

Gambling Consultation – Feedback Form

Contact Details

Name:	Len Milner
Address:	25 Lancelot Drive
	Stretton
	Burton upon Trent

Please keep my contact details confidential	Yes	No <input checked="" type="checkbox"/>
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Are you responding as:			
Local resident	<input type="checkbox"/>	Existing licensee	<input type="checkbox"/>
Residents organisation	<input type="checkbox"/>	Community organisation	<input type="checkbox"/>
Business organisation	<input type="checkbox"/>	Elected Member	<input checked="" type="checkbox"/>
Other (please specify)			

1. Do you think that the policy helps us promote preventing gambling from being a source of crime or disorder, being associated with crime or disorder or used to support crime?

Yes No

2. Do you think that the policy helps to ensure that gambling is conducted in a fair and open way?

Yes No

3. Do you think that the policy helps us to protect children and other vulnerable persons from being harmed or exploited by gambling?

Yes No

I would make the following comments on the Gambling Policy:

Please continue on separate sheet(s) if necessary.

Comments should be sent to:

Licensing Team, East Staffordshire Borough Council, Town Hall, Burton upon Trent, Staffs, DE14 2EB or e-mailed to licensing@eaststaffsbc.gov.uk

Gambling Consultation – Feedback Form

Contact Details

Name:	Shelagh McKiernan
Address:	10 Waterton Close
	Stretton
	Burton on Trent, Staffordshire
	DE13 0RL

Please keep my contact details confidential	Yes X	No
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Are you responding as:			
Local resident	<input type="checkbox"/>	Existing licensee	<input type="checkbox"/>
Residents organisation	<input type="checkbox"/>	Community organisation	<input type="checkbox"/>
Business organisation	<input type="checkbox"/>	Elected Member	X
Other (please specify)			

1. Do you think that the policy helps us promote preventing gambling from being a source of crime or disorder, being associated with crime or disorder or used to support crime?

Yes x No

2. Do you think that the policy helps to ensure that gambling is conducted in a fair and open way?

Yes x No

3. Do you think that the policy helps us to protect children and other vulnerable persons from being harmed or exploited by gambling?

Yes X No

I would make the following comments on the Gambling Policy:

I do not support gambling in general in betting shops and casinos as there is too much potential for harm to those individuals who are prone to addiction. I am glad to see there are measures in place to minimise the harmful effects of gambling in our towns and villages. I do not wish to see any more betting shops in the town centres or villages and will oppose those that come forward. Whilst I don't wish to be a killjoy and see no major harm in people playing bingo or the lottery or raffles, I do have some concern about the sheer amount and variety of lottery tickets at points of sale in newsagents and supermarkets. Although on a small scale at £1 or £2 at time, for some people it can be addictive and it tends to be those who can least afford it. I didn't see anything specific in the policy about this.

Please continue on separate sheet(s) if necessary.

Comments should be sent to:

Licensing Team, East Staffordshire Borough Council, Town Hall, Burton upon Trent, Staffs, DE14 2EB or e-mailed to licensing@eaststaffsbc.gov.uk

The Licensing Team
East Staffordshire Borough Council,
PO Box 8045,
Burton upon
Trent,
Staffordshire,
DE14 9JG

15th October 2015

Dear Sir,

Consultation on East Staffordshire Borough Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

In relation to the existing policy, we are broadly supportive but do have reservations mainly regarding the breadth of information required relating to the new risk assessment requirements. We note that the Board when considering applications are required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. We politely highlight that the majority of Council's include a sentence additionally noting that it should not take into account of any moral objections to gambling.

Our feedback is focussed on 2 sections; Locations (Section 1.8) & Risk Assessments (Appendix E).

Locations

Whilst each application will be judged on its merits as mentioned at several points within the policy, the location section highlights several venues which the Council judge may pay particular attention to, notably:-

....schools & residential areas where there may be a high concentration of families with children

Coral knows of no evidence that the location of a licensed betting office within the proximity of schools and similar locations mentioned in the statement causes harm to the licensing objectives.

Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems. Likewise, many of the betting shops across the country are within residential estates, on a parade of shops or located within communities, again with no evidence that their location causes greater risk.

Risk Assessments

Coral Racing Limited recognise the requirement to supply risk assessments with future applications &



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variations following the consultation completion (requirement is from 6th April 2016) and are pleased to see this detail included within the Draft Statement.

