

Nottingham City Council

Responses to consultation on Statement of Gambling Policy

No comments were made to sections:

1 – Introduction

3 – Consultation on the Policy

4 – Functions of the Licensing Authority

7 – Interested Parties

11 – Exchange of and Access to Information

12 – Fees

13 – Delegations

15 – Monitoring and Review of this Statement

Appendix B – Persons Consulted

Section 2 – Licensing Objectives

Ref No.	Name of Respondent	Policy/Paragraph /Question No.	Summary of Respondents Comments	Authority's Appraisal of Comments	Authority's Response with regard to Statement of Policy
3	Racecourse Association Limited	2.1	Racecourses are aware of their obligation to promote licensing objectives and must be confident that they have the authority to fulfil any reasonable requirements passed to them under the terms of their premises licence	This is a statement rather than a comment on the policy itself.	No amendment required.. The applicant has appeal rights if conditions are considered unreasonable.

Section 5 – Statement of Principles

Ref No.	Name of Respondent	Policy/Paragraph /Question No.	Summary of Respondents Comments	Authority's Appraisal of Comments	Authority's Response with regard to Statement of Policy
2 and 4	Enterprise Inns And British Beer And Pub Association	Section 5 generally	Information concerning the Transitional Arrangements should be contained in the Statement of Licensing Policy	Guidance and advice will be issued separately by the Government and Authority. It is felt that details which apply for a short period in time are not appropriate for inclusion in the Policy Statement, that will have a life of up to 3-years.	No amendment required to the policy.
3	Racecourse Association Limited	5.20	Compliance with the proposed CAP/BCAP codes on advertising and any Gambling Commission codes of practice should ensure the promotion of the protection of children and other vulnerable persons objective	The Authority are required to have regard to approved codes of practice. This requirement is referred to in the body of the policy. Each application will be judged on its own merits	No amendment required to the policy.

7	Phil Teall	5.26 Q6	An attempt to define vulnerable people using the definition favoured by the Department of Health should be made.	It is felt that this definition is not directly relevant to the gambling regime. In the absence of any other definition the Authority will give the phrase its natural meaning in relation to gambling and will determine such matters on their own merits.	No amendment required to the policy.
8	Berryman Solicitors	5.14 Q2	When considering the suitability of an applicant for a Track Premises Licence the authority should consider such factors as whether the applicant has held a track licence in the past, has a criminal record or has experience of working within track operations. References should also be requested in relation to character	Matters relevant to the application may be considered by the Authority insofar as allowed by law or by guidance. Where necessary and reasonable the Authority will take relevant matters into account on a case by case basis. Application forms and the information to accompany them will be prescribed.	No amendment required to the policy.
8	Berryman Solicitors	5.17 Q4	Another method of enforcement may be to have a provision where children may only enter the premises accompanied by an adult	The Authority is seeking to give examples of the types of control that may be applied. Restricting access to children is an important consideration which will be need to be regulated by the attachment of conditions to individual licences in response to the merits of each application as considered alongside published codes of practice, guidance and the policy.	No amendment required to the policy.
8	Berryman Solicitors	5.21 Q5	Large clear signs in areas where access to all is permitted	The Authority is seeking to give examples of the types of control	No amendment required to the policy.

			together with signs at the entrance to restricted areas would achieve supervision and demarcation of areas to which access is limited by virtue of age.	that may be applied. Restricting access to children is an important consideration which will be need to be regulated by the attachment of conditions to individual licences in response to the merits of each application as considered alongside published codes of practice, guidance and the policy.	
9	Gosschalks on behalf of the Association of British Bookmakers	5.13	Local authorities should be changed to Licensing Authorities	Printing error.	Policy amended to read "Licensing Authorities".
10	British Casino Association	5.17	Door supervision unnecessary and restriction of under 18s is already adopted. Conditions to this effect would therefore be unnecessary	Comment received out of time. In any event section 8f deals with the issue of conditions and each application will be judged on its own merits	No amendment required to the policy.

Section 6 – Responsible Authorities

Ref No.	Name of Respondent	Policy/Paragraph /Question No.	Summary of Respondents Comments	Authority's Appraisal of Comments	Authority's Response with regard to Statement of Policy
7	Phil Teall	6.1 Q7	Should there be a reference to the local Adult Safeguarding Board and Notts Committee for the Protection of Vulnerable People	The Act only permits the Authority to designate a body competent to advise it on the issue of the protection of children (not vulnerable persons) from harm and which then becomes a responsible authority in terms of	No amendment required to the policy.

				the Act.	
9	Gosschalks on behalf of the Association of British Bookmakers	6	Policy should advise clients of contact details for responsible authorities by referring them to the council website as suggested by the LACORS template	The contact details are included at appendix 1 of the policy and will also be available on the Council's web site address.	No amendment required to the policy.

