

Summary of consultation response to draft Statement of Principles

Appendix 2

Date received	From	Comment summary	Response	Action
6.9.2015	Poppleston Allen acting for Power Leisure Bookmakers Ltd	Paragraphs 1-4 provides background to Paddy Power as a business and to the Regulators' Code to which the Authority must have regard. It advises that Licensing Authorities must avoid approaches to regulation if their policy statement which mirror those already imposed by the Gambling Commission.	Comments considered and noted. Paragraphs 7.2 and 16.6 of the draft policy refer to the Authority seeking to avoid any duplication with other statutory or regulatory regimes so far as is possible.	No further action considered necessary
		<p>General Policy Commentary – Paragraph 5</p> <p>Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives.</p> <p>The draft statement correctly identifies that unmet demand is not a criterion that can be considered and that duplication with other regulatory regimes will be avoided.</p>	<p>Comments considered.</p> <p>Paragraphs 3.1 and 5.2 of the draft statement refer.</p> <p>Paragraphs 7.2, 16.5 and 16.6 of the draft statement refer.</p>	<p>No further action considered necessary</p> <p>No further action considered necessary</p>
		Location and local area risk assessment- Paragraphs 6-12		Three new paragraphs, 2.4 – 2.6 have been added to the statement to reflect Local area Profiling and area risk assessment matters raised.

		<p>6. We believe the draft policy must be amended to follow the better regulation principles contained within the Regulators' Code as the suggested draft does not adhere to better regulation.</p> <p>7. Where variations are made to existing permissions, additional measures should only be considered where empirical evidence suggests there is an actual risk to the promotion of the licensing objectives and that existing approved measures are insufficient to address those concerns.</p> <p>8. The Authority must consider extensive policies already implemented by operators in accordance with the Gambling Commissions LCCP. Without evidence to suggest such policies are insufficient to address concerns within local areas, a repeat analysis of standardised procedures within new applications will not be proportional or necessary and it would duplicate the requirements under operating licence provisions.e.g. advertising practice, self-exclusion, age verification, training and the provision of appropriate information are imposed as code provisions under the licensing conditions and codes of practice.</p> <p>9. The draft confirms that the Authority will pay attention to the protection of children and vulnerable persons from being harmed or exploited by gambling and that consideration will be given to the location of proposed premises, in particularly</p>	<p>Comment considered and noted. Section 11 of the draft statement addresses a risk based approach, reflecting the district and there is specific reference to the Regulators Code.</p> <p>Comment considered and noted.</p> <p>Comment considered and noted. Each application is considered on its individual merits/ on a case by case basis. Para 7.4 and 16.9. of the draft statement.</p> <p>Comment noted and agreed. Contained within paragraphs 7.16-7.25 of draft policy</p>	<p>No further action considered necessary</p> <p>No further action considered necessary</p> <p>New paragraph 7.3 inserted</p> <p>No further action considered necessary.</p>
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		<p>sensitive locations along with known high levels of crime and disorder. To fully address concerns all risk profiles must be based on factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed premises do not pose a gambling related risk to children and young people and additional measures control or conditions should not be imposed to address wider social issues.</p> <p>Any reference to vulnerability should address evidence based risks of gambling related harm caused to individuals and populations identified. Any proposed measures to mitigate those risks will only be appropriate where they cannot be addressed by operators' existing measures and compliance with governing legislation</p> <p>10. Although the policy identifies there is a clear distinction between disorder and nuisance, the Authority must consider that nuisance was rejected as a licensing objective. As a part of any analysis of crime and disorder the Authority must consider the prevalence of illegal gambling and ensure that any policy or controls proposed to address crime are proportionate to the existing operational procedures implemented and that they will effectively address any concerns identified.</p> <p>11. If introducing policies regarding the location of specific gambling premises, details should be provided to stakeholders at that time. Any evidence</p>	<p>Noted. This would need to be addressed in a separate risk profile document, should an evidential risk be identified.</p> <p>Comment considered and noted. Illegal activity covered in 11.5 of the draft policy</p> <p>Comment considered and noted</p>	<p>No further action considered necessary at the present time.</p> <p>No further action considered necessary</p> <p>Addressed by new paragraphs above</p>
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		<p>gathered should correlate with actual risks identified in those locations assessing any detrimental impact the proposed gaming provision may have.</p> <p>12. Any finalised policy must not suggest that gaming related applications pose an inherent risk to vulnerable people regardless of status or evidence of actual harm.</p>	<p>We believe our statement does not identify this suggestion.</p>	<p>No further action considered necessary</p>
		<p>Primary Authority – Paragraph 13</p> <p>Power Leisure has established Primary Authority Partnerships with Reading Council.</p>	<p>Noted, but for consistency, is not considered as being appropriate or necessary for inclusion within the policy.</p>	<p>No further action considered necessary.</p>
		<p>Conditions – Paragraph 14</p> <p>The Authority must consider that operators are required to uphold social responsibility.</p> <p>Additional conditions should only be imposed in exceptional circumstances where evidence based risk are identified and operators existing provisions are considered inadequate to specifically address those concerns.</p>	<p>Considered and noted</p> <p>Sections 16.8 – 16.15 in the draft policy address conditions, acknowledging that mandatory and default conditions have been set by the Secretary of State. The draft policy (16.8) states that any conditions attached to the licence by the licensing authority will be proportional to the circumstances they are seeking to address. 16.9 refers to a perceived need.</p>	<p>No further action considered necessary</p> <p>Paragraph 16.8 expanded</p>