

ID	Respondent	Policy/Point	Comment	Appraisal	Response
1	Gambling Commission	General	Being given consideration	No further comment received from the Gambling Commission.	No action required
2	Churches Together	General	No comments and requested to be removed from the mailing list	No action possible	No action taken
3	Association of British Bookmakers	Crime & Disorder - Door Supervision	<p>Suggestion that the following paragraph be inserted into the Policy:</p> <p>‘There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate’</p>	Applications must be dealt with on a case by case basis and take account of all the evidence presented to the licensing authority. For example, it may be appropriate to require door supervision in areas subject to high incidences of crime. To insert the suggested paragraph could possibly be construed as the authority “fettering its discretion”. Paragraph 3.3 is considered to have covered the subject of door supervision.	No action required. See paragraph 3.3
		Betting machines	Betting machines are referenced in Section 181 of the Gambling Act 2005. It is suggested that the policy state, “while the Authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this Authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.”	Paragraph 16.33 of the national Guidance to Local Authorities details the Section 181 powers concerning restricting the number of betting machines. “When considering whether to impose a condition to restrict the number of betting machines in a particular premises the licensing authority, amongst other things, shall take into account the size of the premises, the number of counter positions for person to person transactions, the ability of staff to monitor the use of machines by children, young people and vulnerable persons.”	Paragraph 5.23 of the draft statement should include appropriate references to vulnerable people and number of counter positions.

		General comments	That the statement of principles does not follow the LACORS template and departs from the guidance and the note to accompany the template in a number of areas. In the introduction to the statement the authority is stated to be seeking to “promote” the 3 licensing objectives- a duty not mentioned in the Act. Only the Gambling Commission has a duty in Section 22 of the Act.	Draft statement begun before availability of the LACORS template but covers similar matters. The “LACORS Statement of Principles Template” in part A point 1 refers to, “...licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act...” The use of “promote” is incorrect.	Amend 1.2 in the draft statement concerning the licensing objectives to reflect the LACORS template and legislation.
		Policy 1- paragraph 2.4 Representations	The draft indicates the authority will take a number of criteria into account when determining whether or not a person lives sufficiently close to the premises or has business interests that are likely to be affected. The “nature of the business making the representation” is of no relevance and the statement notes that “issues of demand” will not be taken into account. The draft indicates that the likely catchment area for the application premises is a matter that may be taken into account but requires an assessment of demand. The draft statement should be clear to what may/may not be taken into account.	Paragraph 2.5 of the draft statement widens the term, “business interest” to include charities, churches, medical practices, schools and other establishments and institutions.” Paragraph 2.16 is concerned with irrelevant considerations and already mentions, “need and demand” as irrelevant matters. Policy 1 lists the matters that the authority may take into account in coming to a decision over the proximity of a resident or someone with business interests having made a representation.	No action taken. No action taken.
		Paragraph 2.10	Paragraph 2.10 contains a list of matters the authority feels should be satisfied in order to make a representation relevant. It is submitted that the objections on moral grounds or grounds of demand would render a representation irrelevant.	Paragraph 7.41 of the Guidance to Licensing Authorities advises on what relevant representations are. Paragraph 2.10 follows the national guidance. Paragraph 2.16 mentions “demand” as an irrelevant matter.	No action taken.

		Paragraph 2.15	The example representation given is based upon “demand” and therefore irrelevant. The policy should however be clear that somebody with business interests could make a valid representation based upon the licensing objectives.	The example is meant to demonstrate that “demand” is not considered a valid reason for making a representation.	No action taken.
		Premises Licences – Re-site applications	It is hoped that licensing authorities will wish to endorse and support the natural progress and improvement of the industry. It is requested that the policy positively encourages, or at least states that the authority will give sympathetic consideration to re-sites within the same locality and extensions to the premises in order to enhance the quality of the facility provided to the public.	This point was considered by NALG and it was agreed by the group that the suggestion was one which if incorporated into the statement could mean that the authority would be potentially “fettering it’s discretion”.	No specific action is proposed over this comment.
		Enforcement	It is requested that the policy includes wording along the following lines: “The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise”	This point was considered by NALG and it was agreed by the group that the single point of contact requested is required by the proposed draft application form for a premises licence.	No specific action is required over this comment.

