

## Appendix 3

### Officer response to consultation responses received

Appendix 3 Letter/ Document Number	Para. No.	Included in Revised Policy [Y/N, In Part or Supporting Proposals (SP)]	Officer Comments Explanatory Notes
1	All	N	The comments made in this representation have been noted. The Council has a statutory duty to produce a statement of licensing policy in relation to the Gambling Act 2005, which details the Council's approach to managing gambling activity within its jurisdiction. This includes ensuring that applications, permits and registrations made to the Council for gambling activities uphold the licensing objectives as set out by the Gambling Act 2005 and protects children and vulnerable persons from being harmed or exploited.
2	1-5	N	<i>"Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime"</i> is one of the three licensing objectives as dictated by the Gambling Act 2005, they form part of the law and are not within the Council's remit to change.
2	6	N	The Gambling Act 2005 has a two-tier approach and assigns different responsibilities to the Gambling Commission and Local Authorities. The Council's responsibility is to licence the premises in which gambling will take place. It is the responsibility of the Gambling Commission to carry out checks on the operator who will be offering gambling activities to ensure they are fit and proper.
3	1	N	Public houses are licensed under the Licensing Act 2003, therefore restrictions on the times they are permitted to be open and carry out licensable activities under the Licensing Act 2003 are applied through this regime, not the under the Gambling Act 2005. The Council carries out checks to ensure the appropriate siting and control of gaming machines in premises licensed under the Licensing Act 2003.

3	2	N	As made clear in paragraph 10.17 of the Policy, the Council will expect licensees to share risk assessments unless there are exceptional circumstances that are accepted by the Council which would exempt a licensee from the requirement to share their risk assessment.
3	3	N	The Council carries out its licensing functions as stated in the Policy and in accordance with the Gambling Act 2005. If at any point the Council is made aware of a gambling premises operating in a way which is not compliant with its licence, or in accordance with the requirements of the Gambling Act 2005, this is investigated, and appropriate action taken where necessary.
3	4	N	The Council acts in accordance with the processes set out in the Policy.
3	5	N	A provisional statement is not an authorisation which permits licensable activities to take place, it is a provisional statement of intention to carry out licensable activities which can be issued prior to a premises being fully operational and a full licence being granted.
4	1	N	Noted
4	2-3	Y	Paragraph 14.2 amended
4	4	N	It would be remiss of an applicant to ignore high levels of any kind of criminal activity in a location, which is already placing a burden on police and other enforcement agencies, in which they propose open a gambling premises. The Council has not said that high levels of crime in a location would lead to a premises licence being automatically refused, but that it expects applicants to consider this, assess whether there is a risk and mitigate any risk identified as part of their risk assessment. If this is achieved an application is likely to be granted.
4	5	Y	Paragraphs 15.7 and 17.10 amended to remove references to concerns about fixed odds betting terminals (FOBT) in light of changes implemented in the period of the existing policy statement to significantly reduce stakes from £100 from £2. The Council does not believe that the reduced stakes entirely mitigate risks associated with FOBTs and expects applicants to address identified risks within their own risk assessments. Due consideration will still be given to the need to apply conditions to betting shop premises licences in relation to FOBT where risk assessments do not mitigate risks.

4	6	N	The Council has not said that a gambling premises application for a premises in close proximity to a mainstream school, a residential school for children with truanting problems, a hostel for vulnerable persons or a centre that provides support for problem gamblers be automatically refused. The Council does expect applicants to consider this, assess whether there is a risk and mitigate any risk identified as part of their risk assessment. If this is achieved an application is likely to be granted.
4	7	N	Comments noted.
5	All	Y	