



GOSSCHALKS
SOLICITORS

BY EMAIL ONLY
Licensing Department
South Holland Council

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / SDS / 097505.00005
#GS2212367
Your ref:
Date: 09 October 2018

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 Association of British Bookmakers (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.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take with regard, to the requirements for local area risk assessments.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these would be detrimental to the gambling licensing regime. The ABB also believes it is important that

the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us 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 the opportunity to respond to this consultation is welcomed.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which 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 builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as *"breaking 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.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been 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 any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The requirements build on measures the industry had already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this 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 operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits 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.

Employing additional licence conditions

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent

with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

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 statement as to the need for evidence. If additional licence conditions are more commonly applied this would 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

Considerations specific to the Draft Gambling Act 2005 Statement of Principles

Part B outlines the three licensing objectives. The commentary to the first licensing objective needs to be redrafted as this refers to issues of "disorder and nuisance", "levels of noise from public address machines" and refers to the imposition of conditions in residential areas as being potentially necessary to avoid nuisance. Unlike Licensing Act 2003, issues of nuisance are not relevant considerations under Gambling Act 2005. The first licensing objective is preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. The Gambling Commission guidance is clear (paragraph 5.5 – Fifth Edition) that in the context of gambling premises licences, licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Issues of noise from public address systems are not therefore relevant and these paragraphs should therefore be redrafted.

The licensing authority's approach to the imposition of conditions on premises licences is found on page 14. This section would be assisted by clear explanation that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The section should also be clear that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented. This evidential basis for the imposition of additional conditions is important and the Statement of Principles should be clear about this.

Section 6 of Part B is headed "Betting Premises" and contains a statement that *"the licensing authority will not look favourably upon an application where an applicant seeks a betting premises*

licence with the sole intention of placing category B2 gaming machines only in the premises with no facilities for betting as this is not considered to be in the spirit of the Act". Any such application would be in breach of SR Code Provision 9.1.1 which requires that gaming machines may be made available for use in licensed betting premises only where there are also substantive facilities for non-remote betting provided. Accordingly, the paragraph detailed above may be removed.

Section 15 explains the requirement for all operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and their policies, procedures and control measures to mitigate those risks. Thereafter, there is a list of matters that the authority will expect the local risk assessment to consider as a minimum. This list should be redrafted as it contains matters that are not relevant to any assessment of risk to the licensing objectives.

The first consideration is "*whether the premises is in an area of deprivation*". The relative affluence of an area can have no bearing on any risk to the licensing objectives unless the licensing authority has predetermined that persons of a particular income level or who live in a particular area are automatically vulnerable or more likely to commit crime as a result of gambling. We are certain that this predetermination has not taken place.

Similarly, the reference to "*high unemployment area*" should be removed as the relative employment status of an individual will have no bearing on any risk to the licensing objectives unless the same predetermination has been made.

Finally, the relative proximity of pawnbrokers/payday loans or other gambling premises cannot be relevant to any assessment of risk to the licensing objectives. Accordingly, this list of matters to be considered should be redrafted.

Conclusion

The 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.

