

SCHEDULE OF RESPONSES TO DRAFT GAMBLING POLICY

Respondent	Comments	Appraisal	Recommendation
Gosschalks Solicitors on behalf of Association of British Bookmakers (ABB)	Paragraph 9 of Part A deals with the licensing authority's approach to the new requirements for risk assessment and local area profiles. In paragraph 9.1.4 there is a list of matters that the licensing authority expects applicant for premises licenses to take into account to comply with the risk assessment requirement. This list needs to be redrafted as it contains matters that cannot be relevant to an assessment of whether or not an operation poses a risk to the licensing objectives. For example, issues of anti-social behavior and street drinking in the area.	It is appreciated that only matters relevant to the licensing objectives will be included within the risk assessment concerning the operation of the premises.	Paragraph 9.1.4 amend second bullet point by deleting "such as anti-social behavior" and delete wording at fourth bullet point.
	Paragraph 1.2 of Part B should be redrafted to indicate where premises licence applications are to be rejected or existing premises licence reviewed, there needs to be clear evidence of conflict with the Codes of Practice Guidance or clear evidence that the operation of those premises is not/would not be reasonably consistent with the licensing objectives.	To accommodate the suggestion but to retain the essence of paragraph 1.2 of Part B, amendment is made.	Modify wording of paragraph 1.2 to include " <i>clear evidence of</i> " conflict.

Appendix 2

	<p>Paragraph 1.3 of Part B should be redrafted. Whilst it is accepted that paragraph 1.28 of the Gambling Commission Guidance gives an example of a licensing authority requesting a copy of a business plan during the application process it is difficult to see how this could be relevant to an assessment of whether or not any application was in accordance with the Licensing Commission Code of Practice, in accordance with the Gambling Commission Guidance and local statement of policy or could be required for an assessment of whether or not an application would be reasonably consistent with the licensing objectives.</p>	<p>The policy replicates the guidance and the suggestion does not add anything to the policy.</p>	<p>No policy change.</p>
	<p>Paragraph 1.12 of Part B seems to suggest that the licensing authority may adopt a policy that there are certain areas where gambling premises should not be located. Any such designation may be unlawful and is certainly contrary to the overriding principle contained in section 153 Gambling Act 2005 that the licensing authority must “aim to permit” the use of premises for gambling. It should be reiterated that each application will be determined on its own merits.</p>	<p>South Kesteven District Council does not have such policy. The draft statement of principles indicates what the authority would do should it introduce a policy and it makes it clear that each application will be decided on its merits.</p>	<p>No Policy change</p>

Appendix 2

	<p>Paragraph 1.17 of Part B - imposition of condition - the draft statement of principals would be assisted by a clear statement that the starting point for consideration of any application is that it will be granted subject only to the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.</p>	<p>The Authority will impose conditions in accordance with the legislation.</p>	<p>No policy change</p>
	<p>Paragraph 6.2 of Part B –betting premises licenses – It would assist if it was made clear that whilst the licensing authority has the power to limit the number of betting machines, it has no such power to limit the number of gaming machines.</p>	<p>The suggestion does not add anything to the policy.</p>	<p>No policy change.</p>