However, Coral believe that the additional local risk assessment to be introduced with future premises licence applications from April 2016, should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list specific locations which are currently mentioned in your statement including supermarkets & bus stops for example. Their inclusion infers that there is a direct correlation between their presence and there being a risk that the gambling objectives will be breached. Notwithstanding this, such locations if necessary would automatically be included with the operators risk assessment submitted when the application is considered.

We would caution against the council providing a long list of locations which must be risk assessed and instructions / templates for completion which are not proportionate to the styles of businesses we operate and appear to position a business which is already one of the most highly regulated on the high street, on the edge of acceptable businesses. The vast majority of other Councils have been able to incorporate this new requirement without including multiple pages of guidance and specific demands.

As a guide, Coral already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,



John Liddle
Director of Development – Coral Retail



GOSCHALKS
SOLICITORS

East Staffordshire Borough Council
Licensing Team
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DE14 9JG

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: R.JT / LHK / 097505.00004
#GS402061
Your ref:
Date: 08 October 2015

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this

should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

In paragraph 1.2 in Part B, there is a statement that "licensing authorities are able to exclude default conditions and attach other conditions where it is believed to be necessary and proportionate." The policy statement should be clear throughout that additional conditions will only be imposed where there is evidence in a particular case of a risk to the licensing objectives not adequately dealt with by the existing mandatory and default conditions.

It appears that the first sentence of paragraph 1.10 may be incomplete. This states "The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives." We suspect that words such as "if an application is to be rejected" have been omitted.

Paragraph 1.12 contains the minimum criteria to be considered in a local risk assessment. Whilst it is accepted that the location of services for children such as schools and playgrounds can be relevant considerations, issues such as deprivation and ethnic profiles cannot be. The Social Responsibility Code Provision 10.1.1 is produced in full at appendix E. This requires licensees to assess the local risks to the licensing objectives and have policies and procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of policy. It is for the licensing authority, therefore to identify matters relevant to the licensing objectives. The relative affluence of an area cannot be relevant to the licensing objectives unless the licensing authority has determined that every person in that area is automatically vulnerable. Similarly, the ethnic profile of residents in the area can have no bearing whatsoever on whether or not there is any risk to the three licensing objectives. We respectfully submit that this paragraph together with a great deal of Appendix E is reconsidered and redrafted to take into account only matters that are relevant to the three licensing objectives.

Paragraph 2 of Part B is headed "Promotion of the Licensing Objectives." The licensing authority is reminded that the promotion of the licensing objectives is an issue under Licensing Act 2003. Within Gambling Act 2005, the licensing authority must "have regard" to the licensing objectives and applications/operations must be "reasonably consistent" with the licensing objectives. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission.

Section 5 deals with conditions. The policy would be assisted by a statement that the starting point for consideration of any application is that it will be granted subject only to the mandatory and default conditions. Additional conditions will only be considered where there is evidence in the particular circumstance of that case that the mandatory and default conditions need to be supplemented to ensure operation that is reasonably consistent with the licensing objectives. Mere concerns or the perceived need for conditions is not enough. The imposition of conditions must follow evidence in a particular case.

As mentioned above, Appendix E causes the ABB concern. The ABB welcomes the acknowledgement that underage gambling is deemed low risk following visits to licensed premises and that recent enquiries show that there is no excessive use of FOBT's and proper control and monitoring of the machines by the licence holders is in place. The ABB particularly welcomes the acknowledgment of a high level of compliance by the industry and historically low (almost nil) complaints received about individual premises.

On account of the high level of compliance and low risk, we respectfully submit that there is no need for the local risk assessment guidance to be so prescriptive. It refers to issues that cannot be relevant to the licensing objectives when considering significant changes in local circumstances such as a new payday loan or pawnbrokers open in the local area or a new gambling premise open in the area. Neither of these issues can have any bearing on the three licensing objectives.

The requirement to renew a risk assessment to take into account new gambling products made available will place an unnecessary burden on operators. Like all industries, the gambling industry is constantly evolving and new betting products are available on a weekly basis. As drafted the policy would require operators to be renewing risk assessments continually.

As far as local area risks are concerned, issues such as transport facilities, the ethnicity, age and economic makeup of the local community cannot be relevant as risks to the licensing objectives.

Overall, the risk assessment requirements are too prescriptive and unduly onerous.

The policy should recognise that betting regulation, in particular, has existed for over 50 years. Over that period of time, operators have developed policies and procedures to ensure total compliance. The policy itself recognises that total compliance has been achieved. In the circumstances, there is no need for the risk assessment criteria to be so prescriptive.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,



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