

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

Part of Statement	Consultee	Comments	Relevant Points / Recommendations
Paragraph 15.12 (page 15)	Gosschalks on behalf of Association of British Bookmakers (ABB).	<i>... we do not believe that it is for the licensing authority to prescribe the form of risk assessment and we note at paragraph 15.12 that your template is intended as guidance only.</i>	As stated in the comment, this document will be guidance only and is aimed at assisting those who require help. No changes to the policy recommended.
Paragraph 17.14 (page 19)	As above	<i>At paragraph 17.14, it is indicated that with regard to location, "should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated." We are concerned that there is any possibility that the licensing authority may designate an area as one in which gambling premises should not be located. We respectfully submit that any such designation is unlawful and this statement should be removed. It is accepted that the next sentence indicates that any such designation would not preclude an application being made and that that application would need to be determined on its own merits but thereafter, it is stated that the burden of proof would lie with the applicant to demonstrate how potential concerns could be overcome. This is contrary to the "aim to permit" requirement contained within s153 Gambling Act 2005.</i>	<p>This Paragraph has been in the Statement of Principles previously and it is recommended the wording be updated to reflect the introduction of Local Area Profiles.</p> <p>Local Area Profiles, although not mandatory, can be produced by Local Authorities to look at and highlight potential and actual risks in the area. Operators will then have to take these risks into account when completing their assessments.</p> <p>It is recommended that the paragraph be amended as follows:</p> <p><i>"should any specific policy be decided upon with regards to areas where gambling premises may present a greater risk, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its own merits with the applicant having to show how they have taken into account and aim to overcome any concerns.</i></p>
Paragraph 17.18 (page 19)	As above	<i>Within paragraph 17.18, there is a statement that the authority is aware of the distinction between disorder and nuisance. We respectfully submit that the policy should expand upon this point and reflect the Gambling Commissions view that disorder is intended to mean activity that is more serious and disruptive than mere nuisance.</i>	<p>Based on Gambling Commissions Guidance to Local Authorities it is recommended that the relevant section of Paragraph 17.18 be amended as follows:</p> <p><i>This licensing authority is aware of the distinction between disorder and nuisance. Disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors this authority</i></p>

			<i>will consider in determining whether a disturbance was serious enough to constitute disorder will include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.</i>
Paragraph 22.1 (Page 24)	As above	<i>We respectfully submit that the policy should be clear that there is a difference between betting machines and gaming machines. Whilst it is possible to limit the number of betting machines (s181 Gambling Act 2005) it is not possible to limit the number of category B, C or D gaming machines. At page 40 of the draft policy there is an indication that a betting premises licence permits a maximum of 4 gaming machines in these categories. We believe that the policy would be assisted if this was also made clear in paragraph 22.</i>	Recommended that Paragraph 22.1 be amended as follows: <i>Gaming machines - The holder of a betting Premises Licence may make available for use up to four gaming machines of category B, C or D. Betting machines – When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, in line with Gambling Commission Guidance, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.</i>
Paragraph 15.4 & 15.11 (Pages 13 & 15)	Coral	<i>Coral Racing Limited are generally supportive of the document but have concerns with regard to Section 15 (Local Risk Assessments). It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. The Statement correctly includes that the Council should not take into account any moral objections to gambling either.</i> <i>Coral Racing Limited recognise the requirement to supply risk assessments with future applications, variations as well as local changes, following the consultation completion – effective date is from the 6th April 2016. The document though indicates areas which suggest may give rise to a local amendment in our risk assessment and Coral wish to clarify our position in this regard.</i>	The points referenced in paragraph 15.4 in relation to local circumstances are provided as examples to what the local authority considers to be significant changes. Paragraph 15.5 sets out that the Licensing Authority will provide operators with information on what it feels to be a significant change and any specific concerns that occur, while pointing out operators must also consider what is happening locally. The aim here is to promote a working relationship where potential risks can be mitigated without unnecessarily burdening operators with requirements. As such, if a specific operator can demonstrate that safeguards already in place can tackle potential risks then no further action may be required. Other operators may not have these safeguards in place however and as such, further action may be required. As stated in the response,

	<p><i>Whilst it is appreciated that each case will be judged on its merits, Coral knows of no evidence that the location of a licensed betting office within the proximity of the wide range of locations listed (sections 15.4 & 15.11) causes harm to the licensing objectives.</i></p> <p><i>Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges across the country and no evidence whatsoever that they cause problems.</i></p> <p><i>The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.... (see complete response from Coral for specific points they have listed to support this point)</i></p> <p><i>Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications & variations from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list specific locations.</i></p>	<p>each case will be judged on its individual merits.</p> <p>The points referenced in paragraph 15.11 are prefixed with the following, 'it is suggested that operators consider...' Essentially, these are considerations and aimed to assist. Operators may well have already taken them into account, in which case no further action is required.</p> <p>It is recommended that the draft policy remain the same in relation to this response.</p>
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