

## **APPENDIX 1**

| <b>Respondent</b>                                                               | <b>Consultation Comments (summary)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Officer Response</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <p>Gosschalks Solicitors on behalf of the Association of British Bookmakers</p> | <p>Part A 10.5 – The ABB welcomes the statement within the paragraph that at the time of preparing this edition of the licensing policy, there has been no evidence presented to the West Suffolk councils to support the assertion that any part had or is experiencing problems from gambling activities.</p> <p>Part B 1.8 – This section indicates that licensing law is not a mechanism for the general prevention of anti-social behaviour by individuals once they are away from such premises and beyond the direct control of the licence holder. It appears that this part of the policy may be more appropriate in the Licensing Act 2003 policy. The prevention of nuisance is not a licensable activity under Gambling Act 2005. This is recognised later in the policy (paragraph 1.19(1)) but we suggest that paragraph 1.8 be redrafted so as not to suggest that matters that are just mere nuisance are an issue with regard to Gambling Act 2005 applications.</p> <p>Paragraph 1.14 – The ABB has serious concerns about this paragraph. It suggests that the licensing authority may make a determination that there are certain areas where gambling premises should not be located. This is directly contrary to the overriding “aim to permit” principle contained within s153. The suggestion after that sentence that a policy would not preclude an application being made but that an applicant would need to show how any concerns could be overcome reverses the burden of proof. This may be unlawful as it is directly contrary to s153 and we respectfully submit that the reference should be removed from the draft statement of licensing policy.</p> <p>Paragraph 1.19(1) – This paragraph refers to the</p> | <p>Paragraph removed as part of a rewrite of paras 1.1 to 1.8, part B.</p> <p>Now para. 1.7, part B. The current paragraph is not considered to be contrary to S.153 of the Gambling Act 2005. This paragraph allows interaction with other council policy e.g. planning, and also in part supports section 10 of part A in relation to area profiles. The principle is that subject to substantive evidence a problematic area may be identified, with this knowledge applicants would be encouraged to ensure appropriate controls or consider other locations.</p> <p>One of the main objectives of the statement of policy is to provide a vision for the local area, therefore the council should be in a position to influence the locality of such premises in so far as is reasonably practicable.</p> <p>Now para. 1.13, part B. On the basis that the policy is meant to</p> |

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|  | <p>Gambling Commission taking a leading role in preventing gambling from being a source of crime and thereafter suggests that where a particular area is associated with criminal activity, the licensing authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate for example the provision of door supervisors. If there was to be a refusal of the premises licence or indeed the imposition of conditions then the licensing authority would need to satisfy itself on the basis of evidence received that gambling was a source of crime and disorder. It appears that this paragraph may be an oversimplification of paragraph 5.9 in the 4<sup>th</sup> edition of the Gambling Commissions Guidance which is repeated at paragraph 5.3 in the 5<sup>th</sup> edition which is yet to have effect. We respectfully submit that the paragraph within the draft statement of principles should be removed and replaced with a statement mirroring the statements made by the Gambling Commission.</p> <p>Paragraph 1.20 – Conditions – The ABB welcomes the statement that the authority will only attach conditions where it is necessary and proportionate and that the mandatory and default conditions will normally be adequate for the general good conduct of gambling premises.</p> <p>Paragraph 1.24 – We suspect that there is a typographical error in this paragraph. This paragraph refers to conditions relating to door supervision to “prevent <u>premises</u> from being a source of crime or disorder.” We suspect that this should be reworded to the effect that it is to “prevent gambling from being a source of crime and disorder” which is one of the</p> | <p>be read in conjunction with the current version of the Gambling Commissions guidance to Licensing Authorities it is not considered necessary to reword the policy. The current paragraph is in line with other licensing authorities.</p> <p>The Gambling Commissions Guidance, 4<sup>th</sup> Edition states the following: “The Commission play a leading role in preventing gambling from being a source of crime. It will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling, or being associated with providing such facilities. The Act provides the Commission with powers to investigate the suitability of applicants for operating and personal licences, and others relevant to the application. This will provide the Commission with the power to make enquiries about and investigate those who are involved in the control of a company or the provision of gambling. In considering applications for operating and personal licences the Commission will, in particular, take a serious view of any offences involving dishonesty committed by applicants or persons relevant to the application.”</p> <p>If there was to be a refusal of the premises licence or indeed the imposition of conditions then the licensing authority would need to satisfy itself on the basis of evidence received that gambling was a source of crime and disorder. This would be in accordance with para. 1.14 of the revised policy.</p> <p>Now para.1.14, part B.</p> <p>Now para 1.18, part B. The policy wording is in line with other Licensing Authorities and is considered appropriate in accordance with para. 5.1 of the current guidance.</p> |
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|                              | licensing objectives.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Coral Racing Ltd             | <p>Coral Racing Limited are generally supportive of the document but would like to make reference to paragraph 10.4 regarding the contents of the risk assessment (details below). Overall, the document again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. The introductory letter correctly states that the Council should not take into account any moral objections to gambling either.</p> <p>Coral Racing Limited recognise the requirement to supply &amp; update risk assessments with future applications, variations as well as local changes, following the consultation completion – effective date is from the 6th April 2016. Within paragraph 10.4 of the document, it is suggested that operators are required to risk assess the locality in terms of schools, churches and walking routes for schools. Whilst it is understood that the exact guidance issued by the Gambling Commission is still under consultation, the inclusion of such premises is presumptuous.</p> <p><i>Additional information in main response letter</i></p> | <p>Relates to Part A of the policy. The Gambling Commission has introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks.</p> <p>The inclusion of the premises referred to in the consultation response is purely as examples, but does not override any specific guidance given in the Gambling Commission codes or guidance.</p> <p>The examples given have been removed.</p>                                                                                                                                                                                               |
| Campaign for Fairer Gambling | <p>As part of your Council's gambling policy over the next three years, we recommend you contain a statement supporting further regulatory action against FOBTs, with greater powers of control devolved to councils.</p> <p><i>Additional information in main response letter</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>These are the high payment Category B2 machines which are permitted to operate from betting shops on the high street. See: <a href="http://www.gamblingcommission.gov.uk/Gambling-sectors/Betting/Operating-licence-holders/Key-information/Gaming-machines-on-betting-premises.aspx">http://www.gamblingcommission.gov.uk/Gambling-sectors/Betting/Operating-licence-holders/Key-information/Gaming-machines-on-betting-premises.aspx</a></p> <p>The Licensing Authority is currently powerless to control the increase in these machines.</p> <p>In principle officers would support better regulation and control of these machines; however it is not felt appropriate to make such a declaration within our current policy. Instead the council could consider supporting others in lobbying government and the Gambling Commission, if local substantive evidence exists that</p> |