		Crime and disorder- Paragraph 3.2	<p>Paragraph 3.2 states that “the authority will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder”. The draft should indicate that it would require evidence from the police if it were to come to the conclusion that to grant an application would increase crime and disorder problems.</p> <p>The draft contains examples of security measures that “the authority will particularly take into account”. Members of the ABB are experienced in cash handling and aspects of security are best left to operators than prescribed by the local authority. There are also security risks involved with publicising security features in open hearing and it is submitted that security matters, in the absence of representations, are best left to the individual operator.</p>	<p>Paragraph 3.3 is concerned with crime and disorder in areas and includes consultation with the police and other relevant authorities. Paragraph 3.6 also mentions similar consultation over matters of disorder.</p> <p>Within the range of matters set out in Paragraph 3.2 businesses are free to organise their security arrangements to meet their particular business requirements and take benefit from their experience in cash handling.</p>	<p>No specific action is required over this comment.</p> <p>No action required.</p>
4	Gamcare	A mixture of general comments	<p>All leaflets giving assistance to problem gambling to be clearly displayed in prominent areas such as toilets where they will be more discreet. This will give certain anonymity.</p> <p>Operators to have regard to best practice issued by organisations that represent vulnerable people.</p>	<p>This point was considered by NALG and it was agreed by the group that where appropriate this may be a condition of a premises licence.</p> <p>This point was considered by NALG and it was agreed by the group that this would be policed by the Gambling Commission.</p>	<p>No action required</p> <p>No action required</p>

			All ATM or cash terminals in premises should be away from gaming machines, and should display stickers with Gamcare helpline information	Paragraphs 5.6 and 5.7 allow the Licensing Authority to consider the location of ATM or cash terminals when determining a premises licence application. NALG did not consider it appropriate to promote Gamcare specifically in the statement of principles.	No action required
			Fixed Odds Betting Terminals should have the odds clearly displayed.	This is controlled by the Gambling Commission	No action required
			Clear and visible signs to be displayed relating to age restrictions in betting and gaming establishments	If required this would be a condition of the premises licence and would be decided on a case by case basis.	Not considered appropriate to include in the statement of principles.
			Display posters suggesting 'Stay in control' of your gambling with details of the Gamcare telephone number and website.	If considered appropriate provision of these posters could be included as a condition of a licence, however, it was not considered appropriate to specifically promote Gamcare in the statement of principles.	Not considered appropriate to include in the statement of principles.
			Compulsory 'chill out' rooms in all casinos.	Quiet areas away from the gambling tables in a casino could be required as a condition attached to the licence. It was not considered necessary by NALG to insist on the compulsory provision of 'chill out' rooms as part of the statement of principles.	Not considered appropriate to include in the statement of principles.
			Ensure no fruit machines are situated in Mini cab offices / takeaways	Section 282 of the Act does not allow machines in these types of premises	No action required as this is already controlled by the legislation

