

## Appendix 2 - Gambling Act 2005 – Statement of Gambling Principles – Response to Consultation

No.	Received	Respondent	Paragraph	Comments	Action	Reason
1	1/9/15	Ladbrokes plc	Local area RAs	a) Operators should be left to decide matters should be included in their risk assessment. Therefore only local risks that are evidence based would be included in the risk assessment.	This is already in the policy in para 7.1.2	One of the Gambling Act objectives
			Local area RAs	b) The imposition of additional licence conditions unless accompanied by robust evidence could lead to unintended consequences such as local shop closures and job losses.	Para 7.12.2 states that the licensing authority will consider if licence conditions are appropriate in areas or unacceptable levels of crime	One of the Gambling Act objectives
			Existing responsible practices	c) The proximity of young people to betting shops should not be regarded as an additional risk because security and health and safety risk assessments already detail control measures in this area which are effective in tackling these issues.	The licensing authority will ensure that gambling premises operate strict policies if they are located near to premises frequented by children and young people. Para 6.7.2	One of the Gambling Act objectives
			Executive summary	d) There is no evidence to support the assertion that gambling “has many disadvantages and presents particular risks to children and the vulnerable... and in certain circumstances being the cause of crime and disorder”.	Text amended in the penultimate paragraph of the executive summary	One of the Gambling Act objectives
			Local area risk assessments	e) The imposition of additional licence conditions unless accompanied by robust evidence could lead to unintended consequences such as local shop closures and job losses	All conditions comply with the gambling licence objectives	One of the Gambling Act objectives
2	23/9/15	William Hill Organisation	Executive summary	a) The Executive summary should contain a reference to the desirability of licensed and regulated supply over illegal supply.	Para 1 of the executive summary has been amended to reflect that the	One of the Gambling Act objectives

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					aim should be to permit gambling.	
			Executive summary	b) There is also no reference to the significant level of regulatory control imposed under the operating licence and the extensive framework of Licensing Conditions and Codes of Practice (LCCP) to which operators have to adhere	This is stated throughout the document	One of the Gambling Act objectives
			Executive summary	c) The assertion about the "many disadvantages" of gambling does not appear to be properly evidenced in the main body of the policy document.	"many disadvantages" has been deleted from the executive summary	One of the Gambling Act objectives
			Executive summary	d) A statement about the "aim to permit" principle needs to have prominence within the policy.	Para 4 of the executive summary, clauses 5.4.3, 6.2.2, 7.1.2 of the draft principles clearly state that the Council must aim to permit the use of premises for gambling	One of the Gambling Act objectives
			1.1	e) We disagree with and object to the Authority's summation regarding the overall approach of the Act. Once an operator has obtained an operating licence the Authority is obliged to "aim to permit"	We have amended the opening paragraph of the executive summary to include "aim to permit".	One of the Gambling Act objectives
			1.5	f) We disagree with the legal and policy interpretation and emphasis in this paragraph.	Para 1.5 has been deleted.	One of the Gambling Act objectives
				g) The Authority must follow the hierarchy as set out in S153 of the Act. The Act is permissive not prohibitive.	This is clearly set out in paragraph 1.4	One of the Gambling Act objectives
			5.2.1	h) Although the Authority says that it is aware of the distinction between disorder and nuisance, the drafting appears to conflate the two issues whilst not making	This is already in the policy at para 5.2.1. We believe the distinction is clear	One of the Gambling Act objectives

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				clear the distinction between the two. Also any serious "disorder" (as defined in the Guidance to Licensing Authorities) needs to be clearly associated with gambling. Therefore acts committed outside the curtilage of the betting shop are unlikely to be associated directly with gambling.		
				i) The Authority should not seek to blur the distinction between disorder and nuisance and the normal legal meanings should be applied. For example people loitering outside a betting shop, smoking and drinking is not by any definition disorder; although it may cause a public nuisance.	This is already in the policy at para 5.2.1. We believe the distinction is clear.	One of the Gambling Act objectives
				j) Any harassment (even if it constitutes a public order offence) in the street outside a betting shop is unconnected with the activity of gambling. The operator has no responsibility for what occurs outside its area of control. Betting shops do not sell alcohol and are therefore not responsible for external behaviour relating to the on-premises activity. Before the passing of the Act, this matter was debated by Parliament and it was clearly felt the nuisance was not a matter which was to be considered under the Licensing Objectives.	The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies. Para 5.2.1	One of the Gambling Act objectives
				k) Door supervision is not a generally effective control mechanism in betting shops as there is an obligation on William Hill's own staff to "watch the door and manage the floor". Door supervisors have no authority to police the street.	The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies. Para	One of the Gambling Act objectives

