

Gambling Act 2005

Annex 2

Schedule of Responses to Licensing Policy

Ref No:	Respondent	Who should be considered an Interested Party?	Response	Should York have a Licensed Casino?	Comments	Appraisal / Response to Comments
1	Cllr S Galloway 6 Stirrup Close Foxwood York YO24 3LU	Ward Councillors	Ward Councillors are included	No	There is no suitable site at present and no proven demand for a casino	Noted
2	Cllr D Livesley 33 Lang Road Bishopthorpe York YO23 2QJ	List in Section 6 seems quite satisfactory		No	I think this would be entirely the wrong direction to take for tourism in a city like York. To enter this field would detract from the ambience of the majority both of residents and visitors.	Noted
3	Tony Lee York Racecourse York YO23 1EX			No	Personal view as a local resident, I believe we have enough evening activity in the city.	Noted

4	<p>Holly Robarts Racecourse Services Coordinator The Racecourse Association Ltd Winkfeld Road Ascot SL5 7HX</p>			Annex 2	<p>A comprehensive response to the policy was received from the Racecourse Association Ltd stressing that consultation between the DCMS, the Gambling Commission and the Racecourse Association was still ongoing. These are the main points relevant to the policy: Delineation - there is the suggestion that a level of delineation will be required between areas on racecourses covered by different betting premises licences. Given the layout of racecourse facilities, this may not be possible or practical. In addition, if these areas are covered by the racecourse's betting premise licence, such segregation will not be necessary.</p>	<p>Any applications received for the racecourse will be considered in line with the legislation and considered on their own merits</p>
	Holly Robarts cont.				<p>Separate licences for certain facilities - the council may require off-course operators with on-course facilities to hold a separate betting premises licence for this area. Discussions with DCMS have indicated that this will not be a mandatory requirement, and will be at the discretion of the racecourse and the betting operator. This should be reflected in the Statement of Principle.</p>	<p>This is already covered in the policy</p>
	Holly Robarts cont.				<p>Location - The council is asked to consider that the location of racecourses will not have altered since their foundation, and cannot be transferred to another location.</p>	<p>Noted</p>

	Holly Robarts cont.			Annex 2	Licensing Act 03 & Private Security Industry Act 01 - racecourses are already required to provide licensed door supervisors in some roles. In line with the Governments Better Regulations Agenda, the council should not impose any further provisions relating to door supervisors.	Noted
	Holly Robarts cont.				Access by Children - note that Section 47 of the Gambling Act allows children to enter a racecourse on days when racing is taking place or is scheduled to take place.	Noted
	Holly Robarts cont.				We would also request that the Statement takes account of the fact that the Guidance to Licensing Authorities does not represent an accurate picture of the intended premise licence regime as it will apply to tracks, though it lays the framework.	Noted
5	Rosemary Suttill 39 Seventh Avenue York YO31 0TZ			No	Protection of children & the vulnerable is imperative, proof of age cards, no gambling using credit, gamblers anonymous hotline to received high profile including a % of profits.	Points regarding protection of children and credit are already covered in the policy and by legislation. The subject of profits is outside the remit of the policy.
6	Alan Faulkner Gamcare Partners 2/3 Manager Baden Place Crosby Row London SE1 1YW				All local authorities must now recognise that they should have a 'Duty of Care' and become 'Corporate Parents' assisting the residents of their authority with gambling addictions.	Noted

	Alan Faulkner cont.			Annex 2	Gamcare request the following are addressed either in the policy or as part of the Licensing conditions:	
	Alan Faulkner cont.				1. The sale and distribution of controlled drugs and the laundering of the proceeds of drugs to support gambling.	Covered by legislation
	Alan Faulkner cont.				2. Prostitution to feed gambling needs.	Covered by legislation
	Alan Faulkner cont.				3. Any unlawful gaming gambling and betting.	Covered by legislation
	Alan Faulkner cont.				4. All leaflets giving assistance to problem gambling clearly displayed in prominent areas such as toilets.	Included in policy, this practice will be encouraged
	Alan Faulkner cont.				5. Self exclusion forms available.	Included in policy, this practice will be encouraged
	Alan Faulkner cont.				6. Operator must have regard to best practice issued by organisations that represent the interests of vulnerable people.	Included in policy, this practice will be encouraged
	Alan Faulkner cont.				7. On machines such as FOBTs the odds clearly displayed.	Covered by legislation
	Alan Faulkner cont.				8. All ATM or cash terminals to be separate from gaming machines, so that clients will have to leave the machine for more funds if so required. They should also display stickers with GamCare Helpline information positioned prominently on machine.	Included in policy at paragraph 18.3 and may be subject to further regulation
	Alan Faulkner cont.				9. Social responsibility must be adhered to and mentioned at all times when reasonable.	Noted

