

Gambling Act 2005**Schedule of responses to consultation on Statement of Licensing Policy 2009-12**

Ref No:	Respondent	Comments	Appraisal
1.	The Racecourse Association Ltd, Winkfield Road, Ascot, Berkshire, SL5 7HX	Location (Paragraph 9.22) - The proposed location of gambling premises may be taken into account when assessing the application. The Council is asked to consider that the location of racecourses will not have altered since its foundation, and cannot be transferred to another location.	This comment is noted but it is not considered necessary to amend the wording of the policy.
		Conditions (Paragraph 9.33) – In certain circumstances the Council may impose additional conditions on racecourses to ensure the licensing objectives are met. The Council is asked to ensure that these conditions do not exceed those premises licence conditions outlined in the Premises Licence Mandatory and Default Conditions.	As above
		Door Supervisors (Paragraph 9.40) – The Council is asked to be aware that under the Licensing Act 2003 and the Private Security Industry Act 2001, racecourses are already required to provide licensed door supervisors in some roles. In line with the Government’s Better Regulation Agenda, and the stipulation by the Council in Paragraph 9.25 that they will seek to avoid duplication with other regulatory regimes, the Council should not impose any further provisions relating to door supervisors.	In respect of York Racecourse extensive stewarding is provided across the site. It is unlikely that any additional stewarding would be required but should a specific site where gambling is occurring proves to be a problem then additional stewarding may be requested.
		Betting Machines (Paragraph 15.6) – As racecourses will not hold Operating Licences, they will also not be responsible for the provision of Betting Machines on these premises. These will be provided by third party operators, who will be required to act in accordance with the conditions of their Operating	This section in the draft policy has been amended to reflect this comment in the current guidance.

		Licence, as issued by the Gambling Commission. In line with this, and with Paragraph 20.55 of the Third Edition of the Gambling Commission's Guidance to Licensing Authorities, no restrictions should be placed on the number of Betting Machines at Tracks.	
		Provisional Statements (Paragraph 17.4) – The wording of this paragraph should be amended, as it currently implies that it will be necessary for tracks to hold an operating licence from the Gambling Commission in order to apply for a provisional statement, rather than confirming that tracks do not require an operating licence.	Wording in the consultation draft was ambiguous and has been amended.
2.	Cllr Alf Deuchars, Dunnington Parish Council, The Coppice, 9 Pear Tree Lane, Dunnington, York, YO19 5QG	No comments and no objections response from Dunnington Parish Council.	N/a
3.	Mr Lee Le Clercq, British Beer & Pub Association, Rowan House, Fairways Court, Darrington, West Yorkshire, WF8 3DH	<p>The protection of children and vulnerable persons We would like to take this opportunity to emphasise that pubs have had amusement with prize machines on their premises for many years. The BBPA has been pressing for legislation prohibiting under 18s from playing all cash machines (ACMs) since before the introduction of our Code of Practice on Minimum Age of Players, and we therefore very much welcome the restriction now contained in the new Gambling Act.</p> <p>The Association first introduced its Code of Practice in 1998, and has kept it under regular review since then. As a result of the Code, which is supported by other trade bodies including the ALMR, BII, FLVA</p>	Noted

		<p>and BACTA, ACMs coming on to the market include the “No Under 18s to Play” prohibition notice in the front of the machine. The inclusion of this notice has been achieved at the instigation of the Association in co-operation with machine suppliers.</p> <p>BBPA member company training schemes also reinforce the management of the machines to ensure the minimum age requirement is complied with, for example by requesting recognised ID such as a PASS accredited proof of age card, driving licence or passport where there is doubt that the player is 18 years of age or over.</p>	
		<p>Grant of additional permits While there is no actual requirement under the Gambling Act 2005 for machines to be sited in the bar, we believe that supervision of machines is very important and this is again reinforced by our Code of Practice and staff training. Under the new regime, when operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice (which will of course replace the BBPA Code), there is no reason why these should not be granted. It would be helpful if the Statement of Principles could reflect this.</p>	<p>Noted, compliance with the Code of Practice is a condition of any permit issued.</p>
		<p>Application procedure for more than two machines The Association would welcome the inclusion in the policy of an outline of the application procedures for permits for more than two machines. We understand that some councils are taking the view that they will grant up to four machine permits without the need for a hearing. We support such an approach in the interests of reduced administration</p>	<p>This was included in the former policy and has now been updated in the draft. HOS & AD to make determination in respect to this issue.</p>

		and bureaucracy for both Councils and applicants and would encourage you to consider this possibility.	
		Last time around, both the BBPA and LACORS were concerned about the lack of a generic application form for permits but we are pleased that a standard form is now available.	Noted
4.	Mrs M Moran, Clerk to Haxby Town Council, Council Office, The Memorial Hall, The Village, Haxby, York, YO32 3HT	The Town Council does not feel it has the expertise to comment on the licensing policy but would be interested in anything in particular that might affect Haxby. If there is anything which we should be looking at, would you please direct us to it and we will give it consideration.	N/A