Appendix 2

Responses to consultation on revised Draft Gambling Statement of Principles 2021

Extract from consultation response	Comments
On behalf of the BGC, we welcome the light touch approach to the draft Statement of Principles, in particular, the early acknowledgement of the "aim to permit" principle within Part A.	Noted.
A number of the references to the Gambling Commission Guidance will need to be changed. For example, the draft Statement of Principles indicates that the Gambling Commission Guidance refers to the access provisions for each premises type at paragraph 7.21 of the Gambling Commission Guidance whereas these are now to be found at paragraph 7.23.	Noted and amendments made

Paragraph 1.9 of part B refers to location of premises and refers to the possibility of a specific policy with regard to areas where gambling premises should not be located. Thereafter, paragraph 1.9 appears to create a rebuttable presumption of refusal akin to a Licensing Act 2003 cumulative impact area. These references should be removed. Location will always be relevant in the context of whether a particular proposal is consistent with the licensing objectives. The potential policy referred to in the existing paragraph however is likely to be unlawful and is certainly contrary to the Section 153 "aim to permit" principle and therefore references to it and the rebuttable presumption which creates an onus on the applicant overcoming concerns should be removed.	Noted, and following officers' further consideration of the issue regarding location, it is proposed that Paragraph 1.9 be amended as follows:- The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder. With regards to these objectives it is the council's policy, upon receipt of any relevant representations, to look at specific location issues including: • the possible impact a gambling premises may have on any premises that provide services to children or young people, for example a school, or vulnerable adult centres in the area • the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children • the size of the premises and the nature of the activities taking place • any levels of organised crime in the area. In order for location to be considered, the council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Although the council cannot consider if there is a need or demand for the gambling facilities applied for, applicants should consider the proximity of other gambling premises in the Local Risk Assessment and the impact this will have on residents, including children and other vulnerable groups
The references to planning permission in paragraph 1.12 of part B contain an extract from paragraph 7.58 of the Gambling Commissions Guidance. This guidance has	Noted and Paragraph 1.12 amended to take account of the amended guidance.

been updated with the wording to paragraph 7.58 changed.	
Paragraph 6.1 of Part B refers to betting machines and the ability of the Licensing Authority to limit the number of betting machines an operator wants to offer in a betting office. This paragraph would be assisted if a clear distinction was to be made between betting machines (where the Licensing Authority can restrict numbers) and gaming machines where there is no such restriction. Section 172(8) Gambling Act 2005 authorises the holder of a betting premises licence to make available for use up to four gaming machines of category B, C or D.	Noted, and following officers' further consideration of this point, it is proposed that a new Paragraph 6.2 entitled gaming machines be introduced to contain information as follows:- Gaming machines Holders of Betting Premises licences may make available for use up to four gaming machines of category B,C or D. Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable people.