

Appendix 3 – Consultation Responses

Mon 18/06/2018 15:21

Hi [REDACTED],

I understand that Torfaen are reviewing their policy on Gambling and I would be happy to discuss with Torfaen Council the work that we do to reduce the impact of gambling-related harm (GRH) with vulnerable groups including young people. I work closely with the Gambling Commission and the national charity GambleAware to raise the profile of GRH as a public health issue and to raise awareness of safer gambling and have worked with various councils to improve services for their residents.

Kind Regards

[REDACTED]

Gambling Support Service Manager

Newport Citizens Advice

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28 May 2018 20:22

Subject: RE: Gambling Act 2005 - Statement of Licensing Policy

Hello Everybody

I must apologise for my late reply I did say I would send you all details in relation to lottery information. Detailed below is information which you may want to consider using to expand on what you have with regards small lotteries. Any questions let me know.

Many Thanks

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A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Act.

An arrangement is a simple lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a process which relies wholly on chance.

An arrangement is a complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance.

The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

The Licensing Authority is responsible for the registration of societies for the purpose of carrying on “small society lotteries.” Information on other forms of exempt lotteries is available from the Gambling Commission website.

The Licensing Authority defines ‘society’ as the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and needs to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation.

Section 19 of the Act defines a society as such if it is established and conducted:

- for charitable purposes, as defined in s.2 of the Charities Act 2006
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of private gain.

It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

Registration Applications

The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located. If the Licensing Authority believes that a society’s principal office is situated in another area, it will inform the society and the other Licensing Authority as soon as possible.

Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application.

If there is any doubt as to the status of a society that makes application for registration to carry on small society lotteries, the Licensing Authority may require the society to provide documentary evidence in support of their application. The types of evidence that may be required include, but are not restricted to:

- A list of the members of the society
- The society's constitution or a similar document setting out the aims and objectives of the society and its governance arrangements
- A written declaration from the applicant stating that they represent a bona fide non-commercial society.

The Licensing Authority shall refuse an application for registration if in the period of five years ending with the date of the application—

- an operating licence held by the applicant for registration has been revoked under section 119(1) of the Act, or
- an application for an operating licence made by the applicant for registration has been refused.

The Licensing Authority may refuse an application for registration if they think that—

- the applicant is not a non-commercial society,
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with the application for registration is false or misleading.

The Licensing Authority may only refuse an application for registration after the society has had opportunity to make representations at a formal hearing. If the Licensing Authority is minded to refuse registration, it will inform the society of the reasons why it is minded to do so and provide it with an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society would be consistent with the Act

- Whether allowing the registration of the society would be consistent with the promotion of the licensing objectives
- Whether allowing the registration of the society would be consistent with any relevant code of practise issued by the Gambling Commission

Promotion of small society lotteries once registered

Participation in a lottery is a form of gambling, and as such the Licensing Authority requires societies that it registers to conduct their lotteries in a socially responsible manner and in accordance with the Act.

The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.

As the minimum age for participation in a lottery is 16, the Licensing Authority expects those societies that it registers to have effective procedures to minimise the risk of lottery tickets being sold to children, including procedures for:

- checking the age of apparently underage purchasers of lottery tickets
- taking action where there are unlawful attempts to purchase tickets.

Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society
- the price of the ticket, which must be the same for all tickets
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the external lottery manager (ELM)
- the date of the draw, or information which enables the date to be determined.

The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

The Licensing Authority expects all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

With regards to where small society lottery tickets may be sold, the Licensing Authority applies Draft – March 2018 Page | 28

the following criteria apply to all small society lottery operators:

Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

Financial Returns

As the purpose of permitted lotteries is to raise money for non-commercial causes, the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society
- no single prize may be worth more than £25,000
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed

The Act sets out the information that the promoting society of a small society lottery must send as returns to the licensing authority with which it is registered, following each lottery held. This information allows the Licensing Authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

The following information must be submitted:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers

- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

The Act also requires that returns must be sent to the Licensing Authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratch cards) within three months of the last date on which tickets were on sale

- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

The Licensing Authority allows for returns to be sent to them both electronically and manually. The form of returns required can be downloaded from the Licensing Authority's website.

Where societies run more than one lottery in a calendar year, the Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.

The Licensing Authority will notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question.

Revocation of a registration

The Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.

Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing. In preparation for this, the Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.

Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society to continue would be consistent with the Act
- Whether allowing the registration of the society to continue would be consistent with the promotion of the licensing objectives
- Whether allowing the registration of the society to continue would be consistent with any relevant code of practise issued by the Gambling Commission.

██████████

Compliance Manager

Gambling Commission

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www.gamblingcommission.gov.uk

25 June 2018 12:33

Subject: Consultation on the Revision of Statement of Policy - Gambling Act 2005

Hello,

Thank you for your letter regarding the above consultation, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.

- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,

██████████

████████████████████

Head of Marketing and Communications

T: 020 ██████████

E: ██████████ [@gamcare.org.uk](mailto:██████████@gamcare.org.uk)



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GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Aneurin Bevan
University Health Board

Sent by Email

Direct Line: 01633 435958

14th September 2018

Torfaen CBC Licensing Team
Neighbourhoods, Planning and Public & Protection
Ty Blaen Torfaen
Panteg Way
New Inn
Pontypool
NP4 0LS

Dear Sir/Madam

RE: Consultation on the revision of Statement of Policy on the Gambling Act 2005

On behalf of the Aneurin Bevan University Health Board (ABUHB), I commend Torfaen County Borough Council's comprehensive revision of Statement of Policy on the Gambling Act 2005. ABUHB support the updates to the previous Statement, but recommend that the following sections of the Statement be strengthened:

1. Location of premises when conducting risk assessments

ABUHB has considered the Welsh Government Chief Medical Officer (CMO) for Wales's Annual Report 2016/17: '*Gambling with our Health*' which includes the following key messages:

- The proximity to gambling facilities correlates with increased participation in gambling
- The density of gambling outlets is linked with greater gambling-related harm
- The greatest problems and harms from gambling are experienced by the poorest of our society, with those members of the public living in low

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income households spending a higher proportion of their income on gambling, betting more than they can afford and experiencing financial problems as a result of gambling

- The location of gambling venues is not random, with a greater clustering of gambling facilities in areas of social deprivation.

ABUHB recommends that the primary consideration of any new gambling premise application, after considering the applicant themselves, be the geographical location of the premise, and that consideration be given to the above key messages in the risk assessment.

2. Licensing Objective – Protection of Children and other vulnerable persons from being harmed or exploited by gambling

ABUHB has considered evidence on identifiable population groups more vulnerable to gambling related harm, in addition to children and young people. Specific details of these vulnerable groups are outlined in the CMO's Annual Report 2016/17 (detailed above) and in the NatCent Social Research report, prepared on behalf of the Gambling Commission, in 2017: '*Gambling behaviour in Great Britain in 2015 Evidence from England, Scotland and Wales*'.

ABUHB recommends that explicit reference is made to a wider range of environmental conditions which evidence indicates increase the likelihood of gambling related harm, and that these conditions are considered for all new gambling applications. ABUHB acknowledge that some of these conditions are listed in the Statement, but recommend that local partners work together to identify a list of environmental conditions/local venues which are specific to Torfaen County Borough Council, after considering the findings from national reports and local intelligence. This information could be included within a 'local location policy' and/or as an appendix of the Statement. ABUHB's Public Health team can provide partners with a list of groups vulnerable to gambling related harm based on published national research.

The co-occurrence of alcohol and gambling is well documented and referenced in key national documents (including the CMOs Annual Report and several Gambling Commission briefing papers), and **ABUHB recommends** that the location of venues of alcohol licensed premises is also considered when completing the above exercise.

ABUHB recommends the inclusion of staff training to include procedures for identifying customers who are at risk of gambling within the Statement, to specify the following content:

- the risks of gambling related harm
- how to identify problematic gamblers
- where to signpost people for support

ABUHB is aware of training available locally from Newport Citizens Advice Bureau's (CAB) Gambling Project, which is referenced as good practice in national documents, as well as nationally, from GambleAware. **ABUHB recommends** that Torfaen County Borough Council considers specifying in the

Statement that training is to be provided by a recognised provider of good quality training.

ABUHB are aware Newport CAB's Gambling Project has promotional material, which is freely available and can be provided to all gambling establishments. **ABUHB recommends** the inclusion of promotional material being clearly displayed within local gambling establishments to direct people to sources of help for problem gambling as a condition in the statement

The harm to health from gambling is a growing problem and ABUHB welcomes the opportunity to work in Partnership with Torfaen County Council to strengthen our joint efforts to address the problem together.

Yours faithfully

A handwritten signature in black ink, appearing to be 'SA', written over a light blue grid background.

Dr Sarah Aitken MBBS FFPH
Executive Director of Public Health/Cyfarwyddwr Iechyd y Cyhoedd

Mon 25/06/2018 16:09

Subject: Statement of Policy - Gambling Act 2005

Dear Colleague,

Thank you for sending us access to your consultation document for your Gambling Policy Statement.



As one of the responsible authorities quoted in your appendices can I ask you to amend our postal contact address from 21 India Street to:-

HM Revenue and Customs
Excise Processing Teams
BX9 1GL
United Kingdom

Our contact telephone number is now 0300 322 7072 Option 7.

Our email address remain the same, NRUBetting&Gaming@hmrc.gsi.gov.uk

Kind Regards


Betting & Gaming
Excise Processing Teams
Portcullis House
21 India Street
Glasgow
G2 4PZ
03000 

Thu 28/06/2018 16:25

I have accessed the website and reviewed the policy from a safeguarding perspective. I make the following observations

Safeguarding has moved into the realms of safeguarding people or citizens at risk of harm. The document makes reference to 'children and other vulnerable people' and 'vulnerable adults'. The policy document would be better served by reference to and application of the language of Social Services & Wellbeing (Wales) Act 2014 i.e acknowledgement of a '**duty to report**' concerns and use of '**adults at risk**' rather than vulnerable adult.

There is no longer a local safeguarding Board. The regional board is South East Wales Safeguarding Children Board (SEWSCB) and this could be placed in the references. There is also a regional safeguarding adult board – Gwent Wide Adult Safeguarding Board (GWASB). You don't reference this board within your list of consultees so thought this might be considered which evidences a more robust approach to safeguarding.

There are several safeguarding themes which could possibly be linked to Gambling and require vigilance on the part of providers/ premises/ licencees

- Human trafficking and modern day slavery-. Which can manifest itself in the domination of employees, mistreatment, criminality
- CSE- children being attracted to gambling machines by being given money/ the promise of money etc and then being exploited and criminalised.
- Neglect due to gambling addiction

Regards

[REDACTED]

Group Manager

Children & Family Services

01495 [REDACTED]