	Alan Faulkner cont.			Annex 2	10. Clear visible signs of age restriction are clearly displayed in gaming or betting establishment, also entrances to gambling and betting areas are well supervised and age identification verified.	Covered in the policy
	Alan Faulkner cont.				11. Posters displayed suggesting 'stay in control of your gambling' with details of GamCare telephone number and website.	Included in policy, this practice will be encouraged
	Alan Faulkner cont.				12. Compulsory non-gambling areas or 'Chill out Rooms' in all casinos if relevant.	Noted
7	John Campion Head of Administration Rank Group Gaming Division Rank Group Plc Stateman House Stafferton Way Maidenhead Berkshire SL6 1AY			Yes	Rank Group Gaming Division is of the view that a casino in York would be beneficial to the city for a number of reasons: 1. An additional leisure facility for the local community. 2. Additional employment and career opportunities for local people. 3. A potential attraction for both existing and additional visitors.	Noted
8	Nick Blitz 22 South Lane Haxby York YO32 3JB			Yes	Would prefer any licensed casino licensed to; - be permitted only in purpose-built premises, rather than modifying an existing structure or within, say, an existing hotel; - that it should not be permitted within the City Centre; - that it should be built on a site with substantial on-site, or adjacent, car parking: clearly this need not exclude a development on, or adjacent to, any current or planned Park & Ride facility.	Noted

9	David Hunter 5 Larch Way Haxby York YO32 3RT	To include all Parish Councils	Parish Councils are already included	Yes Annex 2	A modern tourist city should have modern amenities.	Noted
10	Lee Le Clerq North of England Regional Secretary British Beer & Pub Association 1 Nine Elms Lane London SW8 5NQ				A comprehensive response was received. Points relevant to the policy are listed below; <u>Protection of children and vulnerable persons</u> - stresses importance of the management of gaming machines in pubs to ensure minimum age requirement is complied with, eg by requesting recognised ID such as a PASS accredited proof of age card, driving licence or passport.	Specific reference to recognised ID now included in policy at 16.3.
	Lee Le Clerq cont.				<u>Grant of additional permits</u> - when operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice [. . .], there is no reason why these should not be granted. It would be helpful if the Statement of Principles could reflect this.	Noted
	Lee Le Clerq cont.				<u>Application procedures for more than two machines</u> - Would welcome inclusion in the policy of an outline of the application procedures for permits for more than two machines.	Included in policy at paragraph 30.2
	Lee Le Clerq cont.				<u>Transitional arrangements</u> - It would be helpful if some reference to transitional arrangements could be included either in the policy or in the form of separate guidance.	Brief reference included in policy at paragraph 35. Guidance will be sent to existing businesses in due course.

11	Alan Robinson Clerk to Rawcliffe Parish Council Green Bank Harton York YO60 7NP	The same as Licensing Act 2003.	Legislative definition of interested party in Gambling Act is wider than the Licensing Act	No Annex 2	1. The Parish Council believes that the draft statement is wide-ranging in content and entirely suitable for its purpose. 2. York should not have a Licensed Casino and suggest that York should not have a Casino policy at all.	Noted
12	Jean Shepherd Foxwood Residents Association 128B Foxwood Lane Acomb York YO24 3LT	People who live close by and people with business interests in the area.	Already included	Yes	As long as it [casino] is run properly and safely I see no problem.	Noted
13	PC 293 Mike Welsh North Yorkshire Police Licensing Section Fulford Road York YO10 4BY				The police neither have any issues with this policy nor have any comments regarding the 'No Casino' resolution. As a responsible authority, the North Yorkshire Police (Licensing Unit) will work closely with the Local Authority to promote the licensing objectives of the Gambling Act 2005.	Noted
14	Graham Huntington graham.huntington@ btinternet.com			No	I think it is very important that the Council reconsiders its policy, and adopts a 'No Casino' approach.	Noted

15	<p>Bond Pearce LLP 3 Temple Quay Temple Back East Bristol BS1 6DZ (on behalf of the Association of British Bookmakers)</p>			Annex 2	<p>Comprehensive response received, items relevant to the policy are listed: <u>Door supervision</u> is not necessary for Betting Offices and request that the following paragraph be added; ". . . 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>	Paragraph added to policy at 17.2
	Bond Pearce LLP cont.				<p><u>Betting Machines</u> - request the following paragraph be added; "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."</p>	Noted