Section 8 – Local Standards Relevant to Gambling Matters

Ref No.	Name of Respondent	Policy/Paragraph /Question No.	Summary of Respondents Comments	Authority's Appraisal of Comments	Authority's Response with regard to Statement of Policy
3	Racecourse Association Limited	8a 8f	The RRA is in discussions with the Gambling Commission and DCMS in relation to the application of Provisional statements to Racecourses. Additional conditions in respect of racecourses should not exceed those premises licence conditions as outlined by DCMS	Noted The Authority has discretion to impose conditions as necessary and appropriate having regard to the law, approved codes of practice and approved guidance. Each application will be assessed on its own merits.	No amendment required to the policy No amendment required to the policy.
5	Gamcare	8f	Leaflets should be clearly displayed in prominent areas such as toilets Fixed Odds Betting Terminal odds to be clearly displayed	The Authority has discretion to impose conditions as necessary and appropriate having regard to the law, approved codes of practice and approved guidance. Codes of practice and legal requirements will apply as necessary. Each application will be assessed on its own merits.	No amendment required to the policy.
8	Berryman Solicitors	8b and 8.5	The Factors for consideration are in wrong order. The Act prescribes consideration as Codes of Practice, then Commissions Guidance, then policy Statement, then reasonable in accordance with	The comment is accepted.	Policy amended.

			licensing objectives		
8	Berryman Solicitors	8c 8.11	Representation should not be based on licensing objectives alone and in accordance with 7.41 of the Guidance should also be based on Commissions Guidance and Codes of Practice	Policy 2 is clear that representations may include reference to such matters mentioned in 7.41 of the Commission's Guidance.	No amendment required to the policy.
8	Berryman Solicitors	8d 8.22	The rules are listed in a different order than in the Guidance. For consistency it may be better to list the various rules as stated in para 8.5 of part b.	The comment is accepted	Policy amended
8	Berryman Solicitors	8f Q12	Hours could be restricted for gambling in areas with increased crime rates or higher numbers of residents considered to be vulnerable persons thereby upholding the licensing objectives	The Authority will monitor the impact of the gambling regime on local communities and will revisit the issue subject to available evidence that the relevant licensing objectives are not being promoted. In the mean time each application will be judged on its own merits and such restrictions may be imposed in appropriate cases.	No amendment required to the policy.
9	Gosschalks on behalf of the Association of British Bookmakers	8f	Consider not imposing door supervisor condition on betting offices. Suggestion given for policy wording	Applications will be considered on their own merits in line with the matters referred to elsewhere within the policy. The policy reflects the current Guidance.	No amendment required to the policy.

Section 9 – Local Standards Relevant to Specific Types of Premises Licence

Ref No.	Name of Respondent	Policy/Paragraph /Question No.	Summary of Respondents Comments	Authority's Appraisal of Comments	Authority's Response with regard to Statement of Policy
1	Mr S D A Zacharia	9c Q19	1. No Casino Resolution supported	Comment noted.	The matter of such a resolution will be brought to the City Council's attention for it to consider adopting.
3	Racecourse Association Limited	9b 9b 9.17 Q18 9.13	<p>1. Race tracks are unique. There is further guidance expected in relation to tracks and this should be reflected in the Statement of Policy.</p> <p>2. The level of delineation between areas on racecourses covered by different betting premises may not be practical.</p> <p>3. The Council requirement for off-course and on-course facilities to hold separate betting premises licence is not mandatory and the DCMS have confirmed that this will be at the discretion of the racecourse and the betting operator. This should be mentioned here.</p>	<p>1. The policy states that in reaching its decision it will have regard to approved guidance.</p> <p>2. A plan is expected to be a requirement to accompany an application. The detail of that plan will be set out in regulation. The policy reflects the current guidance paragraph 20.24 - 20.26</p> <p>3. The policy does not state that a separate licence must be held for different parts of a track over and above the legal requirement to do so. The policy reflects the existing Guidance paragraph 20.22</p>	<p>1. No amendment required to the policy.</p> <p>2. No amendment required to the policy.</p> <p>3. No amendment required to the policy.</p>

		9.3	4. In relation to assessing application in relation to location, it should be noted that racecourses will not have altered since their foundation and cannot be transferred to another location	4. This paragraph is aimed at applications for new premises not existing ones. It is for the applicant to show that their activity will be in accordance with the law, guidance, codes of practice and this policy. The Authority encourages applicants to consult widely on their proposals before and during the making of an application for grant.	4. No amendment required to the policy.
		9.10	5. Supervision of Premises – Under LA2003 & PSIA2001 racecourses are already required to provide licensed door supervisors and in line with the Governments Better Regulation Agenda, the Council should not impose any further conditions relating to door supervisors.	5. The applicant has the opportunity to demonstrate that the controls they intend to employ in promoting the licensing objectives, codes of practice, approved guidance and policy statement are sufficient and thus avoid the need for further conditions to be applied or for default conditions to be dispensed with.	5. No amendment required to the policy.
		9.9	6. Access by children - S47 of GA2005 allows children to enter a racecourse on days when racing is taking place, or is scheduled to take place	6. Point noted. Paragraph 9.9 seeks to protect children from harm whilst they are on the premises.	6. No amendment required to the policy.
6	Mrs A M Brockway	9c Q19	No Casino Resolution supported	Comment noted.	The matter of such a resolution will be brought to the City Council's attention for it to consider adopting.

