

Statement of Principles under the Gambling Act 2005: consultation feedback analysis

Respondent	Response Received	Detail of Response	Proposed Amendment to Draft Statement of Principles
Brixham Town Council	31/08/2021	<p>Q1: In respect of the draft Statement of Principles, do you believe it contains sufficient detail and information for you to have a good understanding of the Council's policy aims and the decision-making process?</p> <p>A1: Yes.</p> <p>Q2: Do you consider the draft Statement of Principles to be fair to both residents, businesses, and licensed gambling premises?</p> <p>A2: Yes.</p>	None.
Torbay Council' Licensing Committee	02/09/2021	That the Licensing Committee recommends the approval of the Gambling Act 2003 – Draft Licensing Statement of Principles 2022 to 2025.	None.
Betting and Gaming Council (submitted by Gosschalks LLP)	09/09/2021	The statement of principles makes a number of references to the promotion of, or requirement to promote the licensing objectives (paragraphs 9.1, 15.1, 15.2, 16.3, 19.2 and 19.3). These references should be amended. As the statement of principles identifies elsewhere, the requirement is that applications and operations must be consistent with the licensing objectives. The only body upon whom the Gambling Act confers a duty to promote the licensing objectives is the Gambling Commission.	<p>Propose to amend references at 9.2 (was 9.1 in the consultation draft), 15.1, 16.3, 19.2 and 19.3 so that the Policy makes clear that applications and operations must be consistent with the licensing objectives under the Gambling Act 2005 – as set out at Part 8, Para 153.</p> <p>Propose that Paragraph 15.2 remains the same as feel the amendment to Paragraph 15.1 sufficiently qualifies the scope and intent of Paragraph 15.2.</p>

The final sentence of paragraph 14.1 should be deleted. This refers to the authority potentially considering matters which may have an adverse impact on gambling activities when considering location in the context of an application. These are not relevant considerations under s153 Gambling Act 2005 and should not be taken into account as is clearly stated in paragraph 15.2.

Paragraphs 17.6 to 17.8 inclusive should be redrafted and significantly abridged. Paragraph 17.6 refers to SR Code Provision 10.1.1 but then implies that the code mandates an applicant to take certain matters into account as there then follows a list of bullet points that an operator “shall” take into account. These supposedly mandatory considerations are listed in both paragraphs 17.6 and 17.7. This section should be clear that the SR Code Provision requires that, *“Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority’s statement of licensing policy”* and the list of bullet points could then be introduced

Do not propose to remove the wording as below from paragraph 14.1, which has since been amended following consultation with an external Legal Advisor and now reads:

“In considering location, the Authority may consider the general characteristics of the area. For example, if the premises is in a Cumulative Impact Area for the purposes of the Licensing Act 2003, the Authority will consider whether this may negatively impact on the gambling licensing objectives and how the applicant proposes to mitigate such an impact.”

Propose redrafting of paragraph 17.6 to make clear that the SR Code Provision 10.1.1 requires licence holders must assess the risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and that the list of matters provided in paragraphs 17.7 and 17.8 are ones the Council expects Applicants to take into account (although they are not mandatory considerations).

Suggested revised paragraph 17.6 below:

“The Social Responsibility Code (LCCP 10.1.1) requires an operator to consider the Licensing Authority’s Statement of Policy, wherein the Licensing Authority will set out the matters it will expect an operator to take

as examples of matters that the authority would expect to be taken into account.

The list of bullet points should, however, be deleted. The bullet points highlight matters that will be a feature of every urban and suburban landscape. The fact is that gambling premises have existed in areas of dense population or high footfall ever since they have been permitted. Operators will identify risks and ensure that they have policies, procedures and mitigation measures in place to mitigate any identified risk. In the circumstances, these paragraphs should be cut back to highlight only the requirement of SR Code Provision 10.1.1.

If the list of bullet points is to remain, it should be amended to take into account only matters that may be relevant to an assessment of risk to the licensing objectives. It is impossible to see how issues such as “youths participating in anti-social behaviour” could in itself pose a risk to the licensing objectives. Similarly, “gaming trends that may mirror days for financial payments such as pay days or benefit payments” can only be relevant to an assessment of risk to the licensing objectives if the authority’s view is that anyone in receipt of benefits or indeed paid employment is deemed vulnerable or likely to commit crime as a result of gambling. This cannot be correct.

in to account when considering their own risk assessment. The Licensing Authority expects, though it is not a mandatory requirement, that operators consider the following matters. ~~As such, an operator shall take the following matters in to account:~~ ▪ Information held by the Licence Holder licensee regarding self-exclusions and incidences of underage gambling, ▪ Arrangement for localised exchange of information regarding self-exclusions and gaming trends. ▪ ~~Gaming trends that may mirror days for financial payments, such as pay days or benefit payments~~ ▪ Proximity to schools, commercial environment or other factors affecting footfall ▪ Range of facilities in proximity to the licensed premises, such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities ▪ ~~Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.~~ ▪ Potential for money laundering.”

Do not propose, as suggested in the consultation response, to remove the bulleted list at paragraph 17.7 as consider it important to leave in the requirement that operators should think about matters set out therein, including gaming trends that mirror days for financial payments (such as pay days or benefit payments), as feel this may have particular impact on vulnerable adults.

Paragraph 27.2 should be redrafted so that it is clear that the entitlement to make up to four gaming machines of categories B, C or D is not something that can be limited by condition whereas the authority does have the ability to limit the number of betting machines in certain circumstances.

Do not propose, as suggested in the consultation response, to remove the bulleted list at paragraph 17.8 as consider it important to flag at the outset that the Licensing Authority expects operators to have these matters in mind when planning or managing their operations.

Propose rewording of paragraph 27.2 to acknowledge that conditions may not be attached to a premises licence by the Licensing Authority under s.172(10) of the Gambling act 2005.

Reworded Paragraph 27.2 to read:

“A betting premises licence gives the holder the entitlement to make up to four Category B2 machines. The Licensing Authority may only limit the number of permitted gaming machines where it relates to an alcohol-licensed premises which holds a gaming machine permit. In such cases, the Licensing Authority will have regard to the following:

- The size of the premises.
- The number of counter positions available for person-to-person transactions.
- The ability of staff to monitor the use of the machines by persons under 18 years of age or vulnerable persons.”