

## Somerset Council Gambling Policy – Statement of Principles - 2023 Consultations

Ref	Consultee	Comment	Officer Recommendation	Licensing Committee Decision
1	National Operator	<p>From a company perspective, the main amendments would be to our LRA document we have in each shop. I have picked out 7 points which we would look to include in our next annual review of the documentation.</p> <p>All 7 make sense and only one would be difficult for us to achieve, solely down to a data issue but I will look to try and resolve in the next couple of months.</p> <p>I firmly believe we are working to, and can demonstrate, the rest of the document. On a side note, it's great to see other aspects of gambling, that were previously relaxed, included in the governance of the industry, therefore, making it safer for all.</p> <p>If I can help with anything throughout the process or provide any feedback please do not hesitate to get in touch.</p>	<p><b>Recommend no change to Policy – Supportive comment.</b></p>	
2	Member of public	<p>I am concerned at how easily available and widespread gambling has become. Despite references to pausing to think, advertising glorifies gambling, suggesting easy gains which lie outside most people's wildest dreams. The attractive prominence of Merkur Slots in Taunton Parade, as well as local betting shops in poor areas of the town, offer a wide variety of gambling, which for many cause or maintain habits that undermine relationships and jeopardize a stable income.</p>	<p><b>Recommend no change to Policy</b> as this is a general statement of concern. The author was contacted during the consultation period and asked if they would like to engage directly with the policy document, but no further reply was received.</p>	
3	Service user	<p>I have no issue with it, as we do a raffle at the Church, I can't see that being a major issue.</p>	<p><b>Recommend no change to Policy – Supportive comment.</b></p>	
4	Service user	<p>I help run a small society lottery.</p> <p>I note that (para 8 pp 52) "Where the annual fee is not paid by the due date the Licensing Authority will cancel the small society registration. The onus is firmly placed on the Society to ensure they pay the annual fee by the due date."</p> <p>The Council (Mendip in this case) writes to tell us when we have missed a payment, but it is then too late to avoid the extra cost of re-registration. In effect, they reminded us to pay, but too late to pay!</p> <p>Whilst I have some sympathy with the desirability of placing the onus where it should</p>	<p><b>Recommend no change to Policy:</b> These comments are duly noted, however, and refers to something that we are working towards in terms of aligning our procedures moving forwards. This is a procedural issue specifically relating to small society lotteries and not an issue for policy.</p>	

		<p>lie, Mendip's policy felt like a deliberate policy to make money at the expense of those seeking to benefit our communities by fundraising for charity. Neither is a reminder BEFORE the deadline incompatible with keeping the onus where it should be, as long as it is worded appropriately.</p> <p>I urge you to change the policy to include reminders where email addresses have been provided.</p>	<p><b>Recommend amended wording</b> as follows (8.0) (Page 52 of policy document): ".....the Licensing Authority will may cancel the small society registration"..... to reflect the wording in legislation.</p>	
5	Member of public	<p>Living in Somerset I do not perceive gambling to be a huge problem in the County. This is probably due to the efforts of previous councils under the act.</p> <p>There should be no let-up in the efforts to keep things this way.</p>	<p><b>Recommend no change to Policy</b> – Supportive comment.</p>	
6	Member of public	<p>Gambling should be restricted in all areas where children go I've pubs with slot machines.</p>	<p><b>Recommend no change to Policy</b> as there is no context provided with this statement. The author was contacted during the consultation period and asked to provide further information in order to link with the policy document, but no further reply was received.</p> <p>Legislation and Codes of practice specify which areas (licensed or authorised by permit – such as pubs) can be accessed by children and which controls apply.</p>	
7	Member of public	<p>Seems straightforward and cover most occurrents I can think off</p>	<p><b>Recommend no change to Policy</b> – Supportive comment.</p>	
8	Service user	<p>A clearly laid out policy document which gives sufficient detail for the charity of which I am treasurer.</p>	<p><b>Recommend no change to Policy</b> – Supportive comment.</p>	