	Bond Pearce LLP cont.			Annex 2	<p><u>Re-site applications</u> - Over the last two decades in particular, betting offices have been subject to an evolutionary process of enlargement and improvement [. . .]. Frequently, this has involved re-siting within the same locality. Under the former regime, such re-sites were positively welcomed by licensing authorities concerned to improve the general level of facilities in their area, and were rarely objected to by competitors. This was recognised in the leading case of <i>R(Hestview) v Snaresbrook Crown Court</i>. It is requested that the policy positively encourage, or at least state that the authority will give sympathetic consideration to, re-sites within the same locality and extensions in order to enhance the quality of the facility provided for the benefit of the betting public.</p>	This approach could be contradictory to the presumption that each application should be considered on its own merits. Applications will be determined after taking into account all relevant factors.
	Bond Pearce LLP cont.				<p><u>Enforcement</u> - It is requested that the policy includes: "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."</p>	Paragraph added to policy at 13.6

16	Clementhorpe Community Association 2 Lower Ebor Street York YO23 1AY	Houses, businesses, churches, residential/nursing homes, community/social groups and related halls/centres etc within at least half a mile.	Legislation includes residents / businesses in area likely to be affected. A half mile radius excludes representations outside the area which may be relevant to large/complicated applications and could undermine presumption that an application is considered on its merits and with regard to paragraph 10.2. Community/social groups and related halls/centres etc not deemed to be interested persons under the Act unless actual businesses.	No Annex 2		
17	Brenda Ellis brenda@chestnut59. freeserve.co.uk			Yes	People should not be denied a night out to have some pleasure.	Noted
18	Alan L Rowntree 38 Walmer Carr Wigginton YO32 2SX			No	Such establishment could attract elements of the criminal fraternity, create problems associated with addiction and destroy the moral fibre of the city of York.	Noted
19	John Moore 28 The Village Osbaldwick			No	A casino would lead to an increase in crime due to the need to gamblers to find extra money to finance such activity.	Noted

20	Phil Jones 1 Almerly Tee Bootham York			Yes Annex 2	I do not agree in banning something that can be a pleasure for the majority who partake for the sake of the potential misdeeds of the minority, as this is the easy option. I do not agree with the 'no casino' resolution.	Noted
21	Vicki Gimbley theall2gether@yahoo.co.uk			Yes	A casino in York is an excellent idea. York has to move with the times.	Noted
22	Anita Bartholomew 71 Seventh Avenue York YO31 0UQ			No	A casino would bring more problems to the area. We already have problems from alcohol abuse and to add gambling on top of this would just make things worse.	Noted
23	Mr D & Mrs S Finch 9 Trentholme Drive York YO24 1EL			No		Noted
24	Nick Bird 20 Raven Grove York YO26 5PL			No	There are enough avenues for gambling already. And I am concerned that some people would be even more prone to addiction if one was to be established.	Noted
25	Mrs J R Turner 128 Moor Lane York YO24 2QA			No		Noted

26	June Hampson & Jean Stubbington twojays-res@supanet.com			No Annex 2	York and it's citizens have a responsibility to the residents and visitors alike, especially for their moral welfare. [. . .] To allow a casino would be to shirk and disregard those responsibilities, it would lower the tone of city life and be providing something that people do not need or expect.	N
27	Gillian Cruddas Chief Executive York Tourism Bureau 20 George Hudson St York YO1 6WR	Tourism Bureau	Tourism Bureau will be considered an interested party as it represents many businesses within York. The relevancy of any representation made will be considered on its own merits		Would like to be kept in the loop, interested from a tourism perspective in the benefits of a casino to certain segments of our target market but that at the present time we are unsure as to what these benefits are.	Noted
28	Mr & Mrs W Sessions Six Rawcliffe Grove Clifton York YO30 6NR			No	Do not want our beautiful city turning into a city of addicts.	Noted
29	P Allenby 57 Kexby Avenue Hull Road York YO10 3HF			No		Noted

