

Draft Statement of Principles, 4th Edition - Comments Received During Public Consultation Period

| Consultee Name  | Relevant Policy Paragraph         | Extract from draft Statement  | Consultee's Comments  | Officer Comment   | Proposed Amendment to Statement |
|---|-----------------------------------|---|---|---|---------------------------------|
| <p><b>Association of British Bookmakers (ABB)</b></p> | <p>Part B. Para. 1.7 Location</p> | <p>Should any specific policy be decided upon concerning areas where gambling premises should not be located, this policy 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 merits, with the possibility for the applicant to show how any concerns can be overcome.</p>  | <p>Any policy that a specific area is an area where gambling premises should not be located may be unlawful.</p> <p>These sentences should be removed and replaced with a reiteration of the principle that each case will be determined on its own merits.</p> | <p>There are currently no such area policies in place. We do not accept that such a policy would be unlawful; it would, of course require careful drafting and may well be less likely to ever be required than in some other licensing regimes e.g. Sex Establishments.</p>  | <p>No amendment.</p>            |
|   | <p>Part B. Para. 1.9 (1)</p>      | <p>Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime: The Gambling Commission will take the leading role in preventing gambling from being a source of crime. Where a particular area is associated with criminal activity the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate, for example the provision of door supervisors. There is a distinction between disorder and nuisance and the licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed when determining applications under the Gambling Act 2005.</p> | <p>The ABB believe that the Statement could be assisted by an indication that the Gambling Commission has indicated that 'disorder is intended to mean activity that is more serious and disruptive than mere nuisance'.</p>                                    | <p>A perfectly valid point; however we suggest that this principle will be well understood if a decision needs to be made.</p> <p>The severity of any disorder would be evaluated given the facts before the panel should a relevant objection to an application be made.</p> | <p>No amendment.</p>            |

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|                | Part B.<br>Para. 1.10<br>Conditions | N/A  | The ABB welcome the fact that the policy acknowledges that the mandatory and default conditions will normally be adequate for the general good conduct of premises.   | Positive feedback.   | No amendment.                   |
|                | Part B.<br>Para. 1.14               | <p>In accordance with Gambling Commission Guidance, the Licensing Authority may consider whether door supervisors are appropriate in particular circumstances in order to:</p> <ul style="list-style-type: none"> <li>• prevent premises from becoming a source of crime or disorder; or</li> <li>• protect children and vulnerable persons from being harmed or exploited by gambling.</li> </ul> <p>Should the Licensing Authority consider that door supervisors are necessary and appropriate in the particular circumstances to promote the licensing objectives for a particular premises, it will normally expect that any person employed as a door supervisor at that premises will either:</p> <ul style="list-style-type: none"> <li>• meet the minimum requirements necessary for that individual to be licensed by the Security Industry Authority (SIA) in normal circumstances (accepting that there is a specific exemption from the licensing of door supervisors by the SIA for in-house staff of casino and bingo premises); or</li> <li>• the holder of the operator licence will have recruitment criteria for their door supervisors, which may specify: <ul style="list-style-type: none"> <li>(a) a minimum training standard (whether within the organisation, or a nationally</li> </ul> </li> </ul> | This paragraph needs to acknowledge the statement in 1.10 (above) that mandatory and default conditions will normally be adequate for the general good conduct of premises and possibly be expanded to indicate that conditions relating to door supervision will only be appropriate where there is evidence in a hearing that the mandatory and default conditions need to be supplemented. | <p>Already stated within this section; no need to re-emphasise.</p> <p>This section states 'should the Licensing Authority consider that door supervisors are necessary...' therefore this would only arise with the appropriate evidence.</p> | No amendment.                   |

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|                      |                           | <p>accredited training course); and</p> <p>(b) an assessment of whether that individual is fit and proper, for example by means of a subject access search, Criminal Records Bureau (CRB) disclosure or other means.</p>  |   |   |   |
|                      | Part B. Para. 2.2         | <p>Any request for a review should normally relate to matters relevant to one or more of the following:</p> <ul style="list-style-type: none"> <li>• any relevant code of practice issued by the Gambling Commission;</li> <li>• any relevant guidance issued by the Gambling Commission;</li> <li>• the licensing objectives, and</li> <li>• the Licensing Authority's statement of principles.</li> </ul> | <p>Whilst it is acknowledged that the licensing authority may initiate review proceedings for any reason, any other request for review must only relate to the issues detailed in s.153. Accordingly the word 'normally' should be removed.</p>                                     | <p>As this section is referring to a 'request for review' rather than the authority calling a review itself, it might be appropriate to remove the word 'normally'.</p> | <p>Remove the word 'normally' at 2.2 in Part B.</p> |
| Coral Racing Limited | N/A                       | N/A   | <p>The draft Statement does not indicate that 'the Board' should not take into account any moral objections to gambling and suggest its inclusion.</p>  | <p>Officers are aware of the criteria required for a relevant representation and objections purely on moral ground would not be accepted.</p>                           | <p>No amendment.</p>                                |
|                      | Part A. Para. 5.4         | <p>Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated. For example the proximity of schools, churches, etc. and/or whether the business is located on a walking route for local schools.</p>   | <p>This section infers that a licensed betting office in such a location may not be appropriate.</p> <p>Coral knows of no evidence that the location of a licensed betting office within the proximity of schools or similar locations causes harm to the licensing objectives.</p> | <p>Coral then go on to add that: notwithstanding their comments, such locations would automatically be included within the operators' risk assessment.</p>              | <p>Remove the example used.</p>                     |