9	Member of Public	<p>We do not need more state regulation of gambling, if anything less. However, CCTV cameras outside gambling premises can help deter crime as people leave with any winnings. They can also help with other crime, particularly deterring attacks on women and vulnerable people.</p> <p>Overall I would like to see less legislation in all walks of life including gambling, I often feel like the public are treated like sheep to be controlled, often by people with less morals than the average citizen.</p> <p>During my time on a licencing committee I ensured CCTV cameras were installed outside venues to help protect gamblers leaving with winnings but that also help prevent other crime, i.e. a woman walking home late at night might be followed by a man with bad intentions but the minute they realise they have been recorded they have to abandon the idea of committing a crime. One important proviso is that the state must not use CCTV to infringe on law abiding citizens rights.</p>	<p><b>Recommend no change to Policy.</b> This response relates to general concerns regarding crime and disorder rather than gambling specific issues that are a matter for the policy document itself. The Police will have input as a Responsible Authority in accordance with the Act to address issues of concern. The risk of such occurrences should also be addressed in the Local Area Risk Assessment for the premises in question.</p>	
10	Member of Public	<p>The measures proposed seem reasonable and fair with due consideration to the wellbeing of the community and particularly vulnerable members of that community.</p>	<p><b>Recommend no change to Policy</b> – Supportive comment.</p>	

11	Member of public	<p>1) On page 11 it states "The Licensing Authority will also encourage operators who are members of British Amusements and Catering Trade Association (BACTA), .....". I believe that the "who are" should be replaced by "to be".</p> <p>2) "We" is used in various places (e.g. pages 23 and 29). "We" should either be used throughout this document or never be used in this document.</p>	<p>1) <b>Agree with suggested amendment.</b> (1.6) (Page 11 of policy document, last para.)</p> <p>2) <b>Recommend no change to Policy.</b> This does not impact upon the direction or implementation of the policy.</p>	
12	Local Operator	<p>I have read several statements of licencing principles. From North East Lincolnshire, Birmingham, Southend, Exeter even down to Torbay. It is good to see the consistency in the different policies. However, this does not mean to say the Somerset's has to be the same. Indeed, it is noticeable that some have a lighter touch to unlicensed FECs than others.</p> <p>1) 4.11 - ENFORCEMENT What the definition of higher risk, and who decides – should this be in the policy?</p> <p>2) 4.12 PREMISES INSPECTIONS  'the location of premises in relation to schools'. Always seem strange this one as it suggests children only go to school – yet they go to shops, hang out in Town Centres, shopping centres, coffee shops leisure centres, Swimming Pools (if they are lucky to have one) and go to the seaside – with or without their parents. It is no longer the 1970s, children don't bunk off school to hang out in, let alone nip in the bookies to place a bet before school. Although I appreciate this wording is in almost all Local Authority gambling statement of Principles (GOSP). Although I understand such a statement was probably led by the Gambling commission (GC), it is now historic and as an operator, I feel the inclusion of such a statement not necessary.</p> <p>3) 5.1 UFECs 5.1 "the marketing of these premises is often targeted towards under 18s" - There is no evidence to make such a statement. The 'F' in FEC stands for 'Family'.</p> <p>4) 'Change the recommend plans of 1:100 to 'plans to scale' – and remove the word 'recommend'. Unless there is a legal reason, they must by 1:100. This should relate to all mentions of scale in the policy. It is the least an applicant can do is to provide a drawing to scale, but a lot of shop fitters drawing would be say 1:50.</p>	<p>1) <b>Agree. Recommend re-wording</b> of first bullet point in 4.11 (page 26 of policy document) to read: "Targeted toward those premises presenting the highest risk. The level of risk will be determined by the outcome of previous inspections and any advice received from the Gambling Commission."</p> <p>2) <b>Agree. Recommend removal</b> of 2<sup>nd</sup> bullet point of 4.12 (page 27 of policy document).</p> <p>3) <b>Recommend no change to Policy.</b> For example, the siting of numerous Category D cranes on pavements outside arcade premises and, in some cases, the name of the premises itself naturally draws the attention of children to a business. (Page 28 of policy document, last para).</p> <p>4) <b>Agree.</b> (5.1) The scale is not prescribed by Regulation. <b>Recommend replacing</b> "It is recommended that plans are scaled to 1:100" with "Plans must be drawn to scale". (Page 29 of policy document, 4<sup>th</sup> papa). Also change wording of "(1:100 scaled)" to "drawn to scale" (Page 30 of policy document, 4<sup>th</sup> para.).</p>	

