

**APPENDIX 3**

Respondee	How / When	Comments incorporated into policy	Comments not incorporated into policy
Luxury Leisure Ltd.	E mail received 17 September 2015	<p>Point 1 in letter addressed at 5<sup>th</sup> paragraph on page 5 with '<b><i>This Council recognises that it is subject to and will comply with the Regulators' Code developed by the Better Regulation Delivery Office in relation to matters of gambling licensing and enforcement.</i></b>'</p> <p>Point 2 in letter addressed at last paragraph on page 7 with '<b><i>in which by law they are not allowed to participate.</i></b>'</p> <p>Point 3 in letter addressed at pages 8 &amp; 9 with '<b><i>to prepare robust and considered assessments of the local risks to the licensing objectives posed by the provision of gambling facilities at the application premises and address all factors that may have a negative impact on the</i></b></p>	Point 8 in letter noted but it is not felt the Statement needs amending further to reflect the comments made.

***licensing objectives.'***

Point 4 in letter addressed at bullet point 1 and 2 at page 9 with '***The location of schools, sixth form colleges and youth centres in the local area of the licensed or application premises, with reference to the potential risk of under age gambling or the direct exposure to gambling by under age persons as a result and the mitigation measures the operator intends to introduce to reduce any such risks;***

***The location of hostels or places offering support services for vulnerable people, such as those with addiction issues or who are homeless in the local area of the licensed or application premises.'***

Point 5 in letter acknowledged and references to religious buildings on page 9 removed.

Point 6 in letter addressed at 3rd

<p>Gosschalks Solicitors on behalf of the Association of British Bookmakers</p>	<p>Letter dated 7 October 2015</p>	<p>bullet point at page 9 with <b><i>‘Any reasonably available information about issues with problem gambling in the area of the licensed or application process.’</i></b></p> <p>Point 7 in letter addressed at 3<sup>rd</sup> bullet point on page 9 with insertion of <b><i>‘In assessing the negative impact premises may have on the licensing objectives, the Council will expect operators to include consideration of the existing density of licensed gambling premises...’</i></b></p> <p>2<sup>nd</sup> paragraph at page 6/7 – point acknowledged and references to religious buildings on page 9 removed.</p> <p>3<sup>rd</sup> paragraph at page 6/7 – wording of 3<sup>rd</sup> bullet point on page 9 of statement amended to specifically make the focus being the provision of gambling facilities and any risk to the licensing objectives, with the status of night time economy</p>	<p>Page 5/7 – <i>‘The statement of principles would be assisted by recognising at this stage that issues of nuisance and the likelihood of the grant of planning permission or building regulation approval are also criteria which cannot be considered as part of a Gambling Act 2005 application.’</i> We believe these points are already adequately covered in the existing Statement in the 3<sup>rd</sup> and 5<sup>th</sup> paragraphs on page 10.</p>
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just being part of considerations.

4<sup>th</sup> paragraph on page 6/7 – point acknowledged and sentence including the words ‘diverse socio economic makeup...’ removed from relevant bullet point on page 9 of Statement.

5<sup>th</sup> paragraph on page 6/7 – wording of 3rd bullet point on page 9 amended with insertion of ***‘In assessing the negative impact premises may have on the licensing objectives, the Council will expect operators to include consideration of the existing density of licensed gambling premises and the status of the night time economy in the area local to their licensed or application premises. The Council will expect operators to particularly assess the risk of gambling being a source of crime, being associated with crime or being used to support crime in that area and to set out any mitigation measures they would intend to introduce to reduce any***

<p>Coral Racing Ltd.</p>	<p>Letter dated 15 October 2015</p>	<p><b><i>such risks.</i></b></p> <p>Last paragraph on page 6/7 of letter – Statement amended on page 11 with relevant paragraph amended as follows <b><i>‘Conditions – The starting point when considering an application is that it will be granted subject only to the mandatory and default conditions and additional conditions will only be imposed where there is evidence of a risk to the licensing objectives, such that there is a need to supplement the existing mandatory and default conditions.’</i></b></p>	<p>3<sup>rd</sup> paragraph of letter – we do not believe the Statement needs amending to reflect the point made regarding schools and sixth form colleges. These are suggested types of premises (amongst others) that it is recommended operators be cognisant of when preparing their risk assessments but only in relation to the licensing objectives.</p>
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<p>William Hill Ltd.</p>	<p>E mail received 16 October 2015</p>	<p>Page 2 of their letter- <i>‘Clustering of betting shops is a natural consequence of the market liberalisation granted under the Gambling Act 2005 (as a quid pro quo for increased levels of social regulation). It would be unlawful under the Act to place obligations on operators to consider the risks of clustering per se. This matter falls to be considered under planning legislation and the law and guidance is clear that planning and licensing issues should not be conflated. This is a clear example of the authority attempting to draft an exclusionary policy, to reverse the burden of proof and to undermine the aim to permit principle.</i></p> <p><i>We actually favour a “cumulative impact” test, but it does not exist in law and cannot be imposed through this policy.’</i></p> <p>It is acknowledged that commercial need is not a relevant criteria when considering an application and therefore to avoid confusion, the</p>	<p>Page 3 of their letter - <i>The Authority are reminded that they should not operate an exclusionary policy and that matters need to be evidence led. The Authority should also take care not to apply too wide an application of the Crime and Disorder Objective. The authority is respectfully reminded that “nuisance” is not the subject of a licensing objective.</i></p> <p>The Council is aware that nuisance is not the subject of a licensing objective and believe the existing wording at page 10 under the heading <u>‘Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime –’</u> identifies the distinction between disorder &amp; nuisance.</p>
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wording at the specific paragraph on page 8 of the Statement regarding clustering of betting shops has been removed.

Page 2 of their letter - *The Council will expect operators to assess the existing density of licensed gambling premises in the area local to their licensed or application premises and assess any negative impact their premises may have in that area.*

*They do state earlier that: Location - The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can be.*

*As above this paragraph is a clear attempt to circumvent the legislation and reverse the burden of proof. If the authority have clear evidence of apparent risk (as opposed to theoretical risk) in this area, they should publish the empirical evidence as part of the local area profile.*

		<p>The Council is aware that the density of existing licensed premises in an area is not in itself a reason to refuse a new application. The wording of the relevant bullet point at page 9 of the Statement has been amended accordingly to clarify.</p> <p>Page 3 of their letter, final paragraph – <i>‘This reference is we believe a clear abuse of process. This is a clear attempt to impose a collective licensing condition here in respect of what should be a voluntary arrangement between operators and the authorities. We welcome voluntary schemes such as “Betwatch”, but operators are entitled to make their own evaluation of the effectiveness of schemes and this policy document should not be used to impose additional costs on operators. This onerous requirement needs to be removed.’</i></p> <p>There is no intention to impose such a collective condition and we do not believe the wording as drafted inferred that. However,</p>	
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		<p>to clarify matters, the wording has been amended from '<i>considers it appropriate</i>' to '<i>strongly encourages...</i>'. Such schemes can be of much use, as William Hill also appear to acknowledge.</p>	
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