

SUMMARY OF CONSULTEE RESPONSES

Consultee:	Relevant comments:	Officer Comments/Advice:
<p>GamCare (National Association for Gambling Care, Educational Resources & Training)</p>	<p>No specific comments in relation to PCC's statement of licensing principles.</p> <p>Suggest conditions for imposition of casinos if located in local authority area.</p>	<p>Officer Advice: Refers to sections 11 and 15 of the statement.</p> <p>The Gambling Commission will be responsible for issuing operator licences to casino operators and such licences will be issued with appropriate conditions to promote the licensing objectives.</p> <p>In addition, licensing authorities will be required to issue premises licences to such premises and for which mandatory and/or default conditions will be required to added to each type of licence which may address those points raised by GamCare. Proposed draft regulations have been published by DCMS but have not yet been finalised.</p> <p>Officer Advice: No proposed changes to statement of licensing principles. Sufficient provision exists within the statement to address such concerns.</p> <p>The statement clearly states that decisions upon individual conditions will be made on a case by case basis (paragraph 11.2).</p> <p>Recommendation: No changes to statement.</p>

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<p>BACTA (British Amusement Catering Trades Association)</p>	<p>Response appears to be a generic paper prepared for all licensing authorities which provides a commentary on their views as to the intention and implementation of the Gambling Act 2005.</p> <p>Response does not suggest any specific changes to proposed final statement.</p>	<p>Recommendation: Views of BACTA to be noted and no changes required to statement.</p>
<p>Rank Group plc – Rank Group Gaming Division</p>	<p>Response states that our draft statement is in line with DCMS guidelines and causes no specific issues.</p> <p>Refers to the fact that the Gambling Commission is issuing, and is continuing to issue consultative documents, including a specific Code of Conduct/Practice which may necessitate alteration to the policy at a later date.</p>	<p>Officer Advice: The proposed final statement contains references to the fact that the statement has been drafted at a time when a number of regulations, conditions, codes of practice and guidance have not yet been published and that should anything in these documents impact later upon the content of the document, it will need to be considered and amended at a later stage.</p> <p>Recommendation: No changes required to statement.</p>

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Gambling Commission	<p>Acknowledges receipt of letter and documentation associated with the consultation upon the proposed statement of licensing principles. Feedback being taken into consideration and if they have any specific points, they will be raised in due course.</p>	<p>Officer Advice: No further response received from the Gambling Commission.</p> <p>Recommendation: Comments noted.</p>
Enterprise Inns	<p>Response gives general information in relation to the amount of premises operated by the company and that they support legislative changes to ensure that persons under the age of 18 are not permitted to use gaming machines except for category D machines.</p> <p>Response also indicates that whilst there is no requirement under the Act for machines to be sited in the bar area they believe that supervision of machines is very important and this is reinforced by the BBPA Code of Practice and staff training and that under the new Act compliance will be required to Codes of Practice issued by the Gambling</p>	<p>Recommendation: Comments noted.</p>

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	<p>Commission.</p> <p>Overall they welcome the approach taken by local authorities in basing the statement of licensing principles on the LACORS template</p> <p>Application procedures for more than 2 machines</p> <p>Would welcome the inclusion in the policy of an outline of the application procedures for more than 2 machines.</p> <p>They understand that some Councils are taking the view that they will grant a permit for up to four machines without the need for a hearing. They support such an approach and request consideration of such a possibility.</p>	<p>Officer Advice: These matters will be subject to statutory regulation and are yet to be published by the Secretary of State. The licensing authority fully intends to prepare guidance for applicants in making an application as and when those regulations are made available.</p> <p>The proposed final statement sets out matters which the licensing authority will take into account when considering applications for such permits (Section 23 of the statement). The information provided within the statement offers applicants sufficient guidance as to those matters which the licensing authority will take into consideration in order to promote the licensing objectives. The statement is clear that applications will be considered on a case by case basis.</p> <p>Licensing authorities must not seek to fetter their discretion within the statement to restrict the circumstances as to when it would be appropriate for</p>