	<p>5) Child safeguarding – The licencing objective states protecting children and other vulnerable persons from being harmed or exploited by gambling.</p> <p>I think child safeguarding is something every business / organisation that has children as customers should do and again see my comments on 4.12. the statement 'harm in this context is not limited to harm from gambling but includes wider child protection measure' is unnecessary and this particular wording does not appear in the licencing policy so why should it in this one. I would say though that the inclusion of Appendix F in both policies is very useful, and possibly a wider circulation to other non-licenced businesses would be useful.</p> <p>6) Appropriate measures/training for staff as regards suspected truant school children on the premises</p> <p>The same as above goes for truant / training measures, - is this based on evidence or just a hangover from the 1970s.</p> <p>7) Appropriate measures/training for staff as regards unsupervised very young children being on the premises and children causing perceived problems on/or around the premises.</p> <p>Although I understand how this has ended up in the document it just needs to be deleted. What is a 'perceived problem' – and perceived by whom? What is the definition of very young? It is unwarranted and onerous, and staff may not be willing to and should not be required to take measures against people outside he premises. Again, is there any evidence of a crime and disorder issue caused by unlicenced FECs.</p> <p>Any measures taken by employees of any business outside of the business premises is a commercial decision not a licencing one.</p> <p>8) Operators must notify the Licensing Authority of any material changes as soon as practically possible.</p> <p>Would seem sensible but what is the definition of a material change – can this be more descriptive in the policy?</p> <p>9) Evidence that the machines to be provided are or were supplied by a legitimate gambling machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission.</p> <p>Why ? It is an unlicenced FEC and therefore meant to be a light touch regulation. – Although I have seen this in other policies I think Exeter was one, most of the machines will not be reel based Cat D fruit machines. My understanding is that only those that have to be Homologated by the Gambling Commission. It is also onerous and impractical. This could involve up to hundreds of machines that may not have been purchased yet and machines change all the time, new ones brought old ones sold or</p>	<p>5) <b>Recommend no change to Policy.</b> This relates to the 4<sup>th</sup> bullet point at the foot of page 29 of the policy document. The inclusion of safeguarding is really important for uFECs in particular – the point is that the staff need to be trained to recognise and report <b>any</b> safeguarding issues, not just, for example, a child playing on the machines for a long time.</p> <p>Supportive comments on the inclusion of Appendix F duly noted.</p> <p>6) <b>Recommend no change to policy.</b> This relates to the first full bullet point on Page 30 of the policy document.</p> <p>Our experience is that a number of arcades have an approach that train staff to recognise when children are on the premises when they should be in school – Some have the contact numbers for the pastoral staff for local schools. This is considered to be good practice.</p> <p>7) <b>Agree in part.</b> This relates to the following bullet point to 6) above (Page 30). <b>Recommend that the wording</b> quoted in the consultation response is amended to: "Appropriate measures/training for staff regarding unsupervised young persons being on the premises".</p> <p><b>Agree</b>, however, with removal of reference to perceived problems.</p> <p>8) <b>Agree:</b> This relates to Page 30 of the policy document, 2<sup>nd</sup> para.) <b>Recommend additional wording</b> that reads: "Examples of significant changes will be similar to those given in paragraph 4.6 above in relation to premises licences." Also, <b>replace the word</b> "material" with "significant" in existing sentence, for consistency and more clarity.</p> <p>9) <b>Recommend no change to policy.</b> This relates to Page 30 of the policy document, second set of bullet points, 4<sup>th</sup> bullet point. The Gambling Commission states that: "The entity making machines available on the premises (the arcade operator) does not need a Gambling Commission operating licence. However, the entity supplying machines to the business (the machine supplier) must be licensed by us".</p>	