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					9.12.4	
				l) The authority should take care not to apply too wide a definition to the crime and disorder objective.	Para 5.2.1 makes the distinction clear	One of the Gambling Act objectives
				m) In most cases, betting shop operators and/or their staff are victims of crime. In the circumstance detailed above, the premises (and its use) are neither the cause of the crime or "associated" with crime (in the context envisaged by Parliament).	The text has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
			5.5.5	n) We support the idea of a single point of contact for the Authority area. This would normally be the District Manager, but William Hill also has a central compliance team and would be willing to provide contact details.	NFA	
			6.5	o) We do not see the relevance of maps which indicate areas of social deprivation. The majority of inner city betting shops cater for demand in areas of dense population or high footfall. The Authority recognises itself that the lowest number of betting shops is in one of the most deprived areas (Stonebridge), but we are at a loss to understand what additional controls could be put in place to further reduce gambling related harm in areas designated as deprived.	Deprivation is one indicator of risk, which the operator ought to deal with in its risk assessment. The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies. Para 6.5	One of the Gambling Act objectives
				p) The physical location of betting shops - in terms of the vibrancy and vitality of high streets - is a matter for the planning regime (betting shops are in a sui generis use class). Unless the Authority wishes to pursue an unlawful exclusionary policy in respect of betting shops then we cannot	We agree with the aim to permit gambling if it satisfies the relevant criteria. However, it may be appropriate to attach additional conditions to a premises licence. The	One of the Gambling Act objectives

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				understand why deprivation would be a relevant factor under the “aim to permit” principle. Such a policy would be at odds with the general principles of the Act.	document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies. Para 6.5	
				q) The location of schools and youth centres is broadly irrelevant if the operator has appropriate age restriction controls (as is required by law and existing regulation).	The licensing authority will ensure that gambling premises operate strict policies if they are located near to premises frequented by children and young people. Para 6.7.2	One of the Gambling Act objectives
			6.6	r) The Authority has indicated that due to data limitations that it is difficult to gain an accurate picture of the impact that gambling venues have on crime in Brent. This is at odds with the statement in the Executive summary that betting shops can be a source of crime and disorder (see above). Main town centres are, because of obvious factors (not least property related and offences against the person crimes) “crime hotspots”. Most retailers and alcohol licensed premises suffer much higher levels of crime than betting shops. There is simply no substantial evidence that betting shops drive up crime levels. In fact they are highly regulated, alcohol free environments where crime levels are generally much lower than in the rest of the immediate locality. This has been clearly demonstrated in a series of Committee hearings.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives

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				s) Criminal damage to gaming machines is a crime committed against betting shop operators who are the victims of that crime. The focus here should be on the perpetrators who in the main are persons who are just as likely to commit similar crimes and anti social behaviour in the wider area.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
				t) The council should not seek to impose general premises licensing conditions (in addition to the mandatory and default conditions) relating to shop furniture by way of general statements in this policy. This is a clear abuse of process and should be a matter for individual consideration on a shop by shop basis.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
				u) We would caution against some of the identified drafting in this policy document which strays into exclusionary language. The document should contain clear evidence and not an exposition of theoretical risk.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
				v) We would respectfully request that the Authority critically reviews this policy to ensure that it does include anything in it that contravenes the fundamental principles of the Gambling Act 2005. Simply because the Guidance to Licensing Authorities contains examples of theoretical risk does not mean the Authority can reflect that in its own policy without clear evidence to underpin any assertion made. This would be at odds with gambling law and precedent.	We have set out the council's approach to gambling licensing. Based on the applicant's risk assessment, the council will amend the conditions attached to the licence but they will always be in accordance with the licensing objectives. See para 7.1.2	One of the Gambling Act objectives

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				w) As drafted this policy could be susceptible to a sustainable legal challenge		One of the Gambling Act objectives
3.	24/9/15	Coral Racing Ltd		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 does not include any information about this as far as we are aware. However, when the Council amends its policy to include risk assessments, Coral Racing would be happy to contribute.	NFA	One of the Gambling Act objectives
				The additional local risk assessments 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. There should be no requirement to list specific locations, which leads to a point of slight concern within the current Policy.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
			7.12.1	No evidence that the location of a licensed betting office within the proximity of the locations listed causes harm to the licensing objectives.	The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies	One of the Gambling Act objectives
				No evidence that children coming from schools are gaining access to betting offices. Children are not interested in betting, and the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises.	The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies.	One of the Gambling Act objectives