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|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | that these machines are causing problems within our areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>Cllr Harvey<br/>Forest Heath DC</p> | <ol style="list-style-type: none"> <li>1. Para 7.0 (page 9) which covers enforcement but does not actual lay down our principles for withdrawal of a license and how this is processed I'm sure this is covered under the Act and in my opinion we should be making reference to that link in this section.</li> <br/> <li>2. Page 34 Para 1.22 bullet point 1 please could explain how this is to be controlled say on Licenced Premises and whom by.</li> <br/> <li>3. Page 34/35 Para 1.24 /.last bullet point on page 20 state's "which may specify" this implies that it "may not be specified" In my opinion this should read "WHICH SHALL SPECIFY". My previous experience in this field would indicate that License holders often chose to disregard "May" in any agreement?</li> <br/> <li>4. Page 35 same sub para in my opinion there should</li> </ol> | <p>Unlike other risk based inspection regimes e.g. food hygiene interventions, health &amp; safety etc. the Gambling Act and its associated guidance does not prescribe a specific system for inspections or dealing with matters of evident concern. This section of the policy references part 36 of the current Gambling Commission guidance (<a href="http://www.gamblingcommission.gov.uk/pdf/GLA4.pdf">www.gamblingcommission.gov.uk/pdf/GLA4.pdf</a>) which does outline the general duties in relation to enforcement and other inspection regimes. Relevant premises are targeted as the direct result of information, intelligence or complaints i.e. reactively. A routine programme of gambling specific inspections is not currently undertaken to reduce unnecessary burden upon relevant business in accordance with Government policy. However, officers will in the course of their duties have consideration to gambling matters when carrying out interventions at relevant premises – this provides for the most efficient way of working.</p> <p>Now para. 1.16, page 18. The onus to ensure compliance lies with the premise licence holder and operators. This may be, in part, delegated to the staff at each premise to control on a 'day to day' basis. Various methods to ensure a physical barrier exist and it is considered unnecessary to list these within the policy in accordance with Gambling Commission guidance. The policy also states at Para. 1.20, page 18. That "...Gambling Commission's Licence Conditions and Codes of Practice, or other legislation, places the same or similar duties, responsibilities or restrictions on an employer or the operator of gambling premises...", Officers will review the measures when processing applications.</p> <p>See below.</p> <p>Now Para's 1.14 to 1.18, Part . The policy lays down the general</p> |

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|                                                          | <p>and extra sub point iii suitably worded requiring License holder to maintain records of all staff cleared and working on their premises which can then be enforced?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>principles and expectations in relation to conditions on premises licences. Each case/application is considered on its own merits and where additional conditions would be added in a hearing following relevant representations the wording would be made prescriptive.</p> |
| <p>Suffolk Local Safeguarding Children Board Manager</p> | <p>I am not sure that I would want to add anything specific as I think you have safeguarding children and young people well covered.</p> <p>Regarding the nomination of a Designated body for advice on safeguarding. In my opinion it would be fine to nominate the LSCB. In its widest sense most LSCB partners are statutory and therefore 'answerable to democratically elected persons' and the Annual Report is submitted to the Leader of the Council and the Chief Exec of SCC, amongst others.</p> <p>I am not aware of any high risk areas, but I have emailed my Social Care colleagues to see if they are aware of any areas in Suffolk where there are concerns linked to safeguarding.</p> | <p>No additional comments.</p>                                                                                                                                                                                                                                                  |