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	<p>Concerns about the lack of a generic application form and understand that LACORS are working on a standard application form. Support this approach and hope that the authority will adopt the form once it is produced.</p> <p>Transitional arrangements</p> <p>Request some reference in policy or</p>	<p>the Licensing Sub-Committee to determine applications.</p> <p>Every case will be judged on its merits and firmly centred upon the licensing objectives.</p> <p>In accordance with Section 30 of the proposed statement, the delegation of the functions dealing with permits is proposed to be given to officers unless there are other relevant matters which cause concern and in those cases it would be more appropriate for the matter to be referred to the Licensing Sub-Committee for determination.</p> <p>Recommendation: No changes to statement.</p> <p>Recommendation: Comments noted</p> <p>Officer Advice: The purpose of the statement is to give an indication to applicants those matters which will be taken into consideration by the licensing</p>

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	guidance notes in respect of application procedures in respect of transitional arrangements	<p>authority when determining applications. It is not intended to be a document which explains how an applicant should make an application.</p> <p>Guidance notes will be prepared by the licensing authority for existing permit holders/new applicants to assist with the application procedure.</p> <p>Recommendation: No proposed changes to statement.</p>
The Racecourse Association Limited	Response states that they have no venues in our area and therefore will not be responding to the document.	Recommendation: Comments noted.
M & G Cooley Partnership	Advises that due to the nature of the business, this will not affect David Lloyd operations but appreciate being asked.	Recommendation: Comments noted.
Lotteries Council	Response contains general information concerning the organisation and have no comments to make on PCC proposed statement. The Lotteries Council is very	Recommendation: No concerns arise from the response as to the proposed statement and therefore no changes are proposed.

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	<p>anxious to ensure that the knowledge of their members in the operation of Society Lotteries is made available to licensing authorities in order for them to better understand the wide range of schemes and societies involved in this sector and the challenges they face.</p> <p>Refer this authority to their response to the consultation relating to small society lotteries which was submitted to the Gambling Commission.</p>	
<p>Gosschalks Solicitors on behalf of the Association of British Bookmakers</p>	<p>Response gives background information in respect of the previous regulation of bookmakers.</p> <p>Door supervision</p> <p>The response mentions Gambling Commissions guidance at paragraph 9.26 which provides that conditions should only be imposed when they:</p> <ul style="list-style-type: none"> • Are relevant to the need to make the 	<p>Refers to paragraphs 11.7 and 11.8 of the statement.</p> <p>Officer Advice: These comments are noted but no revision of the statement is proposed. Most conditions to be attached to licences are mandatory and the Statutory Guidance assists licensing authorities where there is any discretion.</p> <p>Conditions need to be both reasonable and proportionate which is currently reflected in the proposed statement and therefore there does not</p>

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	<p>proposed building suitable as a gambling facility;</p> <ul style="list-style-type: none"> • Are directly related to the premises and the type of licence applied for; • Are fairly and reasonably related to the scale and type of premises; and • Are reasonable in all other respects. <p>They request that the statement reflects the above by stating:</p> <p><i>“.....there is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.”</i></p> <p>Betting machines</p> <p>Letter refers to betting machines in accordance with section 181 of the Gambling Act 2005. These are machines on the shop</p>	<p>seem to be a case for building further on the provisions contained within the statement.</p> <p>Licensing authorities must not seek to fetter their discretion within the statement to restrict the circumstances where consideration will be given to the imposition of conditions.</p> <p>Every case will be judged on its merits and firmly centred upon the licensing objectives.</p> <p>Recommendation: No proposed changes to statement.</p> <p>Refers to paragraph 17.1 of the statement.</p> <p>Office Advice: No revision is proposed. Again, each case will be judged on its merits (which the statement clearly explains) and it is important that licensing</p>

