



RESPONSE TO CONSULTATION DOCUMENT:

Gambling Act 2005(Licensing Authority Policy Statement)(England & Wales) Regulations.

Submitted by

Responsible Gambling Solutions Ltd.

1. INTRODUCTION

1.1 This submission is in response to the consultation document issued by DCMS in November 2005 to cover licensing authority policy statements.

1.2 RGS is pleased to respond with the following comments and suggestions.

2. OPTIONS

2.1 In considering the options outlined in the consultation document a case can be made for Option 1 in that it will provide a greater level of consistency and transparency. Consistency is, as has been highlighted, very important to the gambling industry. It is also important to national organizations such as Social Services and charities that provide community care facilities across a number of metropolitan boroughs or district/county councils.

2.2 Inconsistency will weaken the authority carried by the Act, that of the local licensing authorities and, consequently, of the Gambling Commission. It will also introduce an element of confusion for the gambling industry and the gambling public, as well as create misunderstandings and resentments.

2.3 This is apparent from the application of the Liquor Licensing Act and from differing sentences applied by magistrates to certain offences such as possession of drugs.

2.4 On the other hand the need for local accountability and for local factors to be taken into consideration is also compelling. It appears right that a licensing authority needs to have the flexibility to apply the regulations with due regard to the situation prevailing within its environment and to public opinion within the area under its control.

2.5 Option 2 does not appear to satisfy the need for transparency or consistency. Although it would give full discretion to the licensing authority it would exacerbate the situation outlined in paragraph 2.2 above and would lead to a chaotic state of affairs.

2.6 The proposed approach has, therefore, much to commend it. However, as has been anticipated by including a fourth option, this could be improved following consideration of submissions to the consultation exercise.

2.7 In the opinion of RGS this improvement could be achieved by specifying a greater degree of regulation than that of minimum statutory requirements in relation to the statements, whilst retaining a significant degree of local discretion and accountability.

3. SUGGESTED ADDITIONAL INCLUSION.

3.1 The consultation document makes reference of the need to include in the policy statement the licensing objectives. It specifically refers to that part of the third licensing objective relating to the protection of children. This is a vitally important area and RGS is pleased to see its inclusion. However, apart from a requirement to list the licensing objectives there is currently no reference to include within the policy statement a need to protect vulnerable people from harm or exploitation.

3.2 The need to include a reference to the protection of children is explicit (outlined in Annex A.5(a)), but this stops short of including those vulnerable people who are not children.

3.3 It is, therefore, suggested that an explicit statutory requirement is added that requires a licensing authority to designate a specific body who is competent to advise on the protection of vulnerable people from harm or exploitation.

3.4 Competent bodies would include those with responsibility for mental health within the area, statutory or voluntary bodies involved with providing care in the community, or suitably qualified individuals.

3.5 This broader reference, within the statement, to vulnerable children and adults is consistent with the third licensing objective and the repeated insistence by DCMS that the minimization of harm and exploitation is of paramount importance.

4. COMMENT

4.1 An additional point that RGS wishes to make is that licensing authorities should be obliged to state that they will apply its policy across all gambling activities regardless of the size of the operator of the gambling business or venue where gambling takes place. This will help ensure consistency of a high standard and will minimize the occurrence of abuse of the regulations by those operators who believe they can avoid their obligations under the Act.

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