

**REVIEW OF STATEMENT OF PRINCIPLES GAMBLING ACT 2005 – CONSULTATION RESPONSES**

Please Note: For ease of understanding, all insertions to the policy have been highlighted in blue and deletions have been highlighted in red on the accompanying policy document.

No.	DATE	SOURCE	COMMENT	APPRAISAL	REF.
1/1	14/Sept/15	Gosschalks solicitors	<p>In the section headed “Fundamental Considerations”, the policy would be assisted by an exposition of s153 Gambling Act 2005 and the authority’s requirement to aim to permit use of premises insofar as any application is in accordance with the LCCP (Licence Conditions and Codes of Practice), in accordance with the Gambling Commissions Guidance to licensing authorities, insofar as the application is reasonably consistent with the licensing objectives and the application is in accordance with the Authority’s statement of principles. We welcome the fact that each application will be considered on its own merits but are concerned that there appears to be a reverse burden of proof contained within the final two paragraphs. The legislation is permissive and applications should only be refused if there is evidence that a grant would not be in accordance with s153. If an applicant can demonstrate that its policies and procedures are such that a grant would be reasonably consistent with the licensing objectives then the application should be granted.</p>	<p>Move ‘aim to permit’ statement from page 5 to page 8 under heading of ‘Fundamental Considerations.</p> <p>Delete last sentence in paragraph 5.</p> <p>Delete last sentence in paragraph 6.</p>	<p>Page 5</p> <p>Page 8</p> <p>Page 8</p>

1/2	14/Sept/15	Gosschalks solicitors	The ABB (Association of British Bookmakers) is extremely concerned with regard to statements within part B under the heading "Location". This suggests that the licensing authority believes that it may introduce a special policy with regard to areas where gambling premises should not be located. We respectfully submit that any decision to designate an area as one where licensing premises may not be granted is unlawful. Whilst we support the idea of local area profiles, it is for the licensing authority to identify risks. Those risks then need to be considered within the context of s153. Once again, there appears to be a suggestion that the starting point for consideration of an application is that the application would be refused. This obviously is contrary to the requirement within s153.	Delete sentences 3 and 4.	Page 15
1/3	14/Sept/15	Gosschalks solicitors	In the section of the policy that deals with the licensing objectives, we respectfully submit that the statement of principles could be strengthened by inclusion of the Gambling Commission's view that in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance. The statement of principles indicates the authority is aware of the distinction but we suggest that the distinction is included within the policy.	Insert following wording as suggested: 'In the case of gambling premises licences disorder is generally intended to mean activity that is more serious and disruptive than mere nuisance.'	Page 5
1/4	14/Sept/15	Gosschalks	Insofar as the section on conditions is	Comments duly noted, however the Licensing	Page

		solicitors	concerned, the licensing authority is reminded that betting premises are already subject to robust mandatory and default conditions. In the vast majority of cases, these will be sufficient. It is only in exceptional circumstances where there is evidence before a committee of a particular risk to the licensing objectives then additional conditions could be imposed.	Authority will impose conditions in accordance with the legislation. No changes to policy.	17
1/5	14/Sept/15	Gosschalks solicitors	Under the section "Betting Premises" there is a statement that the licensing authority may take into account the size etc of the premises when considering the number, natures or circumstances of betting machines an operator wants to offer. We respectfully submit that the policy needs to be clear. The policy needs to be clear that whilst the number of betting machines may be restricted, there is no power to restrict the number of gaming machines. You will be aware that under s172(8) Gambling Act 2005 a betting premises licence authorises the holder to use up to 4 gaming machines of categories B, C or D. There is no power to restrict the number of gaming machines. This section relating to machines within betting premises could be misleading and should be clear about precisely what can be limited by condition.	Delete paragraph as gaming machines numbers and categories are prescribed by legislation.	Page 19
2/1	18/Sept/15	Coral	In relation to the existing policy, we are broadly supportive. We note that the Board when considering application are required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives',	See response no.1/2 above.	Page 15

			<p>additionally noting that it should not take into account of any moral objections to gambling. We do though have feedback relating to a section headed 'Fundamental Considerations' – page 8. This section indicates that whilst each application is judged on its merits, those that are located in certain area are more at risk of causing harm to the licensing objectives. These area included:-</p> <ul style="list-style-type: none"> <li>• Schools and young person's establishments;</li> <li>• Young offenders premises;</li> <li>• Vulnerable adult centres;</li> <li>• Residential areas where there is a high concentration of families with children</li> </ul> <p>Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that</p> <ol style="list-style-type: none"> <li>a) Those using such facilities are inherently problem gamblers</li> <li>b) That having visited such facilities, user are more likely to visit a betting office than if they had not used such facilities</li> <li>c) That if they do, that they are more likely to engage in problem gambling</li> <li>d) That the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk.</li> </ol>		
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