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	<p>floor of the betting office through which a customer can place a bet without having to visit the counter.</p> <p>Whilst they acknowledge the discretion afforded by the Act, they suggest that the statement should state:</p> <p><i>“While the authority has discretion as to number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter”.</i></p> <p>Re-site Applications</p> <p>Advise that over the last two decades in particular, betting offices have been subject</p>	<p>authorities should not fetter their discretion or limit the possible options available to it in seeking to resolve any problems that may arise.</p> <p>Recommendation: No proposed changes to statement.</p> <p>Officer Advice: It is considered that the inclusion of such a statement is unnecessary as the statement gives a clear edict that each application will be considered on its merits.</p>

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	<p>to an evolutionary process of enlargement and improvement to accommodate the more extensive facilities and technology no demanded by customers. Frequently this involved re-siting within the same locality.</p> <p>Request that the policy positively encourage, or at least state that the authority will give sympathetic consideration to, re-sites within the same locality and extensions in order to enhance the quality of the facility provided for the benefit of the betting public.</p> <p>Enforcement</p> <p>It is requested that the policy includes wording along the following lines:</p> <p><i>“The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will</i></p>	<p>Recommendation: No proposed changes to statement.</p> <p>Section 7 of the statement refers to compliance and enforcement issues.</p> <p>Officer Advice: The Gambling Commission is currently preparing guidance to licensing authorities as regards enforcement and compliance and the principles to be applied. Such issues may be addressed through the formulation of this statutory guidance.</p> <p>In addition, there is an inter-relationship between the enforcement roles of the licensing authority, Gambling Commission and the police and it is important that the</p>

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	<p><i>contact first should any compliance queries or issues arise”.</i></p> <p>Interested parties</p> <p>Noted that at paragraph 5.9 of the draft statement it states that:</p> <p><i>“If interested parties wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing</i></p>	<p>statement of licensing principles does not undermine the powers of the licensing authority to deal with enforcement and compliance issues.</p> <p>From an administrative perspective, if contact information is not kept up to date by an operator, this could, in fact, hinder compliance and enforcement.</p> <p>Whilst the licensing authority will always have regard to any requests as regards contacts with an operator should compliance queries or issues arise, it must not fetter its discretion as to how an issue may be satisfactorily be addressed.</p> <p>Recommendation: No proposed changes to statement.</p> <p>Officer Advice: Comments noted and agreed that a typographical error has been made. This has been amended in the proposed final statement.</p> <p>Recommendation: Paragraph 5.9 amended to state:</p> <p><i>If individuals wish to approach councillors to ask them to represent their views then care should be</i></p>

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	<p><i>Committee dealing with the licence application”.</i></p> <p>Appears that a typographical error has been made. Instead of interested parties wishing to approach councillors, the paragraph should read “individuals” wish to approach councillors etc.</p> <p>Paragraph 17 of the draft policy appears to indicate that the licensing authority will take into account the ability of staff to monitor use of the machines by children and young persons.</p> <p>They submit that this paragraph should be qualified with a statement that children are not able to enter betting premises with the benefit of a betting premises licence. In those circumstances, it is hard to see what relevance the ability of staff to monitor the use of machines by children could possibly be.</p>	<p><i>taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Democratic Services at Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, PO1 2AL.</i></p> <p>Officer Advice: Paragraph 17 of the draft statement states:</p> <p><i>Betting machines – The Licensing Authority will, in accordance with the Gambling Commission’s Guidance, 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, when considering the number/nature/circumstances of betting machines an operator wants to offer.</i></p> <p>It is considered that the whilst the draft statement refers to the fact that it is an offence for those under 18 to bet, it is accepted that this statement could be</p>

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		<p>made clearer by actually stating that it is an offence for children and young persons to enter a premises with a betting premises licence. Therefore it is proposed to amend the proposed final statement.</p> <p>Recommendation: Amendment to statement at paragraph 17.1 as outlined below and reference to supervision remains.</p> <p>Betting machines – The Licensing Authority will, in accordance with the Gambling Commission’s Guidance, 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 a person to invite or permit a child or young person to enter a betting premises) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.</p> <p>However, the ability of staff to monitor the use of machines is to ensure compliance with statutory requirements in respect of children, young persons and vulnerable persons and should still</p>

