

**GAMBLING ACT 2005  
DRAFT STATEMENT OF PRINCIPLES  
REPRESENTATIONS RECEIVED AND PROPOSED AMENDMENT**

Made by	Representation	Proposed Amendment (if any)
Responsible Authority: HM Customs and Excise	REMOVE <a href="mailto:NRUBetting@Gaming@HMRC.gsi">NRUBetting@Gaming@HMRC.gsi</a> REPLACE WITH : <a href="mailto:NRUBetting&amp;Gaming@HMRC.gsi">NRUBetting&amp;Gaming@HMRC.gsi</a> HM Revenue and Customs Excise Processing Teams BX9 1GL	Agree to make amendment
Responsible Authority: Police	Page 4, item 4.3 REMOVE: Devon and Cornwall Constabulary REPLACE WITH: Devon and Cornwall Police	Agree to make amendment
Responsible Authority: Devon & Somerset Fire & Rescue	No comments	No action to be taken
Bovey Tracey Town Council	Page 5 – para. 2.2 date statement takes effect – Devon	No action to be taken - Made no sense, tried to contact by telephone but no response, emailed to date no response
Gosschalks, Solicitors on behalf of Betting and Gaming Council (BGC)	<p>Paragraph 13.7 (under the heading “Risk Assessments”) gives a list of examples of matters that the licensing authority expects operators to take into account when making their risk assessment. This list should be redrafted to exclude matters that are not relevant to an assessment of risk to the licensing objectives.</p> <p>For example, “<i>Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc</i>” should be removed as none of these issues have any relevance to an assessment of risk to the licensing objectives.</p> <p>Similarly, “<i>gaming trends that may mirror days for financial payments such as pay days or reflect benefit payments</i>” should be removed unless it is the Licensing Authority’s view that any person in receipt of benefits or paid employment is either vulnerable or their gambling is likely to be a source of crime and disorder, associated with crime or disorder or being used to support crime.</p>	<p>This was not an area, for consideration within the current statement of principles review. These amendments were requested on last review and were not approved to be amended.</p> <p>Therefore it is not recommended that there be any redraft of this paragraph 13.7 and the list of bullet points. The local risk assessment needs to recognise the socio-economic make-up of the area in which the premises is located. It is known that certain groups are more vulnerable to gambling harm.</p> <p>It is not the opinion that the comments are justified and as such the draft Statement of Principles will not be amended. The surrounding area of a premises and street drinkers who are potentially vulnerable persons are</p>

	<p>Finally, whilst it is accepted that buildings used for religious purposes may cater for people who may be vulnerable, “matters of faith” are certainly not relevant to an assessment of risk to the licensing objectives and should be removed from the list of bullet points.</p> <p>Paragraph 1.7 of Part B refers to a “policy” but does not refer to what this may be. This reference should be removed. We believe it remains after the previous sentence (which referred to a policy whereby areas may be designated as areas in which gambling premises should not be located) in an earlier draft was deleted.</p> <p>Paragraph 1.15 states, “<i>This licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.</i>” This is under the heading “Conditions.” This section should be amended in order that it is clear that where an applicant is suggesting its own ways of meeting the licensing objectives, this is an issue for the local area risk assessment rather than within the application itself. It is important to differentiate between Licensing Act 2003 applications (where there is the ability/mechanism to “suggest” conditions or where statements in an operating schedule can be “converted into” conditions) and Gambling Act 2005 applications where the process does not anticipate this. Within the risk assessment, an applicant will identify risks to the licensing objectives in the local area and outline in that document the policies, procedures and mitigation measures to be put in place to mitigate the identified risk.</p> <p>It is important that these policies and procedures are dealt with in the risk assessment rather than by way of licence conditions as the risk assessment is a dynamic document and (in accordance with SR Code Provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policies, procedures and mitigation measures to address those identified risks may be changed very quickly. However, if the mitigation measures are the subject of premises licence conditions, then an application for variation of the premises licence</p>	<p>important factors in producing the risk assessment and appropriate mitigations.</p> <p>The Authority is aware that moral objections regarding gambling are not relevant. It is included in the draft Statement of Principles to allow licence holders when completing a risk assessment to consider all aspects including pay days and buildings around them and the people that may use those premises.</p> <p>This was not an area, for consideration within the current statement of principles review. However, agree to an amendment, but not to removal – to keep consistency within this document, agree to replace, where it relates to the statement of principles, the words ‘policy’ and ‘statement’ with ‘statement of principles’. This should then clarify this issue. This change will affect Sections 3.9, 13.1, 13.2, 1.5 and 1.7.</p> <p>This was not an area, for consideration within the current statement of principles review. However, agree to remove this sentence from Section 1.15, as it had already been included in Section 13.6 under the heading ‘Local Risk Assessments’.</p> <p>No further action. Further Comment only relating to conditions.</p>
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	will be required to change these conditions. This could delay any change and would cause unnecessary expense and administration for both operators and the Licensing Authority.	