

Gambling Act 2005 Statement of Licensing Policy

Appendix 2: Table of Changes to the existing 2013 Policy

Pre consultation

Page/Section	Proposed Amendment
Cover Page	Remove County logos as the Policy must be specific to the relevant Licensing Authority
Page 2	Insert revision table
Part A: Section 2.1	Delete as the Policy must be specific to the relevant Licensing Authority
Part A: Sections 4.2, 5.3, 7.3, 7.4 Part B: Sections 1.7, 1.10 (x2), 1.11, 1.16, 1.19, 1.20, 1.28, 1.36, 5.1, 5.2, 5.3, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10 Part C: Sections 1.2, 4.3, 4.5, 4.6, 5.4	Delete specific reference to paragraph numbers and quotes in the Gambling Commission's Guidance to Licensing Authorities (The Guidance) NB. the Guidance is currently subject to review
Part A: Section 7.5	Include ' <i>...the Primary Authority, if applicable...</i> ' and delete ' <i>Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.</i> ' i.e. the latter statement may conflict with Primary Authority Assured Advice
Part A: Section 7.7	Replace ' <i>Better Regulation Executive</i> ' with ' <i>Department for Business Innovation & Skills</i> '
Part B: Section 1.3	Wording amended to reflect the Guidance that is currently subject to review
Part B: Section 4.1	Blank to insert casino resolution
Part D: Annex 1	Delete as the Policy must be specific to the relevant Licensing Authority
Part D: Annex 4	Delete as incorporated into Part B: Section 4.1

Post consultation

Page/Section	Proposed Amendment
Part B: Paragraphs 1.4 and 1.5 <i>Namely:</i> 1.4 This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licenses. 1.5 In making this determination, this	Delete both paragraphs. The consultation process threw doubt on these paragraphs being lawful. Having taken advice from the Gambling Commission, they confirmed that they intend to consult on this issue (i.e. Primary Gambling Activity) shortly and that it is currently covered in their recently revised Guidance to Licensing Authorities (5 th edition - September 2015) which will facilitate robust decision making by the Council. As such, it is proposed that Paragraphs 1.4 and 1.5 of Part B of the draft Policy Statement are removed and Officers will duly monitor the aforementioned consultation.

<p>licensing authority will have regard to the six indicators of betting as a primary gambling activity:</p> <ul style="list-style-type: none"> • the offer of established core products (including live event pictures and bet range) • the provision of information on products and events • the promotion of gambling opportunities and products • the actual use made of betting facilities • the size of premises • the delivery of betting facilities 	
<p>Part B: Paragraph 1.16</p> <p><i>Namely:</i></p> <p>(iv) Location</p> <p>1.16 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. 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 showing how potential concerns can be overcome.</p>	<p>Delete the last two sentences of Paragraph 1.16 of Part B of the draft Policy Statement</p> <p>The consultation process threw doubt on the last two sentences of this paragraph being lawful. Having taken advice from the Gambling Commission, they suggested that the two sentences in question could be removed and replaced with a sentence stating that the Licensing Authority has the option of adding conditions to a premises licence to address any such concerns. If is proposed that this is actioned as suggested by the Gambling Commission.</p> <p><i>NB. This can be seen as Paragraph 14 in the revised draft Policy Statement due to re-numbering of the paragraphs following the above paragraph deletions.</i></p>