

APPENDIX 4

Respondee	How / When	Comments incorporated into policy	Comments not incorporated into policy
A resident – email marked Respondee 1.	By email to the Licensing Team on 3 October 2021.	-	<p><i>I am writing to give feedback to the level of gambling in Thornton Heath where I have lived for 13 years. There are five gambling shops along Thornton heath High Street and two more have opened since I have lived in the area. There is a William Hill gambling shop at each end of the High Street. In broad daylight I have seen people come out of the shop and urinate on the public pavement while there are children walking along the High Street. It is known that gambling is addictive and glancing inside the shops it is possible to see it attracts people from a poor and deprived background. This compounds their situation and makes them poorer. Thornton heath already has a number of challenges with deprivation and these betting shops make the situation worse. I'm writing to request the council to take responsibility for this deteriorating situation and resolve this problem.</i></p> <p>The statutory guidance to the</p>

		<p>Gambling Act 2005 states at para. 5.34 that: 'Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).'</p> <p>Unlike other legislation, there is no provision for the concept of cumulative impact in the Gambling Act 2005 or accompanying statutory guidance. For information, cumulative impact (under the Licensing Act 2003) is where a Council (as the licensing authority) recognises that a significant number and type of licensed premises in a particular area may lead to problems in respect of the licensing</p>
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			<p>objectives, their cumulative impact on the promotion of the licensing objectives is a proper matter for the Council to consider. Under the Gambling Act 2005, the licensing objectives are:</p> <ul style="list-style-type: none">• preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime• ensuring that gambling is conducted in a fair and open way• protecting children and other vulnerable persons from being harmed or exploited by gambling <p>At Part B, General Principles in its Statement of Principles, the Council states: 'In addition, whereas previous legislation required that the grant of certain gambling permissions should take account of whether there was unfulfilled demand for the facilities, this is no longer the case and each application must be considered on its merits without regard to demand.'</p>
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<p>A resident – email marked Respondee 2.</p>	<p>By email to the Licensing Team on 27 October 2021.</p>	<p>-</p>	<p>Section 197 of the Gambling Act 2005 provides that where a responsible authority or interested party (as defined under the Act) believes that a premises licence is not being operated in a way that is promoting the licensing objectives, they may apply to the licensing authority for a review of that premises licence.</p> <p>1) <i>Fails to make any statement regarding the moral stance of Croydon Council with respect to gambling, i.e. whether it represents social behaviour that should be encouraged or discouraged and the effect on Croydon Council's actions.</i></p> <p>If properly conducted and regulated, gambling is a legal activity and the Council cannot take decisions based on moral or ethical grounds, nor can it make statements articulating a moral stance against gambling through its gambling statement of principles.</p> <p>2) <i>Fails to make any statement regarding whether Croydon Council believes it is</i></p>
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acceptable for Croydon Council to financially profit from gambling.

If properly conducted and regulated, gambling is a legal activity and the Council cannot refuse to accept and process applications. Any fees received in respect of applications are to cover the Council's reasonable costs in administering and enforcing its responsibilities under the legislation as the licensing authority.

3) Fails to even mention addiction.

Under Part B, General Principles, the document, under the heading 'protecting children and other vulnerable persons from being harmed or exploited by gambling' does highlight the potential risks of gambling. In addition, GamCare were directly consulted with as part of the consultation process. The document also lists potential conditions under each type of licensed premises that may be appropriate to promote the licensing objectives.

4) *Fails to even mention the effect of gambling on families.*

Under Part B, General Principles, the document, under the heading 'protecting children and other vulnerable persons from being harmed or exploited by gambling' does highlight the potential risks of gambling. In addition, GamCare were directly consulted with as part of the consultation process. The document also lists potential conditions under each type of licensed premises that may be appropriate to promote the licensing objectives.

5) *Only tacitly recognises the linkage between gambling and crime.*

Under Part B, General Principles, the document, under the heading 'preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime' does acknowledge that gambling may be a source of crime. The document also lists potential conditions under each type of licensed premises that

			<p>may be appropriate to promote the licensing objectives. In addition, the Metropolitan Police were directly consulted with as part of the consultation process.</p> <p><i>6) Fails to recognise that (in my opinion) gambling is one of a number of anti-social behaviours that mutually reinforce.</i></p> <p>This opinion is acknowledged and respected. However, under Part B, General Principles, the document, under the heading 'preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime' does acknowledge that gambling may be a source of crime. The document also lists potential conditions under each type of licensed premises that may be appropriate to promote the licensing objectives. In addition, the Metropolitan Police were directly consulted with as part of the consultation process.</p> <p><i>7) Fails to recognise the need (in my opinion) to remove gambling from the general</i></p>
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public environment, in the same way as has been done for tobacco products. This is vital to change the perception that gambling is normal and acceptable behaviour. Adopting policies similar to those for the tobacco will reduce the risk that children will become gamblers.

If properly conducted and regulated, gambling is a legal activity and the Council must discharge its functions under and according to the legislation.

In addition to the above, the Council is required, in its licensing statement of policy and in its consideration of applications to adhere to the statutory requirements within the Gambling Act, which includes the duty of aim to permit – which is that the Act places a legal duty on both the Gambling Commission and licensing authorities (such as the Council) to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and licensing

			<p>authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.</p> <p>The three licensing objectives (s.1 of the Act) which are addressed within the draft statement of licensing policy and which guide the way licensing authorities are required to perform their functions under the Act and the way that gambling businesses carry on their activities, are:</p> <ul style="list-style-type: none">• preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime• ensuring that gambling is conducted in a fair and open way• protecting children and other vulnerable persons from being harmed or exploited by gambling
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