

Appendix 2 - Consultation responses

Person/Organisation Making representation	Representation made <b>Specific Policy Comments</b>	Does it have an effect on the Policy.
<p><b>Association of British Bookmakers</b></p>	<p><b>Inclusion of Prevalence survey Information and outcome of Haringey's Scrutiny Review on Gambling.</b></p> <p><b>Paragraph 1.3</b> of the draft statement of gambling principles introduces the British Gambling Prevalence Survey 2010 and indicates that problem gambling is highest among the more deprived areas. The draft statement of principles should be amended in order that such figures can be read in context. The British Gambling Prevalence Survey in 2010 found that rates of problem gambling were static at around 0.5 to 0.6%. The more recent report commissioned by the Gambling Commission – Gambling Behaviour in England and Scotland, published in June 2014 similarly indicates that levels of problem gambling are static or perhaps falling. This section of the policy is pejorative and it is difficult to see why it has been included within a local licensing authority statement of principles. The figures given are national figures and have little bearing on gambling within Haringey. Overall we respectfully submit that this part of the policy should simply be removed. It does not assist the authority with its overriding requirement to aim to permit the use of premises for gambling and</p>	<p>No concerns with the information inserted at para 1.3, it is there to give contextual overview and background information.</p> <p>This will not be removed from the policy document.</p>

	<p>nothing within it will have any relevance as far as a Gambling Act 2005 application is concerned.</p> <p><b>2.8 Social Responsibility</b></p> <p>In the second paragraph under this heading, there is a spelling mistake. The word “exiting” needs to be replaced with word “existing”.</p> <p><b>3.2 Decision Making</b></p> <p>The second paragraph under this heading indicates that “when aiming to permit the use of premises as above, the authority will impose conditions on a premises licence, reject, review or revoke premises licenses where there is an inherent conflict with the relevant codes of practice published guidance, the licensing objectives or the statement of principles.” We suspect that this is not intended to be a single sentence and this paragraph needs to be amended in order that it makes sense. The paragraph should make it clear that the authority will only impose conditions where there is evidence in the particular circumstance of any case that the existing mandatory and default conditions need to be supplemented due to a particular risk to the licensing objectives.</p>	<p>Amendment made.</p> <p>Amended the paragraph to break up the sentences. No changes to policy context.</p>
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	<p><b>3.4 Location</b></p> <p>The final two sentences of the first paragraph under this heading cause the ABB concern. Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears to implement a cumulative impact type policy as exists within the licensing regime under Licensing Act 2003. Such a policy is contrary to the overriding principles of “aim to permit” contained with s153 Gambling Act 2005. Similarly, the reversal of the burden of proof in the final sentence that requires the applicant to demonstrate why an application should be granted is contrary to that principle. These two sentences should be removed and replaced with the reiteration of the principle earlier in the policy that each case will be determined on its own merits.</p> <p>The following paragraph is a non sequitur. It is believed that this paragraph has been inserted at this point in error and should be included within paragraph 3.7 where the policy deals with the licensing objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</p> <p><b>Paragraph 3.7 Licensing</b></p>	<p>The wording below has been removed:</p> <p>Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.</p> <p>The legislation is silent on the ability to impose a cumulative impact under Gambling but there has been work undertaken by Public Health England to encourage Authorities to look at possibly doing this.</p> <p>The last paragraph has been removed as it is expressed elsewhere in the document.</p>
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	<p><b>Objectives</b></p> <p>The draft statement of principles would be assisted by a clear acknowledgement that issues of nuisance are not relevant considerations under Gambling Act 2005.</p> <p><b>3.8 Conditions</b></p> <p>The draft statement of principles would be assisted by a clear statement that the starting point for consideration of any application made under Gambling Act 2005 is that the application will be granted without the need for additional conditions, the mandatory and default conditions being sufficient to ensure operation that is reasonably consistent with the licensing objectives. It should state further that additional conditions will only be imposed where there is evidence in a particular case of a risk to the licensing objectives such that the mandatory and default conditions need to be supplemented. The draft statement needs to be clear that conditions will only be imposed where there is real evidence of a risk to the licensing objectives. The imposition of conditions must be supported by evidence. Conditions cannot be imposed where there is simply a “perceived need” as described in paragraph 3.8 or “concerns” in 3.9.</p> <p>General observation about</p>	<p>The Council takes the view that nuisance linked to the gambling activity could potentially be a relevant consideration.</p> <p>No changes to policy.</p> <p>The Policy is clear that such matters will be considered on the merits of the case.</p> <p>No changes to policy.</p>
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<p><b>Coral Bookmakers</b></p>	<p>the draft policy and wishing to state that their consideration of suitable betting premises, is not disproportionately positioned towards areas of greater deprivation (reference your section 1.3 – page 5 / 6). Our views are based on adult population, footfall and other complimentary businesses. It is too simplistic to try and identify a clear correlation between deprivation and betting office positions.</p>	<p>No impact on current draft.</p>
<p><b>PaddyPower Betting Operator.</b></p>	<p>We note at section 3.3 that if the construction of the premises is not yet complete, or if they need alteration then an application for a provisional statement should be made instead.</p> <p>This paragraph requires updating following the determination of R (on the application of) Betting Shops Services Limited-v-Southend-on-Sea Borough Council [2008] EWHC 105 (admin).</p> <p><b>Location and local area risk assessment</b></p> <p>We refer the Authority to the Regulators’ Code, which provides that in making an assessment of risk, regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility.</p>	<p>The wording ‘if the applicant does not have the right to occupy’ has been removed.</p> <p>The Authority already carries out its duties in line with the Regulators Code. No impact on policy.</p>

	<p><b>Statistics</b></p> <p>Section 1.3 of the policy introduces gambling related statistics without a thorough analysis of any implications and conclusions drawn. The inclusion of such data, without thorough assessment, does not enable thorough consideration of the context and suggested impact that gambling premises may have upon local populations. We do not consider that the incorporation of this data within the statement of policy is in accordance with the permissive regime intended by parliament and engineered with the implementation of the Gambling Act 2005.</p> <p><b>Primary Authority</b></p> <p>Power Leisure Bookmakers Limited has established a Primary Authority Partnership with Reading Council. The primary authority worked with the Gambling Commission to develop a national inspection strategy to be implemented to help protect underage people from gambling. Such schemes enable a consistent approach to regulation and enforcement and provide a uniform standard.</p> <p><b>Conditions</b></p> <p>Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators</p>	<p>No concerns with the information inserted at para 1.3, it is there to give contextual overview and background information.</p> <p>This will not be removed from the policy document.</p> <p>We aware of this link as is Trading Standards. No impact on policy</p> <p>The Policy is clear that such matters will be considered on the merits of the case. No changes to policy.</p>
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	<p>are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.</p>	
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