5	British Beer and Pub Association (BBPA) supported by British Institute of Innkeeping (BII); the Association of Licensed Multiple Retailers (ALMR) and the Federation of Licensed Victuallers Association (FLVA)	Alcohol Licensed Premises – Number of ‘amusement with prizes’ (AWP) machines allowed in licensed premises.	Suggests that the paragraph is incorrect and should be removed, in that where additional machines are granted to the premises it replaces the automatic entitlement under Section 282 of the act	Section 26.4 of the ‘Guidance to Licensing Authorities’ states that ‘where a permit authorises a specified number of machines it will effectively replace , and not be in addition to the automatic entitlement under Section 282. NALG considered this point and agreed to make an amendment to the wording of paragraph 5.22 of the statement of principles.	Amendment to the wording of paragraph 5.22 in line with consultation point.
		Alcohol Licensed Premises – Granting of additional permits for AWP machines	The BBPA feel that the four bullet points in paragraph 5.23 with regard to the granting of additional permits are not necessary. They feel that operators when applying will be complying with Gambling Commissions Code of Practice and therefore there is no reason why the application should not be granted.	This was considered by the NALG group but they decided that apart from a minor amendment to the opening sentence the bullet points should remain in the statement of policy. It is section 26.9 of the guidance which refers to additional machine applications and it states, “ <i>In determining the application the authority must have regard to the licensing objectives, the guidance and may also take into account any other matters which are considered relevant to the application</i> ”. Although the four bullet points are not exhaustive they are indicative of the types of other matters that the licensing authority may have regard to.	Alteration to the wording of the first sentence of paragraph 5.23 of the statement of principles.

	Applications for more than two AWP machines at Licensed Premises	The BBPA understand that some Licensing Authorities are taking the view that premises would be granted up to four machines without the need for a hearing.	This was considered by NALG and it was concluded that the Act provides automatic entitlement to two machines. The number of further machines on each application would be judged on its merits and to have a standard policy stating that you could automatically have four machines would be in complete conflict with the Act which clearly states that you can only have two as of right.	No action proposed
	Application Forms	The BBPA would support a national agreed format for AWP permit application forms	The Local Authority Co-ordinators of Regulatory Services (LACORS) are in the process of developing such a form which may be used voluntarily by authorities.	No action deemed necessary
	Attaching conditions to AWP permits	The BBPA believe this paragraph to be confusing as in their opinion licensed premises cannot have conditions attached to applications.	This comment refers to paragraph 5.25 of the statement of principles which is mirrored by Section 26.5 of the guidance and is therefore considered applicable.	No action deemed necessary
	Protection of children and other vulnerable persons	The BBPA would emphasise that pubs have had AWP machines for many years and have pressed for legislation prohibiting under 18's from playing such machines. They therefore welcome the new legislation.	No action required	No action taken
	Transitional arrangements	It would be helpful if more details of the transitional arrangement were made available in the document	The point was considered by NALG and agreed that the arrangements for the application process during the transitional phase would be determined by regulations.	Not considered necessary to duplicate a legal process in the statement of principles.

6	British Amusement Catering Trades Association (BACTA)	Mandatory and default conditions and codes of practice	“The gaming industry has been operating responsibly for many years under voluntary codes of practice which were developed in conjunction with the Gaming Board. BACTA is now working with the Gambling Commission to develop the mandatory codes which will continue to regulate the industry”.	This is a statement rather than a comment. Please note that all twelve of the points raised in BACTA's response to the consultation exercise were in essence statements, rather than comments on the content or wording of the statement of principles. For this reason selective parts of the response are shown in this table.	NALG agreed that no action is required on any of the statements made by BACTA.
		Local authority discretion	The exercise of the local authorities discretion is an essential part of regulation under the Act and the principles that are to be applied are to be viewed against the duty of the licensing authority under section 153 which is to “aim to permit the use of gambling”	This is covered by paragraph 2.8 of the statement of principles	No action required
		Door supervision	It should be noted that it was not Parliament's intention to require door supervision other than in relation to casinos under Section 176. Therefore a condition for door supervision should not be imposed unless justified on the basis of the application of pre-requisites applying to the addition of conditions set out under the heading above.	Door supervision is covered by paragraph 3.3 of the statement of principles	No action required
7	Bingo Association	General comment on the section relating to bingo	Requested that the wording in the LACORS template could be used as they felt that this was more robust than the wording that NALG had used.	It was agreed at a meeting of NALG on 25 August 2006 that both the wording of the LACORS template and Nottingham City Council's template would be looked at and inserted if felt appropriate.	Amendment of paragraphs 5.41 to 5.45 of the statement of principles to reflect the concerns of the Bingo Association.

