

Appendix B

Response – The Lotteries Council (24/09/2024)

Paragraph	Comment
7.2	References the National Lottery Commission which doesn't exist anymore. The GC regulate the National Lottery now.
Officer Observations	Noted, reference to the National Lottery Commission to be deleted.
38	Para 38 doesn't really set out any policy in relation to the registration of small society lotteries. It just contains a link to a not particularly relevant page on the GC website."
Officer Observations	Noted. Policy amended to reflect Licensing Authority approach and link updated.

Response - Gosschalks Solicitors (07/10/2024)

Paragraph	Comment
39.2.4	Paragraph 39.2.4 states, "The authority will seek to address issues of disorder under the Act" when explaining its functions with regard to the licensing objectives. This paragraph should be redrafted so that it is clear that issues of disorder will only be addressed under the Act where there is clear evidence that those issues of disorder have a direct causal link to gambling. Otherwise, Gambling Act 2005 is not the vehicle to address these issues.
Officer Observations	Comments noted. It is considered that as paragraph 39.2.4 is directly linked to paragraph 39.2 which states - Objective 1 - Preventing gambling from being a source of crime and disorder; being associated with crime and disorder or being used to support crime , it is clear that issues of disorder will only be addressed under the Act where there is clear evidence that those issues of disorder have a direct causal link to gambling. No change to policy proposed.
39.4.8	Paragraph 39.4.8 states, "The authority will expect applicants to offer their own measures to meet the licensing objectives..." and is followed by a bullet point list of examples of potential measures. This paragraph should be redrafted in order that it is clear that these suggested measures to meet the licensing objectives are expected to be outlined within the applicant's local risk assessment and not within the application itself. Unlike Licensing Act 2003 applications where an applicant is required to indicate the steps to be taken to promote the licensing objectives with these steps then

	<p>being converted into premises licence conditions, there is no such requirement under Gambling Act 2005 applications as the mandatory and default conditions coupled with the local risk assessment will detail how the premises will operate consistently with the licensing objectives. The risk assessment will outline local risks and the policies, procedures and measures to be implemented to ensure consistency with the licensing objectives.</p>
Officer Observations	<p>Comments noted. Amendment to paragraph 39.4.8 of the policy proposed, making it clear that the information is to be included in the applicant's local risk assessment.</p>
39.4.9	<p>Paragraph 39.4.9 explains the authority's approach to premises licence conditions. This section would be assisted by the insertion of a clear statement that the mandatory and default conditions are intended to be, and usually are, sufficient to ensure consistency with the licensing objectives and that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives which is not adequately addressed by the applicant's local risk assessment.</p>
Officer Observations	<p>Comments noted. It is considered that the existing paragraph makes it clear that the individual merits of each application will be considered before a decision will be made to add additional conditions. No change to policy proposed.</p>
40.3	<p>Paragraph 40.3 contains a bullet point list of factors that the authority expects to be considered when conducting a local risk assessment. The bullet point list should be redrafted as it refers to issues that are irrelevant in the context of an assessment of risk to the licensing objectives. For example, issues of ASB such as youth crime, graffiti tagging, street/underage drinking are largely issues of nuisance and in any event cannot in anyway be linked to gambling.</p>
Officer Observations	<p>Comments noted. The purpose of the information contained in paragraph 40.3 is to provide guidance to assist all licence holders in assessing the local risks posed by the provision of gambling facilities at each of their premises and to enable them to have policies, procedures and control measures in place to mitigate those risks. The matters listed may not be relevant to all premises and paragraph 40.3 also states that the list is not exhaustive and other relevant factors should also be taken into consideration. In view of this it is considered that matters listed in paragraph 40.3 should be retained, therefore no change to the policy are proposed.</p>

Response - Swansea Bay Health Board (11/10/2024)