30	Dom Doherty 15 Eastfield Crescent Badger Hill York YO10 5HZ			Yes Annex 2	Cllr Waller needs to listen to the people. People are sick and tired of the Nanny State we don't need his outdated views on what we should and shouldn't have.	Noted
31	Stuart Kay SIKay@aol.com			Yes	The risk inherent in gambling can be managed and I believe a city the size of York with its major tourist industry should have a range of amenities including a casino.	Noted
32	Dave Taylor 26 New Walk Terrace York YO10 4BG				Under Part A, 9.1 I wonder what miners' welfare institutes are extent in York. Has this draft been copied from elsewhere?	LACORS (Local Authorities CoOrdinators of Regulatory Services) template used
	Dave Taylor cont.				Part B, 1.5 The combination of alcohol and gambling does not encourage responsible or controlled gambling. Premises should not be licensed for both alcohol and gambling.	No discretion as the legislation allows this
	Dave Taylor cont.			No	Part B, 4.2 I strongly believe that the Authority should pass a no casino resolution. York is not a city which is in need of gambling-led regeneration.	Noted
33	C Godfrey Bishopthorpe Parish Council The Village Hall Main Street Bishopthorpe York YO23 2RB	Residents in close proximity of the proposed development	Already included	No	A casino would attract an entirely different clientele to one that visits the Historic city of York. The two would seem to be in direct conflict and therefore the Casino would not be a desirable addition to this city.	Noted.

34	Meg Armstrong-Speed & Edward Wilcock artconsulyork@aol.com			No Annex 2	A casino would only appeal to gamblers Gambling is a serious addiction that undermines the family - dashes dreams and frays the fabric of society.	Noted
35	R Bileckyj cityandcountrytravel@ vodafone.net			Yes	Yes we should have one. As it gives us the choice on how we spend our money. It could bring more jobs to the city, and a better class tourist with more to spend.	Noted
36	Barbara A Robinson 20 Barmby Avenue Fulford, York, YO1 4HX			No	At our AGM (BAGNARA - Broadway Area Good Neighbour and Residents Association) on 25 July 2006, it was agreed that we were opposed to a licensed casino.	Noted
37	Leslie MacLeod-Miller General Counsel BACTA (British Amusement Catering Trades Association) LindaM@bacta.org.uk	BACTA			BACTA submitted a comprehensive response to the policy stating that they were in consultation with the DCMS and Gambling Commission the following are the main points relevant to the policy: <u>Interested parties</u> It is noted that Gambling Commission Guidance states that 'interested parties' includes trade associations and although BACTA is not of itself an interested person under the terms of the Gambling Act 2005 it does represent, through its members, parties who live sufficiently close to the premises to be affected by activities being applied for.	Covered in the policy

	Leslie MacLeod-Miller cont.			Annex 2	<p><u>Proximity / location</u> [. . .] it would not be appropriate for a licensing authority to take action based upon proximity alone. A decision must only be taken based upon a reasonable analysis of evidence and therefore mere concern is insufficient ground for the refusal of an application or the imposition of conditions.</p>	Noted
	Leslie MacLeod-Miller cont.				<p><u>Door supervision</u> [. . .] 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.</p>	Noted
	Leslie MacLeod-Miller cont.				<p><u>Definition of premises</u> The gaming machine industry has operated designated adult areas within family entertainment areas for over 10 years and on the basis of evidence Parliament has accepted that this model of direct access would be adopted specifically in relation to licensing FECs and regional casinos. [. . .] While licensing authorities should take particular care in considering applications for multiple licenses under one premises, their concern should be to ensure that there are clear barriers and that the licence conditions are properly observed.</p>	Noted

	Leslie MacLeod-Miller cont.			Annex 2	<u>(Alcohol) Licensed premises gaming machine permits (Schedule 13 paragraph 4(1))</u> The Minister has guaranteed that those premises that currently site more than two machines will automatically be entitled to grandfather rights [. . .]. This principle should be preserved by licensing authorities and machine numbers should only be reduced if there is evidence of a real regulatory need.	Noted. Included in policy at paragraph 30.7
38	Ian Tempest Secretariat First Stop York Tourism Partnership			Yes	This was a comprehensive response outlining the structure and function of the group and the present situation and rate of growth of the tourist industry in York. The group believes that a high quality casino operation would be a useful addition to this evening economy mix in the city, would attract visitors from York's target markets (both UK and overseas) and would be a sufficient draw to encourage other benefits (spend on evening meals, overnight stays etc) whether it was a standalone facility or as part of a hotel development.	Noted
	Ian Tempest cont.				The Group therefore endorses the current position which is that the Council has NOT so far passed a "No Casinos" resolution and that it should continue NOT to pass this resolution.	Noted