

Appendix B

Summary of changes made to Statement of Principles (Fifth Edition) for 2019 to 2022

Amendments made in respect of dates, Guidance reference numbers and Statement of Principles edition throughout this document.

Gamble Aware in the document has been amended to Be Gamble Aware where stated throughout the document.

New wording is in red below and previous wording is in blue

Preface amendments

The preface now starts with “**Core content of this ‘Gambling Act 2005: Statement of Principles’ has been drafted in partnership.....**” instead of “**This ‘Gambling Act 2005: Statement of Principles’ document has been drafted in partnership.....**”

This change is to show that the core content of this Policy document has been created in partnership with the 7 districts and borough’s in Suffolk and that any new changes have been made by Mid Suffolk District Council only.

The second main preface change is to remove reference to the draft fifth edition of the Gambling Commission’s Statutory Guidance as this is now no longer a draft. Delete text “**The Licensing Authority is aware of draft fifth edition Gambling Commission Guidance in the preparation of this document, but this had not been published in a final approved form within the preparation time for the Authority’s statutory statement of principles revision. For further reference please see paragraph 2.6 of this statement of principles document.**”

Introduction

The introduction in Part A has been updated with the latest population figures before this document is adopted.

The other change in introduction is to show the Council’s new address and also the customer access locations for the viewing of the draft Statement of Principles during consultation period.

Interested Parties

Change to 5.2 of the Policy are to include details of Interested Parties living sufficiently closed to the premises. New (iii), (iv) and (v) to reflect the Statutory Guidance in Part 8.

Previous wording

5.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. These principles are:

- each case will be decided upon its merits; and
- the Licensing Authority will not apply a rigid rule to its decision making. It may have regard to a number of factors, for example:
 - (i) the size of the premises;
 - (ii) the nature of activities the applicant proposes to provide at the premises; and
 - (iii) guidance from the Gambling Commission that “business interests” should be given the widest possible interpretation (see paragraph 6.25 of the Gambling Commission’s guidance).

New wording

5.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party (including whether a person lives sufficiently close to the premises). These principles are:

- each case will be decided upon its merits; and
- the Licensing Authority will not apply a rigid rule to its decision making. It may have regard to a number of factors, for example:
 - (i) the size of the premises;
 - (ii) the nature of the premises (including activities the applicant proposes to provide);
 - (iii) the distance of the premises from the location of the person making the representation;
 - (iv) the potential impact of the premises such as the number of customers, route likely to be taken by those visiting the establishment;
 - (v) the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises; and
 - (vi) guidance from the Gambling Commission that “business interests” should be given the widest possible interpretation (see paragraph 8.14 of the Gambling Commission’s guidance).

Exchange of Information

The only change to exchange of information is to update the Data Protection Act to 2018 instead of 1998

Enforcement

7.2 now reflect that the Corporate Enforcement Policy is a Joint one between Babergh and Mid Suffolk

7.6 amends the 'Better Regulation Delivery Office' to its new title of 'Office for Product Safety and Standards'

1.9 Licensing Objectives (Part B)

Under 'Ensuring that gambling is conducted in a fair and open way' we have included details of the Authority's role in relation to tracks

"The Licensing Authority's role in relation to tracks will be different from other premises, in that track owners will not necessarily hold an operating licence with the Gambling Commission. In such circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. The Licensing Authority will have regard to the Gambling Commission's Guidance at Part 20 when considering such matters."

Amendment under Protection Children and other vulnerable persons objective, final bullet point has been amended to include some additional wording "may not be able to make informed or balanced decisions about gambling due to, for example mental health, a learning disability or substance misuse relating to alcohol or drugs" this change brings the bullet point into line with the Statutory Guidance.

Conditions 1.10

Second Bullet point in the second lot of bullet points entitled "Any conditions attached by the Licensing Authority to a premises licence shall be:" now reads "directly related to the premises (including the locality and any identified local risk) and the type of licence applied for", this change brings the bullet point into line with changes to the Statutory Guidance. Previous wording was "proportionate and directly related to the premises and the type of licence applied for"

Additional wording has been added to the third lots of bullet points, third bullet point now reads "conditions which provide that membership of a club or body cannot be required by attaching a condition to a premises licence (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)" changes are made in red to bring this bullet point into line with the Guidance.

1.14 (b) amendment here to update the body responsible for criminal record checks to the DBS (Disclosure and Barring Service) – This body has also been amended throughout the policy document.

Tracks

7.1 - the section of the Act (S353) has been added for referred as to where tracks are defined under the Act.

7.1 has been split at examples of tracks to a new 7.2 and now reads before the examples "The Act does not give a list of premises that are officially recognised as

'tracks', but there are a number of venues that could be classed as tracks, examples of tracks may include:", this change has been made to reflect the Statutory Guidance.

7.3 The different types of betting facilities – previously showed three types of approval (previously shown as authorisation) Occasional Use Notice, Temporary Use Notice and Track Premises Licence. Temporary Use Notice has been removed to reflect the Statutory Guidance which only states two types of approval at Tracks.

Part C

Club Gaming and Club Machines Permits have been amended to show that only one B3A machines can be made available as part of the entitlement to three machines under these permits. New wording is at 4.1 first bullet point is "make available for use up to 3 gaming machines of categories B3A to D (only one B3A can be made available as part of this entitlement).

New wording at 5.1 Members' Clubs and Miners' Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit, which enables the premises to make available for use up to 3 gaming machines of categories B3A to D (only one B3A can be made available as part of this entitlement (Members clubs and Miner's welfare institutes only (i.e. not commercial clubs)). Previous worded as Members' Clubs and Miners' Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit, which enables the premises to make available for use up to 3 gaming machines of categories B4, C and D. Members' clubs and Miner's Welfare Institutes only may also make available for use category B3A machines offering lottery games in the club under a club machine permit. This amendment reflects the Statutory Guidance and Statutory Instruments.

(Alcohol) Licensed Premises Gaming Machine Permits at 2.1 bullet point 2 the example has been amended to the reflect the updated example in the Guidance, and now reads "gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines" previous wording gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with".