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4.	24/9/2015	Poppleston Allen		Requested a telephone call to explain the main changes to the previous Statement	Returned call but customer was not available. Replied by email instead.	One of the Gambling Act objectives
5.	25/9/15	Gosschalks Solicitors on behalf of the Assn of British Bookmakers (ABB)		Where a local area profile is produced by the licensing authority, this should be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.	Agreed. The statement has been amended accordingly. See para 6.	One of the Gambling Act objectives
			6.6.1	The policy is contradictory in that it states that "due to data limitations it is difficult to gain an accurate picture of the impact that gambling venues have on crime in Brent." There is no evidence available to the authority that this is the case.	The evidence of crime and disorder actually in the policy shows there is a link. The distinction between association with gambling and association with gambling premises is tenuous and unlikely to be of practical utility on the facts of individual cases, particularly given the reference in section 1 to association rather than causation. Whether there is association in individual cases will be considered on the evidence. See para 6.6.1	One of the Gambling Act objectives
			1.3	The reference to promoting the licensing objectives is repeated at paragraph 6.2.1. The policy should state the principles that the licensing authority proposes to apply in exercising its function under the Act, not required to promote the licensing objectives.	Para 6.2.1 has been amended	One of the Gambling Act objectives



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				The draft policy would benefit at an early stage by an indication that the overriding principles of Gambling Act 2005 are to “aim to permit” the use of premises for gambling.	This is stated in para 1 of the executive summary	One of the Gambling Act objectives
			5.2.1	The policy does not make clear the distinction between crime and disorder.	This is already in the policy at para 5.2.1. We believe the distinction is clear	One of the Gambling Act objectives
			6.5.1	It is unclear why the map is included showing the juxtaposition of gambling establishments with areas of social deprivation.	Deprivation is one indicator of risk, which the operator ought to deal with in its risk assessment	One of the Gambling Act objectives
			6.6.1	This paragraph indicates hot spots for crime and disorder. Hot spotting is of little use without a detailed examination of the evidence and creates an impression that there is a link between gambling and crime.	See 6.6.1 above	One of the Gambling Act objectives
			7.1.3	The list of criteria is not relevant when considering applications under Gambling Act 2005.	We believe it is relevant	One of the Gambling Act objectives
			7.12.1	<p>Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears to implement a cumulative impact type policy as exists within the licensing regime under Licensing Act 2003. Such a policy is contrary to the overriding principles of “aim to permit” contained with s153 Gambling Act 2005.</p> <p>Similarly, the reversal of the burden of proof in the final sentence that requires the applicant to demonstrate why an application should be granted is contrary to that principle. These two</p>	Additional conditions may be imposed on the applicant if the premises is within close proximity of these establishments	One of the Gambling Act objectives

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				sentences should be removed and replaced with the reiteration of the principle earlier in the policy that each case will be determined on its own merits.		
			7.12.2	The subsequent paragraph (7.12.2) indicates that an application must include detailed information as to how the proposals will promote the gambling objectives of protecting children and other vulnerable persons from being harmed or exploited by gambling. There is no facility to do this within the application process although from 6 <sup>th</sup> April 2016, that information will be made available through the local area risk assessment that will be submitted alongside an application.	The para has been amended re risk assessment Para 7.1.2.2	One of the Gambling Act objectives
				Paragraph 9 deals with premises licence conditions. The policy would be assisted by a statement that the starting point for consideration of applications is that those applications will be granted without conditions. This section of the policy should also acknowledge that Gambling Act premises licences are subject to robust mandatory and default conditions. These conditions will only need to be supplemented if there is evidence in a particular circumstance that additional conditions would be appropriate and proportionate.	All gambling licences are accompanied by conditions. We will only add additional conditions when appropriate as stated in para 9.1	One of the Gambling Act objectives
			9.1.1	The statement that the licensing authority would consider utilising conditions should there be a “perceived need” is not enough. The licensing committee can only proceed on the basis of real evidence.	We do not agree with this comment. There is no such statutory presumption. The test for conditions is set out in the	One of the Gambling Act objectives

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					policy at para 9.1	
6.	29/9/2015	Power Leisure Brokers Ltd		Response received on 29/9/2015	Response received after the closing date so will not be considered.	One of the Gambling Act objectives