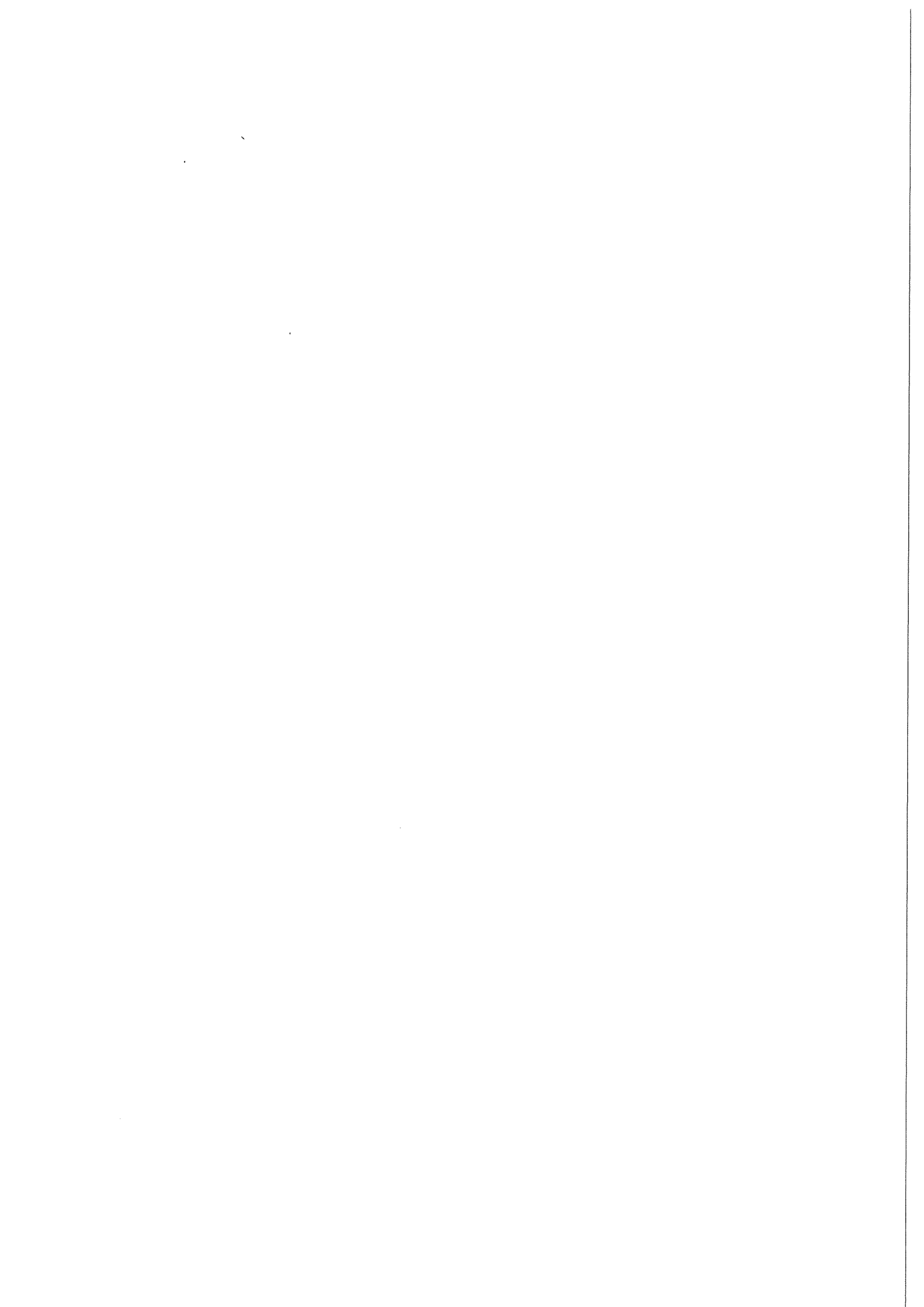
Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make 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, as well as our processes around local area risk assessments.

Yours faithfully,



GOSSCHALKS



Hall, Donna

From: licensing
Sent: 13 August 2018 16:12
To: Heather Lawson
Subject: FW: Gambling Act 2005 – South Holland District Council's Gambling Policy Review
Attachments: Mimecast Attachment Protection Instructions; GamCare Local Authorities Brochure 2018 (web-version).pdf; GamCare Training Brochure 2017.pdf

FYI

From: Catherine Sweet [mailto:catherine.sweet@gamcare.org.uk]
Sent: 13 August 2018 16:05
To: licensing <licensing@sholland.gov.uk>
Subject: RE: Gambling Act 2005 – South Holland District Council's Gambling Policy Review

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Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?

- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,
Catherine

Catherine Sweet
Head of Marketing and Communications
T: 020 7801 7028
E: catherine.sweet@gamcare.org.uk



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From: Info
Sent: 13 August 2018 13:33
To: Catherine Sweet <catherine.sweet@gamcare.org.uk>
Subject: FW: Gambling Act 2005 – South Holland District Council's Gambling Policy Review

From: licensing <licensing@sholland.gov.uk>
Sent: 10 August 2018 14:33
To: Info <Info@gamcare.org.uk>
Subject: Gambling Act 2005 – South Holland District Council's Gambling Policy Review

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Gambling Act 2005 – South Holland District Council's Gambling Policy Review

South Holland District Council is the licensing authority for the South Holland district under the Gambling Act 2005.

Licensing authorities are required by the Gambling Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be reviewed and published at least every three years and any amended parts re- consulted on.

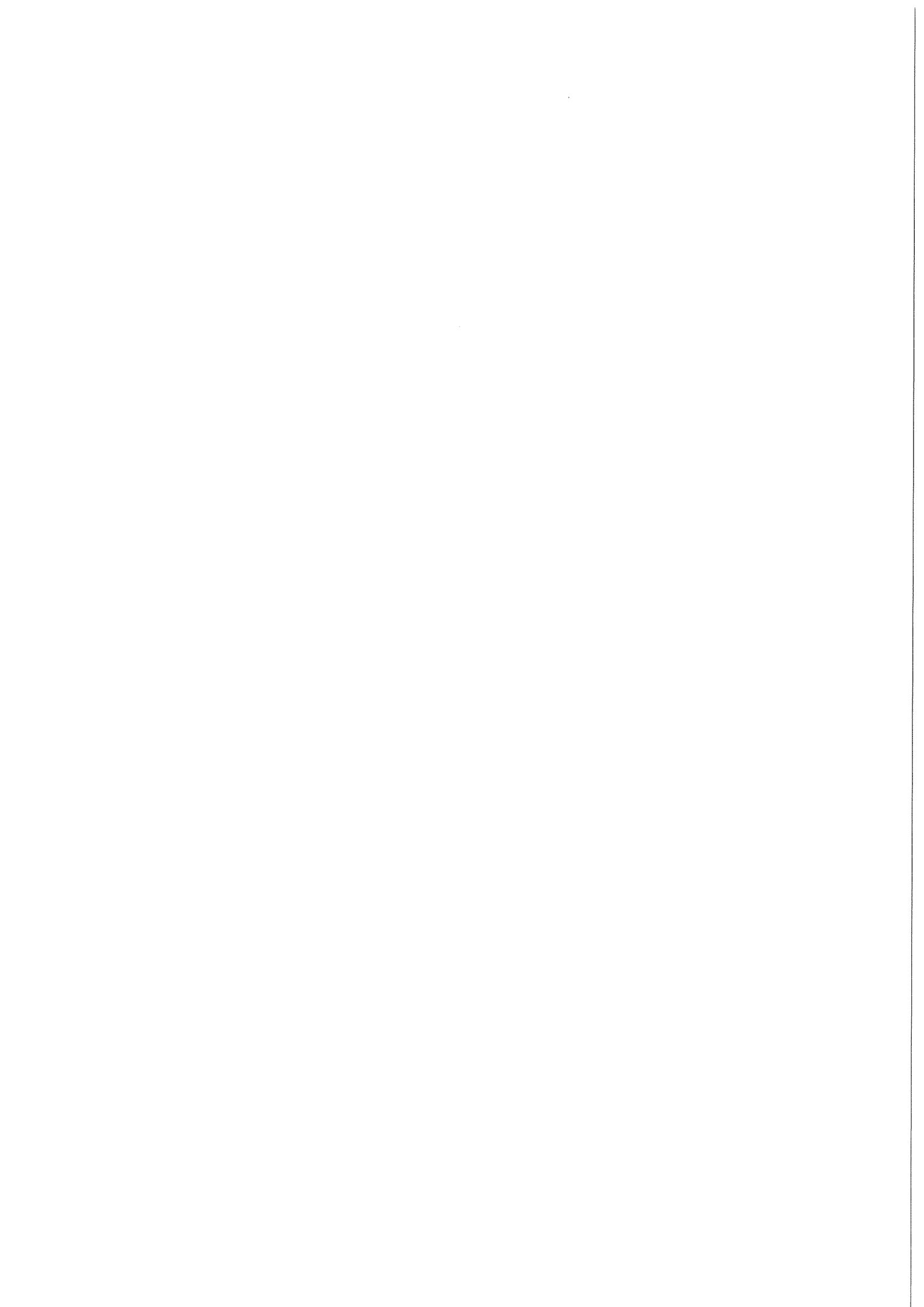
South Holland District Council is currently reviewing its current statement of principles and we are consulting on the proposed document.

