

APPENDIX 6

From: [REDACTED]
Sent: 19 September 2021 13:05
To: Licensing HF: H&F <licensing@lbhf.gov.uk>
Subject: Consultation Response: Statement of Gambling Policy 2022

Dear Sirs,

We act for Merkur Slots UK Limited and have been asked to submit the following response to the Council's consultation on its draft statement of gambling policy 2022.

Paragraph 5.11 states that 'The Authority will expect the local risk assessment to consider the night time economy in our town centres so that it is sensitive to local residents but enhances the borough as a destination for inward investment, tourists and visitors'.

Considerations such as whether a licensed premises enhances the borough as a destination for investment, tourists and visitors is highly subjective and is not appropriate nor is it a legal consideration under the Gambling Act 2005. Such considerations may be valid under the relevant planning regime. As the Authority is aware, the Gambling Act 2005 specifically prohibits the consideration of local demand for gambling facilities under section 153, the Licensing Authority shall not have regard to whether or not appropriate planning or building permission will be obtained for any proposed premises in accordance with section 210 and the Gambling Commission's Guidance to Licensing Authorities states that statements of licensing policy should avoid duplication with other regulatory regimes.

Paragraph 24.2 has been amended to state 'Although public health is not yet formally a licensing objective there is definitely evidence that problem gamblers and their families are at risk of significant health and social problems such as mental illness, drug and alcohol misuse, relationship breakdown, criminal activity and financial difficulties. The Licensing Authority will liaise with public health colleagues about new and variation applications within the borough, so that we can continue to monitor any increase in access to gambling opportunities for those at risk of problem gambling, check for vulnerable locations nearby eg drug and alcohol clinics or homeless hostels, and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help'.

We suggest that the statement is both misleading and presumptive with regard to the position of Public Health under the Gambling Act 2005. Whilst it is incumbent on all licensees to consider the third Licensing Objective under the Act, ensuring that appropriate policies, procedures and safeguards are implemented to mitigate any potential risks and protect vulnerable persons and children from harms associated with gambling, the Council's policy should ensure that any evidence referred to in its policy is not highly speculative nor based on macro societal trends and surveys, rather than specific facts and data emerging from the local area.

Whilst we agree that the Authority should seek appropriate and relevant information from local sources of information such as its public health colleagues, any consideration should be based on detailed analysis of any implications and conclusions drawn. Any evaluation should be considered in the context of local populations, local gambling provision and actual observation of problem gaming and related harm and an effective evaluation of the context and suggested impact that gambling premises may have upon the local population. Whilst we would not wish to minimise the potential negative impact of problem gambling, the significant majority of gambling in licensed premises remains socially responsible and a valid pastime for participants.

Considering the above, we believe that the previous policy statement, prior to the current amendment, was a more appropriate statement for the Council's policy.

The Council's policy consultation question 7 suggests that a policy terminal hour of 11pm may be introduced for Adult Gaming Centres.

Any presumption against grant or the automatic imposition of limiting licence conditions such as a terminal hour for operation must be based on empirical local evidence. Operators must consider their own procedures and operational safeguards to address any potential local risk and a standard approach from the Authority, proposing to limit hours, fails to consider each application on the basis of its own merits. The Council's approach must be supported by clear evidence of risk in a specific location and licence conditions must be necessary, reasonable and proportionate.

We strongly suggest that the above paragraphs be amended to reflect the legal requirements and obligations provided by the Gambling Act 2005 and subordinate legislation.

Our client is committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the Licensing Objectives.

Should you require any further information or if you would like to discuss our comments further, please contact us.

Kind regards,



| Associate Solicitor

Poppleston Allen



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