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	<p>scrapped. Also, some machines could be legacy machines. I cannot see anything in the act about the supply of machines to a UFEC – but happy to be corrected, but the use of any machines that are non-compliant with the ‘ gaming machine technical standards’ would be dealt with at an inspection – either by the LA or the trade associations or the gambling commission.</p> <p>10) A plan of the premises (1:100 scaled) for which the permit is sought showing the following items:</p> <p>See earlier comments.</p> <p>11) a) Where any category D gaming machines are positioned and the particular type of machines to be provided (e.g., slot machines, penny-falls, cranes). • The positioning and types of any other amusement machines on the premises.</p> <p>I understand say a hatched area for machines area to be on the plan but not the location of in.</p> <p>b) The location of any ATM/cash machines or change machine It is an unlicensed FEC and although I understand the reasoning for ATMs to be separate reel based fruit machines and not in between other machines (i.e.: to create a break in play). For the same reasons in the point above this is impractical and onerous. We have 15 change machines, and they get moved around all the time and although the ATM machine has been in the same place for 25 years it may get moved at some point.</p> <p>c) The location of any fixed or temporary structures such as columns or pillars. individual machine types as this could change all the time, from location to type. Although I suspect that this ties in with supervision of the floor area, if they are permanent pillars I would have thought they would be on the plan but understand the need to specify this. However, a temporary structure may be moved, hence its name.</p>	<p>10) <b>Agree. See point 4) above.</b></p> <p>11) a) <b>Agree in part. (5.1)</b> (This relates to Page 30 of the policy document, last set of bullet points on that page, second and third bullet points). The machines can be located anywhere within the permitted area. The uFEC permit could, however, apply to a pub or other entertainment area so it’s important that we know from a plan where the machines are located and what type they are, in those circumstances. We do, however, accept that the exact positioning of machines may not be required in, for example, a traditional stand-alone uFEC area. <b>The following recommendation is, therefore, made: -</b> Remove second and third bullet points referred to above and, instead, add a line after this set of bullet points with the wording: -</p> <p>“The Licensing Authority reserves the right to request the positioning and identification of gaming machines and any other amusement machines to be included in the plan, if considered appropriate to the nature and/or layout of the premises.”</p> <p>b) <b>Agree in part</b> (This relates to Page 30 of the policy document, last set of bullet points on that page, fifth bullet point) – <b>Recommended amendment</b> to wording to remove “change machine”. We do, however, consider that the position of ATM/cash machines is relevant and the conditions that are specified for licensed FECs mandate that any ATM must be separate to any gaming machines to allow for a break in play. It makes sense for this to also apply to uFECs to mitigate the risk of gambling related harm.</p> <p>c) <b>Recommend no change to Policy</b> – (reference to Temporary structures). This directly relates to the ability to supervise a premises – often they are staffed at a minimal level and it’s important</p>	
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	<p>The location and height of any stages in the premises; any steps, stairs, lifts, balconies, or lifts in the premises + The location of any public toilets in the building. I am struggling to see how this related to the licencing objectives.</p> <p>12) The Licensing Authority encourages applicants for uFEC Permits to consider adopting the British Amusement Catering Trade Association (BACTA) Voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres - SOCIAL RESPONSIBILITY - Bacta. This Code of Practice promotes.</p> <p>The word encourages consider adopting should be changed 'must adopt' – even though its voluntary!</p> <p>I would add that applications should be a member of a trade association such as Bacta or Balpa.</p> <p>13) A local area risk assessment will be required for the whole premises/ building if an uFEC is situated immediately adjacent to an area covered by a gambling premises licence in accordance with the Act (for example an AGC).</p> <p>Would this not be covered by the AGC, and would it in fact be any different as it is likely to be the same operator?