The proposed Statement of Principles can be viewed online on the Licensing area of our website www.sholland.gov.uk or a hard copy can be obtained by contacting the Licensing Team via licensing@sholland.gov.uk or on (01775 764509)

The last date for comments to be received is 12th October 2018. Comments can be emailed to licensing@sholland.gov.uk or to Licensing Team, South Holland District Council, Priory Road, Spalding, Lincs, PE11 2XE.

All comments received will be made public via meeting agendas and the council website. At the end of the consultation period all responses will be considered and the policy will be amended as appropriate. Further information will be published on the South Holland District Council website at the end of the consultation period.

Please contact the Licensing Team if you require any further information.



Hall, Donna

Subject: FW: Statement of Policy - Offer of Assistance

From: licensing
Sent: 10 August 2018 10:36
To: Heather Lawson <Heather.Lawson@Breckland-Sholland.gov.uk>
Subject: FW: Statement of Policy - Offer of Assistance

From: Neil Rayson [<mailto:nrayson@gamblingcommission.gov.uk>]
Sent: 10 August 2018 10:20
To: licensing@boston.gov.uk; licensing@e-lindsey.gov.uk; licensing@lincoln.gov.uk; licensing@nelincs.gov.uk; licensingteam@n-kesteven.gov.uk; licensing@northlincs.gov.uk; [licensing <licensing@sholland.gov.uk>](mailto:licensing@sholland.gov.uk); licensing@southkesteven.gov.uk; licensing.2003@west-lindsey.gov.uk
Subject: Statement of Policy - Offer of Assistance

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Dear All,

The Commission has become aware that industry lawyers are scrutinising LAs Statement of Policy and that some are contesting the content.

We wish to assure you that, in such circumstances, the Commission are willing to discuss the issues raised and provide assistance to you in dealing with the challenge.

If you have received such responses relating to your SoP please contact Charlotte Mellor
Charlotte cmeller@gamblingcommission.gov.uk and Rob Burkitt RBurkitt@gamblingcommission.gov.uk who will be able to advise.

Kind Regards

Neil

Neil Rayson
Manager - Compliance

Gambling Commission
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Freedom of Information requests can be submitted either by email to foi@gamblingcommission.gov.uk or by writing to: FOI request Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Please clearly state that your request is under the Freedom of Information.

If you or someone that you know has been affected by Gambling, you can contact Gamcare www.gamcare.org.uk or Tel: 0845 6000133

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Hall, Donna

From: licensing
Sent: 24 July 2018 08:34
To: Heather Lawson
Subject: FW: Gambling Act 2005 – South Holland District Council's Gambling Policy Review

From: Gary Waite [mailto:Gary.Waite@lincoln.fire-uk.org]
Sent: 24 July 2018 08:33
To: licensing <licensing@sholland.gov.uk>
Subject: FW: Gambling Act 2005 – South Holland District Council's Gambling Policy Review

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Good Morning

In respect to the consultation on the above please find my comments for inclusion within the policy from Lincolnshire Fire & Rescue.

- A Fire Risk Assessment must be conducted when premises holds any licence under enactment – Regulatory Reform (Fire Safety) Order 2005 Article 9 (6) (b)
- With regards employment of young person's/children in places that are subject to a licence under enactment. I think again it is worth mentioning that as a fire risk assessment must be undertaken again under Article 9 of the above legislation, the parents/carers of that child/young person must be made aware of the matters arising and the significant findings from a Fire Risk Assessment.

I feel that the two comments above should be included within the final document and any other licensing policies that you have.

Regards

Gary Waite
Watch Manager
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Lincolnshire
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