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		form part of the final statement.
Head of Planning Services	<p>Head of Planning Services welcomes the recognition in paragraph 9.8 of the role of other regulatory regimes, in particular planning, as planning and licensing may not always come to the same conclusion on individual premises.</p> <p>For example, under government planning guidance, certain uses, such as casinos, are directed towards town centre locations. While this could lead to scenerios where planning permission would not be granted for premises outside of a defined centre, but a licence could be, he is satisfied that the statement of licensing principles covers this possibility.</p> <p>In addition, it is welcomed that licensing will consider carefully concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.</p>	<p>Officer Advice: Paragraph 9.8 states:</p> <p><i>The Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise</i></p> <p>Recommendation: Comments noted.</p>

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British Casino Association	<p>Generic letter in relation to the role of the British Casino Association and offers some background information.</p> <p>They do not consider that the introduction of the new Act will impact on the high level of integrity with which casino premises have historically operated.</p> <p>Response refers to tight entry controls, including those on the verification of identity of customers, which prevent casinos creating any nuisance to the local community and is one of the reasons why door supervisors (paragraph 11.7/8) were deemed unnecessary by parliament and why gaming premises are already exempt from the provisions of the Security Industry Act 2001.</p>	<p>Officer Advice: In response to the BCA reference to exemptions for licensed door supervisors at casino type premises, LACORS (Local Authorities Coordinators of Regulatory Services) issued the following advice to local authorities on 1 November 2006:</p> <p><i>Door Supervisors at Casinos and Bingo Premises</i></p> <p><i>As a result of recent discussions with the Security Industry Authority (SIA), The Department for Culture, Media & Sport (DCMS) and the Gambling Commission, LACORS seeks to clarify for colleagues, the 'exemption' which casino and bingo premises enjoy regarding door supervisors and SIA licensing .</i></p> <p><i>Door supervisors at casino and bingo premises will need to be licensed by the SIA if they carry-out functions falling under Schedule 2 Part 1 of the Private Security Industry Act 2001, if they are contract staff, but will not need to be licensed if they are in-house staff.</i></p> <p><i>The legal explanation is that the Private Security Industry Act 2001 requires that all contract staff carrying-out functions set-out in Schedule 2 Part 1</i></p>

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		<p>(see especially paragraph 2 - 'manned guarding'), require licensing by the SIA, however certain premises also need to have their in-house staff, which carry-out these functions, licensed. The premises which need to have their in-house staff licensed, as well as contract staff, include those which hold a premises licence for the supply of alcohol or regulated entertainment under the Licensing Act 2003 (Schedule 2, Part 2, paragraph 8 (1)&(2)). However, casino and bingo premises have an exemption from this requirement (Schedule 2, Part 2, paragraph 8(3)) regarding their in-house staff. Casino and bingo premises will still need to ensure any contract staff are licensed by the SIA.</p> <p>Many local authority 'Statements of Principles' state the law incorrectly at the moment as they imply that no door supervisors at casino and bingo premises need to be licensed by the SIA. LACORS template 'Statement of Principles' also made this mistake and will be amended. The Gambling Commission is also aware that certain sections of its Guidance to Licensing Authorities (published April 2006) may need revising. The SIA also acknowledges that its 'Get licensed' booklet is misleading on this subject and this will be addressed in a new version later in the year.</p>

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	<p>Existing statutory bar on any person under 18 entering such premises is already strictly enforced by entry controls and therefore licence conditions will not be required to prevent access to machines etc (paragraph 10.4).</p>	<p>The proposed final statement of licensing principles incorporates the latest advice and amendments from LACORS as regards this issue.</p> <p>Recommended: No changes required to statement.</p> <p>Officer Advice: Paragraph 10.4 of the proposed final statement states:</p> <p><i>The Licensing Authority has noted that the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.</i></p> <p>This paragraph is of a generic nature and is to be considered and applied in respect of all types of premises, not just casinos.</p>

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		Recommendation: No proposed changes to statement.