</p> <p>14) 5.3 Prize Gaming Permits. See earlier comments.</p>	<p>to be able to see if the level of supervision is appropriate to prevent gambling related harm.</p> <p>12) There is no legislative requirement for a permit holder to be a member of BACTA so we can only 'encourage' and not mandate. We do, however, <b>recommend a slight change of wording</b> shown in the consultation response from "to consider adopting" to "adopt". (Page 30 of the policy document, last para.).</p> <p>13) <b>Recommend no change to Policy.</b> There is no requirement for the local area risk assessment (LARA) to cover an uFEC area, as it's not licensed. We do feel, however, that it is important where premises are co-located with a licensed gambling premises that the LARA covers the entire premises to highlight for example, the risks presented by potential underage access from the uFEC to, for example, the AGC areas. (Page 29 of the policy document, 5<sup>th</sup> para, in bold).</p> <p>14) <b>Agree (reference to plans) – (5.3)</b> (Page 33 of the policy document, first bullet point). <b>Recommend amendment of wording</b> to: "A scaled plan of the premises (clear and legible in all material aspects) showing the boundary of the permitted area".</p> <p><b>Agree in part (reference to Policies and procedures – training).</b> (5.3) (Page 33 of the policy document, second bullet point) Recommend <b>re-wording</b> of second bullet point, second sentence to read: "The efficiency of such policies and procedures will each be considered on their merits; however, they may include appropriate measures such as training; covering how staff would deal with unsupervised young persons or suspected truant school children being on the premises." This is consistent with the amendments suggested in response to point 7) above.</p>	
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		<p>15) 6.1 Premises Partitions shall be opaque.</p> <p>Although I understand this is so people (I assume children) can't see in, it makes supervision and security more difficult. There is no requirement to an AGC to be permanently manned (i.e.: in a motorway service station) and again in a service station The machines are on full display to all users. This also contradicts the spirit of bookmaker's windows being opened and there is no requirement for a standalone AGC in a high street not to have windows.</p> <p>16) 6.3 Adult Gaming Centres.</p> <p>Any comments from earlier that may be relevant (i.e.: Schools etc).</p> <p>17) 6.4 Family Entertainment Centres. Any comments from earlier regarding schools and truant children, I also do not see the need for the bit about a high crime area. I noticed it is not in the paragraph about Bingo premises, yet they can have machines too.</p> <p>18) 6.5 Bingo Premises. See the above school comments.</p> <p>19) 6.6 Bookies I notice that the schools are not mentioned but they are for AGC that also have no entry to under 18s restrictions.</p>	<p>15) <b>Recommend no change to policy</b> (6.1) (Page 40 of the policy document, last set of bullet points on that page, second bullet point). The previous sentence ends: "..... the following standards are recommended:" It is, therefore, a recommendation rather than a mandate. The purpose of this is to ensure that children cannot see into an AGC area from the uFEC area and be attracted to enter.</p> <p>16 to 19) <b>Agree in part</b>. The inconsistency regarding each list is duly recognised. In light of previous comments and amendments suggested above, <b>the recommendation is that the wording</b> of the bullet points in question for each type of premises is amended to simply read "Identify local risks". Page 44 of the policy document, last bullet point. Page 45 of the policy document, last bullet point. Page 46 of the policy document, second set of bullet points, last bullet point. Page 47 of the policy document, second set of bullet points, last bullet point.</p>	
13	Responsible Authority	<p>Thank you for contacting Devon and Somerset Fire and Rescue Service (DSFRS) regarding your policy consultation.</p> <p>DSFRS have no observations to make at this time other than to update our contact details in Appendix C.</p> <p>Headquarters address:</p> <p>Devon and Somerset Fire and Rescue Service Headquarters The Knowle Clyst St George Exeter EX3 0NW</p> <p>Email / telephone communication for fire safety purposes</p> <p>Tel : 01392 872567 Email : firesafetyhelpdesk@dsfire.gov.uk</p>	<p>Agree with suggested amendment</p>	
		District Map and Summary page	<p>Replace "District Map and Summary" with "Somerset Council Map and Summary"</p>	

			Para 2, line 1 – Replace “within the district” with “within the area”	
			Delegated authority required to continue to make minor textural changes as and when required	