8	Berryman Solicitors	9a Q15	Such conditions as the requirement for door staff, restricted access to children where there are adult only areas, restricted hours would help to ensure licensing objectives are complied with	The applicant has the opportunity to demonstrate that the controls they intend to employ in promoting the licensing objectives, codes of practice, approved guidance and policy statement are sufficient and thus avoid the need for further conditions to be applied or for default conditions to be dispensed with. The Authority will monitor the impact of the gambling regime on local communities and will revisit the issue subject to available evidence that the relevant licensing objectives are not being promoted.	No amendment required to the policy.
9	Gosschalks on behalf of the Association of British Bookmakers	9a 9.3	1. Request that the policy positively encourage or gives sympathetic consideration to the re-siting of premises within the same locality 2. The number of betting machines should not be restricted unless clear evidence available in relation to breach of licensing objectives	1. Applications will be considered on their own merits. 2. Paragraph 9.3 sets out the general position and each application will be determined on its own merits.	1. No amendment required to the policy. 2. No amendment required to the policy.
11	Cllr Emma DeWinton	9c Q19	No Casino Resolution supported	This response was received after the consultation period had ended however the Comment is noted.	The matter of such a resolution will be brought to the City Council's attention for it to consider adopting.

Section 10 – Notifications

Ref No.	Name of Respondent	Policy/Paragraph /Question No.	Summary of Respondents Comments	Authority's Appraisal of Comments	Authority's Response with regard to Statement of Policy
2 4	Enterprise Inns And British Beer and Pub Association	10.7	Statement of Principles should state 'when operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice, there is no reason why these should not be granted'	Up to 2 machines may be used in licensed premises by way of notification procedure and without the need for a permit. Applications for 3 or more machines should be dealt with on a case by case basis on their own merits and having regard to any relevant approved guidance. There is no presumption in favour of permits being granted for more than 2 machines.	No amendment required to the policy.
2	Enterprise Inns	10c 10.8 Q29	1.Require inclusion of outline of the application procedures for permits for more than two machines and 2. Support applications for up to 4 machines not having to be placed before the Committee	1. This will be available as guidance/information for applicants. 2. The Licensing Committees current policy is that applications for more than 2 machines are determined by a licensing panel.	1. No amendment required to the policy. 2. No amendment required to the policy.
4	British Beer And Pub Association	10c 10.8 Q29	The Supervision of machines is reinforced by GC Codes of Practice together with staff training. If premises are complying with this then there is no reason why more than two machines could not be granted without the need for a hearing	The Licensing Committee's current policy is that applications for more than 2 machines are determined by a licensing panel.	No amendment required to the policy.

8	Berryman Solicitors	10c 10.18 Q30	Consideration to be given to the likelihood of crime & disorder in the area and whether conditions such as door staff should be imposed when considering the grant of prize gaming permits	Each application will be considered on its own merits. The Authority has no power to impose conditions on this type of permit.	No amendment required to the policy.
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Section 14 – Inspection & Enforcement

Ref No.	Name of Respondent	Policy/Paragraph /Question No.	Summary of Respondents Comments	Authority's Appraisal of Comments	Authority's Response with regard to Statement of Policy
9	Gosschalks on behalf of the Association of British Bookmakers	15	Policy should include that operators should be requested to give the authority a single point of contact, preferably a senior individual, for compliance queries	This is a matter of good practice and may be supported by approved codes of practice once these are available. The draft application form for premises licences caters for this.	No amendment required to the policy.

Appendix A – Contact Details

Ref No.	Name of Respondent	Policy/Paragraph /Question No.	Summary of Respondents Comments	Authority's Appraisal of Comments	Authority's Response with regard to Statement of Policy
9	Gosschalks on behalf of the Association of British Bookmakers	6 Appendix 1	Policy should advise clients of contact details by referring them to the council website as suggested by the LACORS template	This matter has been addressed in section 6.	No amendment required to the policy.

Miscellaneous Matters

Ref No.	Name of Respondent	Policy/Paragraph /Question No.	Summary of Respondents Comments	Authority's Appraisal of Comments	Authority's Response with regard to Statement of Policy
2	Enterprise Inns		Inclusion of Transitional Arrangements in Policy or separate document	It is considered that the transitional arrangements are better contained in advisory literature.	No amendment required to the policy.