8	The Noble Organisation	Paragraph 1.3-aim of the authority	Para 1.3 sets out the aim of the authority in preparing the draft statement. Suggested that the aim is to set out the principles that the authority will apply in exercising its licensing functions under the act and not to address the impact of licensed premises.	Amended wording will emphasise the wide role of the authority with respect to gambling.	Reword aim to incorporate suggested change.
		Paragraph 1.5-periodic review of the statement	Draft statement does not confirm that the statement will last for a maximum of 3 years.	Paragraph 1.5 states that, "a review of the statement will take place periodically and in any event every three years."	No changes required.
		Policy 1 paragraph 2.4	The list of factors includes, "the nature of the business making a representation". What relevance does this have to the list of factors?	Paragraph 2.5 of the draft statement widens the term, "business interest" to include charities, churches, medical practices, schools and other establishments and institutions." Paragraph 2.16 is concerned with irrelevant considerations and already mentions, "need and demand" as irrelevant matters.	No changes required.
		Policy 1 paragraph 2.4	The relevance of, "the character of the area" cited as a factor to be taken into account in determining if someone lives sufficiently close to a particular premises. Considered a planning issue and duplication of the licensing function.	The character of the area is intended to reflect whether the area contains premises where children or vulnerable people may frequent that may have a bearing to the representation.	No action required.
		Paragraph 3.2-factors to be taken into account when considering applications	Confusion over the use of the words, "policing problem" in the final bullet point suggesting that police resources may be an issue to be taken into account, regardless of whether the grant of the premises licence would have any effect on crime and disorder.	The use of, "policing problem" in paragraph 3.2 is to allow crime and disorder considerations in the area to be taken into account not police resources.	No action required.

	Paragraph 3.3- provision of door supervisors	Reference in paragraph 3.3 to a possible “requirement for provision of door supervisors” in furtherance of the crime and disorder objective. Important the statement emphasises that each application will be dealt with on its own merits. The singling out of a possible requirement runs the risk that it will be seen as a pre-requisite and plainly the legislation emphasises that “one size does not fit all”. Removing the reference to a possible requirement for the provision of door supervisors would not restrict the authority in its consideration of any and all appropriate conditions that are relevant to the premises and type of licence applied for, fairly and reasonably related to the scale and type of premises and reasonable in all other respects.	The final bullet point in Paragraph 1.14 of the draft statement notes, “the need to treat each application on its own merits taking into account the individual circumstances at each premise.”	No action required.
	Paragraph 5.1.2- factors the authority will consider for an adult gaming centre (AGC)	Paragraph 5.1.2 provides 2 factors which the authority will consider in determining an application for an AGC. No explanation is given to “location” which is a planning issue and not a licensing one. Location should not be included in the list of factors in paragraph 5.1.2.	The use of, “location” as a factor for consideration is intended to reflect whether the area contains premises where children or vulnerable people may frequent that may have a bearing to the application.	No change.
	Policy 4 paragraph 6.6	A list of factors, including “location” are given which will influence the risk rating of a premises and the level of inspections. The relevance of “location” is questioned when determining the risk a premises poses. The key issue is the degree of control demonstrated by the operator and well managed premises have a much reduced risk regardless of their location.	The location of a licensed premises may affect the risk level of the business from the licensing objectives standpoint. It is acknowledged that management has a strong role to play in reducing risk.	No amendments required.

		Policy 4 paragraph 6.6	Penultimate bullet point refers to a factor of the “potential to have an adverse effect on the licensing objectives”. Its inclusion is not understood and is likely to give rise to significant confusion and challenge. It is considered that the enforcement history and management record of a premises will for inspection purposes have more relevance to the licensing objective.	The potential for an individual business to affect the licensing objectives is one consideration in the risk based inspection approach but which also recognises other factors.	No change required.
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