Paragraph	Comment
3.0	<p>We would like to see the development of a Local Area Profile as recommended by the Gambling Commission Licence Conditions and Codes of Practice (LCCP). This would support the work of CCoS to consider the local approach to the permitting of gambling, enhance its regulation, enhance the prevention of gambling related harms based on the local profile, and identify specific local circumstances that could increase harm from gambling. In the absence of a published local area profile, risk assessments to new licence applications are based upon anecdotal information that lacks the necessary rigour to appraise the associated harms of outlet location and outlet density.</p> <p>Evidence suggests that the gambling industry is reliant upon individuals becoming harmful gamblers. A 2020 House of Lords report suggested that 60% of industry profits come from just 5% of gamblers who are already experiencing problems or are at risk of doing so. The report goes on to state that: “the people most at risk are also the most profitable to the industry: the greater the problem, the bigger the profit.” A 2020 study by John et al. cited qualitative research in which participants raised concerns “that industry advertising targets poorer populations who may be more susceptible to the false hope of escaping desperate socioeconomic situations.” www.phw.nhs.wales/news/harmful-gambling-early-education-key-to-addressingurgent-public-health-issue/gambling-health-needs-assessment-for-wales/</p> <p>Furthermore, currently it is the responsibility of the licensees to assess the local risks to adhering to the licensing objectives both in their application to operate and maintain good business practices. There is no statement regarding ‘relevant matters for consideration’ other than the licensing objectives included in the licensing policy; no area profile developed to consider risk or a means to account for significant change in local circumstances which may warrant enhanced mitigation strategies.</p> <p>As it currently stands, ‘the authority should aim to permit the use of premises for gambling’ as stated in 12.3, however the City and County of Swansea could strengthen their requirements and support for new and current premises to adhere as effectively as possible to the Licence Conditions and Code of Practice Social Responsibility code requirements.</p> <p>The draft approach proposed lacks sufficient rigour and is not supportive of effective regulation, protection for specific population groups nor does it offer operators the intelligence they need to maintain good practice.</p>

Officer Observations	The comments are noted. Completion of a local area profile (LAP) is not a requirement on licensing authorities (LA) and where a LAP has been completed it is for the LA to decide whether to include it in the Policy. It is considered that the matters referred to in the response, in respect of the local approach to permitting gambling, regulation, prevention of gambling related harms and identifying specific local circumstances that could increase harm from gambling, are adequately addressed in paragraph 40.3 of the policy, including outlet location and density. No changes to the policy proposed. Separate consideration will however be given to future completion of a LAP for Swansea.
12.4	We are supportive that the Licensing Authority does not accept 'demand' as a criterion to issue a license.
Officer Observations	Noted. No change to the policy.
12.5	As mentioned previously, we recommend that the City and County of Swansea develop a local area profile as recommended by the Gambling Commission. This aspect of the policy needs strengthening to support operators to adhere to the full Social Responsibility code requirements.
Officer Observations	See comments in relation to paragraph 3. No changes to the policy proposed.
47.1	<p>As mentioned previously there can be considerable negative effects experienced by the wider group of people around a gambler. The health and wellbeing of partners, children, and friends can all be negatively affected. The numbers of those who experience harm as a result of gambling by others will be considerably greater than the number of people who harm themselves.</p> <p>Of the individuals living in Wales who received support from the National Gambling Treatment Services in 2020/21, 66% were male, 39% were aged between 25 and 34, and 93% were from a White British background. Almost all of them (98%) had scores of eight or higher on the Problem Gambling Screening Index (PGSI), indicating that they were "problem" gamblers. Improvements in PGSI score were seen in 94% of those completing treatment, compared to 51% among those who dropped out (GambleAware, 2022c). GamCare provided data on calls received to the National Gambling Helpline between 2018 and 2022 from individuals with a postcode in Wales. During that period, the helpline received 3,384 calls from 1,721 individual callers. Callers were more likely to be male, and in the 26 to 35 years age group. Callers reported that they were seeking support for a range of gambling-related harms, but those most commonly mentioned were anxiety and stress,</p>

	<p>family and relationship issues, and financial concerns. There is an identified need in Wales to raise awareness of the support and treatment available for people if they feel they are experiencing harm from gambling.</p> <p>www.phw.nhs.wales/news/harmful-gambling-early-education-key-to-addressingurgent-public-health-issue/gambling-health-needs-assessment-for-wales/</p> <p>We raise this because the current system relies on gamblers self-referring into services and specific vulnerable population groups will be underrepresented in this data. We would like to see supplemental information and an explicit strategy on the interventions CCoS intend to employ when problem gamblers are identified. Supporting an information sharing network between local operators is an inadequate approach in isolation to the needs of problem gamblers.</p> <p>We would like to see greater work undertaken in this area which would align with the primary and secondary drivers of the Live Well, Age Well Wellbeing Objective in City and County of Swansea’s Wellbeing Plan 2023-2028 around poverty and economic resilience.</p> <p>Furthermore, we would like to see within the policy a requirement for licensed premises to market and provide information on the support services available for those experiencing the negative effects from gambling.</p>
<p>Officer Observations</p>	<p>The comments are noted. It is considered that the matters referred to in the response regarding problem gamblers is adequately addressed in paragraphs 39.4.8 and 40.3 of the policy.</p> <p>Under the Act, promoting safer gambling and compliance with safer gambling requirements is the responsibility of the gambling operator and is regulated by the Gambling Commission via the Operator’s licence.</p> <p>No changes to the policy proposed.</p>