

Specific sections of responses received to draft Statement of Principles under the Gambling Act 2005

NOTE: Complete copies of responses are attached as Annexes to the report.

Part of Statement	Consultee	Comments	Relevant Points / Recommendations
Paragraph 15.10	Association of British Bookmakers (via Gosschalks)	<p><i>‘This paragraph contains a list of bullet points detailing factors that operators may wish to consider when compiling local area risk assessments. The first bullet point refers to the “socio economic make up of the area”. This bullet point should be removed. The purpose of the local area risk assessment is to assess local risks to the licensing objectives and to ensure that operators have policies, procedures and control measures to mitigate those risks.</i></p> <p><i>The relative affluence of an area can have no bearing on whether or not an application or the operation of an existing premise is reasonably consistent with the licensing objectives unless the licensing authority has pre-determined that persons in a particular socio economic group or of a particular income level are automatically vulnerable or more likely to commit crime as a result of gambling. We are certain that this pre-determination will not have taken place and accordingly the reference to the “socio economic makeup of the area” should be removed’.</i></p>	<p>Although Mid Devon District Council has not produced its own specific set of data, this does not mean the authority cannot make an informed judgement based on relevant data that has been gathered elsewhere. Such data cannot be ignored and it is therefore right to be pointed out as a consideration for operators and licence holders.</p> <p>One such data source is ‘Geofutures’ (https://www.geofutures.com/research/gambling/). The Gambling & Place Research Hub looks at the relationship between gambling behavior, location and communities.</p> <p>Documents can be seen in full via the above link but one summary point from the ‘<i>Exploring area-based vulnerability to gambling-related harm...</i>’ (2015) document states that:</p> <p><i>There is good evidence to support youth, those with substance abuse/misuse/excessive alcohol consumption, poorer mental health, those living in deprived areas, from certain ethnic groups, those with low IQs, those with certain personality traits and those who are unemployed as being potentially more</i></p>

			<p><i>vulnerable to harm'</i> (p86).</p> <p>The consultation response specifically references the <i>'relative affluence'</i> of an area but affluence is not the only consideration of socio-economic issues and the range of factors that can influence health within this context. It is suggested that the policy should be updated and clarified to include reference to <i>'deprivation'</i>. The reasoning for this specific update is highlighted by <i>Geofutures</i>:</p> <p><i>In policy terms, it is recognised that deprivation is multifaceted and is not just about poverty and income. In England, deprivation is measured using the Index of Multiple Deprivation (IMD). The Department of Communities and Local Government is clear, this is a measure of deprivation not affluence (DCLG, 2011). In policy terms deprivation means: "a broad range of issues and refers to unmet needs caused by a lack of resources of all kinds, not just financial" (DCLG, 2011). In analysis, the most commonly used tool is IMD. This brings together several different domains of deprivation: income; employment; health; disability; education, skills and training; barriers to housing and services; living environment and crime (2015).</i></p> <p>The relevant bullet point within the Statement of principles would therefore read as follows:</p> <p><i>The geographical location of the premises, its levels of deprivation and the socio-economic makeup of the area.</i></p>
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Paragraph 17.7	General update	It is considered useful to include some examples of how separation can be achieved.	A bullet point has been added to state: <i>Adequate separation may be obtained by means of screening, walls, clear signage etc. but each case will be judged on its own merits.</i>
Paragraph 17.17	Association of British Bookmakers (via Gosschalks)	<i>‘The licensing authority is required to promote the licensing objectives when dealing with applications under Licensing Act 2003, it is required to “have regard” to the licensing objectives under Gambling Act 2005. Accordingly the reference to “promote” should be amended.</i>	Update the policy as suggested.
Paragraph 17.27 to 17.36	Association of British Bookmakers (via Gosschalks)	<i>These paragraphs properly explain the existence of the mandatory and default conditions. This section, however, would be assisted if a clear statement was made that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.</i> <i>The draft Statement of Principles would also be assisted if it was to be made clear that additional conditions will only be imposed where there is clear evidence in the circumstances of a particular case of a</i>	It is proposed to add an additional paragraph which states: <i>It is unlikely that the council will need to apply individual conditions imposing a more restricted regime in relation to matters that have already been dealt with via mandatory or default conditions. However, where there are regulatory concerns of an exceptional nature the Council may do so.</i> Additionally, it is proposed to amend the existing

		<p><i>need to supplement those mandatory and default conditions.</i></p> <p><i>In addition, the evidential basis for the imposition of conditions should be made clear and references to conditions being opposed simply where it is felt it to be “appropriate” (Paragraph 17.1) and where there is a “perceived need” (Paragraph 17.32) should be amended accordingly’.</i></p>	<p>paragraph relating to conditions to include the following statement:</p> <p><i>Any conditions attached to licences will only be applied where there is evidence of a risk to the licensing objectives.</i></p> <p>No further amendments are proposed.</p>
Paragraph 17.35	General update	Not all kinds of premises are covered by the requirements listed	It is proposed to add a clarifying note to say that <i>the considerations listed will apply to ‘specific relevant premises’.</i>
Paragraph 18.1 and 19.2.	Gamcare	<i>Does the operator ensure that there is an adequate number of staff and managers are on premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and / or pubs, bars and clubs’.</i>	<p>It is proposed to add the following bullet point as an additional consideration:</p> <p><i>Additional staffing during busier periods / times</i></p>
Paragraph 19.2 information box (moved to Paragraph 17.15)	General update	Requirements for planning were split between two separate paragraphs so it would make sense to combine this information.	Proposed to add a note about applicants contacting Planning to 17.15. This keeps the general planning comments together.
Paragraph 21.1	General update	It was not clear that the consideration applied to new premises also.	Proposed to add a note to clarify that <i>the ability to play bingo is a consideration for new premises too.</i>

Paragraph 22.1	General update	'Person to person' is no longer the normal term used.	Replace the phrase 'person to person' with ' <i>over the counter</i> '.
Paragraph 22.1 and 22.2	General update	These paragraphs mention that staff should 'monitor' the use of machines by children or vulnerable people. This implies monitoring the use is OK without any required action (i.e. to prevent).	Add a note to say that staff will also ' <i>prevent</i> ' the use of machines by children, young persons or vulnerable people.
Paragraph 27.1	General update	This introductory paragraph would benefit from highlighting that additional information is available later in the policy on the documents that are required to support an application.	Proposed to add a note to say that <i>Paragraph 27.11 contains additional information on the documents required</i> . This ensures people reading this part of the policy are aware of the additional information that follows.
Paragraph 30.4	General update	The 48 hour membership rule does not apply to commercial clubs.	Proposed to add a note to say that <i>the 48 hour rule does not apply to commercial clubs</i> .
Paragraph 32.1	General update	There was not a great deal of information on Occasional Use Notices.	Added a link for additional information on Occasional Use Notices.
Appendix A	HM Revenue and Customs	Update HMRC address and contact telephone number.	Amend Appendix A as suggested with new address and contact details.