls in place around training of staff for the protection of children and vulnerable adults; are there adequate numbers of staff on duty at key points of the day; and are premises designed in such a way that promotional material is not on display that may be attractive to children and vulnerable people.
- That the Local Authority should primarily consider applications from Gamcare certified operators.
- **Officer response:** It is the legal responsibility of the individual premises to produce their own local area risk assessment. However, the policy, based on advice from the Gambling Commission, has expanded the Local Area Profile criteria, with regard to what is expected of applicants for premises licences in developing and reviewing their local area risk assessments. Also, links are appended to the policy to help operators in creating their local area risk assessments, listing the locations of schools, hostels and homes for vulnerable people and centres for people with gambling addictions.
- RBG has to determine every application based on the Gambling Act 2005 and regulations thereunder, the Gambling Commission Guidance to Licensing Authorities and the RBG Gambling Policy and are not in a position to prioritise Gamcare certified operators.

Feedback from: Gambling Commission

Issues raised:

1. **Primary gambling activity:** In the draft, we note there are references in some places to “primary gambling activity”. This term is no longer used by the Commission. It has been replaced by SR Code 9.1.2 on page 75 of the Licence Conditions and Codes of Practice: <https://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice-April-2018.pdf> We would suggest reference to “primary gambling activity” is removed and reference is made instead to SR Code 9.1.2 on gambling

machines in gambling premises. This is something solicitors are likely to note when they make comments.

2. The section on **betting premises** is shorter and has less requirements than other sections on AGC's, FEC's and bingo for example. This has been noted by solicitors who have commented on draft policies from other Councils. It may be that some information has been included in the section on Tracks which was also intended to be included in the section on betting premises perhaps?
3. **Local area risk assessments:** The Commission recommends local authorities ask for the LARA to be kept on the licensed premises to which it relates in their Statement of Principles. Although not a statutory requirement, you may ask for it within your SOP. This ensures the staff have access to the LARA and that authorised officers can see it when they undertake gambling premises inspections.
4. **Club Gaming permits:** Club Gaming Permits can be abused to provide illegal casinos (i.e. run for commercial gain). Once they are granted, it is difficult to remove them. You may wish to consider adding more detail here about what you will consider before granting a Club Gaming Permit. I have included some possible considerations below. These are suggestions, and it would of course be for the Licensing Authority to decide what standard of evidence it requires to ensure the premises are being used as a bona fide members club and thus meets the criteria to obtain a Club Gaming Permit.
5. Finally, we would suggest you remove references to **machine stakes and prizes** from your SOP and instead refer people to the Commission's website to obtain an up to date list. This is because these are likely to change in the lifetime of your SOP.

Suggestions re: Club Gaming Permits

Club Gaming and Club Machine Permits

1. Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs such as snooker clubs run on a profit basis may apply for a club machine permit. Each type of permit allows the provision of different types of gaming and provision of gamine machines. The current entitlements can be found by visiting the Gambling Commission's website (www.gamblingcommission.gov.uk).
2. A commercial club is defined as a club where membership is required but the club is operated for commercial gain.
3. A non-commercial club is a club where no commercial gain is made. A non-commercial club must meet the following criteria to be considered a members' club:

- it must have at least 25 members;
- it must be established and conducted wholly or mainly for purposes other than gaming (except for bridge or whist);
- it must be permanent in nature;
- it must not be established to make a commercial profit;
- it must be controlled by its members equally.

Examples of these include working men’s clubs, branches of the Royal British Legion and clubs with political affiliations.

4. The Licensing Authority may only refuse an application on the grounds that:
 - a) the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - b) the applicant’s premises are used wholly or mainly by children and/ or young persons;
 - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - d) a permit held by the applicant has been cancelled in the previous ten years; or
 - e) an objection has been lodged by the Gambling Commission or the Police.

5. There is also a “fast-track” procedure available under the Act for premises that hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are that:
 - (a) the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

6. There are statutory conditions on club gaming permits that no child may use a Category B or C gaming machine on the premises and that the holder complies with any relevant provision of a Gambling Commission Code of Practice about the location and operation of gaming machines.

7. The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. To do this, it may require proof of additional information from the operator such as:
 - is the primary activity of the club something other than gaming?
 - are the club’s profits retained solely for the benefit of the club’s members?
 - are there 25 or more members?
 - are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
 - do members participate in the activities of the club via the internet?
 - do guest arrangements link each guest to a member?

- is the 48-hour rule being applying for membership and being granted admission being adhered to?
 - are there annual club accounts available for more than one year?
 - how is the club advertised and listed in directories and on the internet?
 - are children permitted in the club?
 - does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
 - is there a list of Committee members and evidence of their election by the club members?
8. When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:
- Who makes commercial decisions on behalf of the club?
 - Are the aims of the club set out in the constitution?
 - Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
 - Is the club permanently established? (Clubs cannot be temporary).
 - Can people join with a temporary membership? What is the usual duration of membership?
 - Are there long-term club membership benefits?
9. Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority may consider such factors as:
- How many nights a week gaming is provided;
 - How much revenue is derived from gambling activity versus other activity;
 - How the gaming is advertised;
 - What stakes and prizes are offered;
 - Whether there is evidence of leagues with weekly, monthly or annual winners;
 - Whether there is evidence of members who do not participate in gaming;
 - Whether there are teaching sessions to promote gaming such as poker;
 - Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
 - Whether there is sponsorship by gaming organisations;
 - Whether participation fees are within limits.

Officers Response: The Gambling Commission's comments are valuable and will be included in the policy. We shall keep the references to stakes and prizes as this serves as a useful internal reference, however we have added a proviso that the figures are subject to change and that the latest ones will always be available on the Gambling Commission website.

Feedback from: The Greenwich Society

Issues Raised: This was a response in support of the policy welcoming the setting out of a framework of Local Area Profiles and Local Risk assessment which applicants will be expected to take into account in their licence applications, so their operation will not

exacerbate existing problems in the area. The response also welcomes the wide interpretation of “interested parties” and “business interests” which will help to ensure that those affected by licensing applications have the opportunity to raise and present their concerns. The clarification of the role and the ability of Councillors to make representations was also welcomed.

Feedback from: The Police

Issues Raised: There was a response from the Metropolitan Police to say that they had read the Draft Revised Gambling Policy and they did not have any comments.