

Primary gambling activity

Proposals for an operating licence condition and code of practice

Consultation responses form

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If you are responding on behalf of an organisation, please indicate which type of organisation:

- | | | |
|-----------------|-------------------------------------|-----------------------|
| Industry body | <input type="checkbox"/> | |
| Government body | <input type="checkbox"/> | |
| Local authority | <input type="checkbox"/> | |
| Regulatory body | <input type="checkbox"/> | |
| Charity | <input type="checkbox"/> | |
| Help Group | <input type="checkbox"/> | |
| Faith Group | <input checked="" type="checkbox"/> | |
| Other | <input type="checkbox"/> | <i>Please specify</i> |

If you are responding as an individual, please indicate your own interest:

Instructions

It would be appreciated if anyone responding to the primary gambling activity consultation document could use this response template, however if you would prefer to formulate your own response letter please could you structure your response in line with the questions laid out in the consultation document. This helps a great deal in the response analysis process. The closing date for receipt of responses by the Commission is Friday 28 November 2008.

Below are the questions we are seeking responses to. Please add your comments in the spaces provided below each question. There is space at the end of the list for any other comments.

Please be as specific as possible in your responses. If you disagree with what the Commission proposes, explain why and, if possible, give an alternative.

Responses should be sent to consultation@gamblingcommission.gov.uk or posted to

Consultation Coordinator
Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

The Commission's proposals – primary gambling activity licence condition

Q1. Do you have any comments on the drafting of the licence condition in respect of primary gambling activity in bingo premises?

We find these proposals reasonable, and those relating to the other gambling activities. We have made some more general points in response to question 10.

Q2. Do you have any comments on the drafting of the licence condition in respect of primary gambling activity in converted casino premises?

Type your response here.....

Q3. Do you have any comments on the drafting of the licence condition in respect of primary gambling activity in betting premises?

Type your response here.....

Q4. Do you have any other comments on the proposed licence condition?

Type your response here.....

The Commission's proposals – primary gambling activity ordinary code of practice provision

Q5. Do you think that an ordinary code of practice provision is the best place to provide advice on indicators of primary gambling activity? If not, what mechanism would you suggest instead?

Type your response here.....

Q6. Do you have any comments on the drafting of the code of practice provision in respect of general indicators of primary gambling activity in bingo, betting and casino premises?

Type your response here.....

Q7. Do you have any comments on the drafting of the code of practice provision in respect of indicators of primary gambling activity in bingo premises?

Type your response here.....

Q8. Do you have any comments on the drafting of the code of practice in respect of indicators of primary gambling activity in converted casino premises?

Type your response here.....

Q9. Do you have any comments on the drafting of the code of practice provision in respect of indicators of primary gambling activity in betting premises?

Type your response here.....

Q10. Do you have any other comments on the proposed code of practice provision?

We welcome the general approach of the Gambling Commission to the issue of primary gambling activity. In so doing it is upholding the third objective of the Gambling Act, as we outlined in our submission to the earlier consultation.

We find the proposed licence conditions in relation to the different types of premises reasonable. However, we are aware that many Licensing Authorities have limited means to check each application. We appreciate the practicalities that lead the GC to set out these criteria as indicators rather than prescribed requirements, but are concerned that this may lead some Licensing Authorities to err on the side of caution in taking decisions that may risk litigation.

For these reasons we think it would be helpful for the licensing premises application to require some evidence of primary gambling activity. This would shift the onus from Licensing Authorities needing to seek evidence of breach, to gambling operators providing evidence of compliance. Indicators could be taken from the proposed guidelines, and the checking procedure would be relatively simple in most cases. Licensing Authorities' resources could then be directed mainly to any applications that gave rise to questions, rather than spread uniformly and thinly across every application.

As regards cases that give concern about primary gambling activity but also concern about the costs of litigation, we hope that the GC will take a proactive approach to liaising with Licensing Authorities through their compliance officers. Any concerns about implementation, particularly any that are common across areas, could then be

considered and acted upon.

We do think that the ordinary code of practice provision is the best place to include advice on the indicators of primary gambling activity, since this is an overarching principle that affects many types of gambling premises and relates to the third licensing objective. This need not preclude other mechanisms if they reinforce the effectiveness of the code.

Gambling Commission October 2008

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling, by ensuring that gambling is conducted fairly and openly, and by protecting children and vulnerable people from being harmed or exploited by gambling. The Commission also provides independent advice to government on gambling in Britain.

For further information or to register your interest in the Commission please visit our website at: www.gamblingcommission.gov.uk

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