

From: Catherine Sweet <catherine.sweet@gamcare.org.uk>
Sent: 27 June 2018 16:45
To: Licensing
Subject: Gambling Act 2005 - Policy Statement Review
Attachments: GamCare Local Authorities Brochure 2018 (web).pdf; GamCare Training Brochure 2017.pdf

Hello,

Thank you for your letter regarding the above consultation, 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



Click here to sign up to our free, monthly e-newsletter

Click [here](#) to report this email as spam.

GA 2005

Caroline Steven

From: Brian Whittall on behalf of Licensing
Sent: 14 August 2018 12:14
To: 'elizabeth speed'
Cc: Tracey Rose; Caroline Steven
Subject: RE: The Gambling Act 2005 - Wycombe District Council Statement of Principles Consultation

Dear Elizabeth,

Thank you for your comments. Your response is appreciated.

Regards,

Brian Whittall
Licensing Officer
01494 421346

From: elizabeth speed [mailto:espeed@novomatic.co.uk]
Sent: 14 August 2018 11:15
To: Licensing <licensing@wycombe.gov.uk>
Cc: Tracey Rose <Tracey.Rose@Luxury-Leisure.co.uk>
Subject: The Gambling Act 2005 - Wycombe District Council Statement of Principles Consultation

Dear Sirs

Gambling Act 2005 – Statement of Principles Consultation

Thank you for the opportunity to make comments on the above consultation. On behalf of Talarius Limited, I make the following points in relation to the consultation draft (the "Draft"):-

1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the "Act") it is subject to the Regulators' Code. That code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence -based approach in determining priority risks and recognise the compliance record of those it regulates. While we note the reference to the Code in Section 8 which deals with Enforcement, its applicability is far wider and we suggest that the Draft records the Code's general application to the Authority's activities under the Act.
2. Para 9.15: As the Authority appreciates, children are permitted to be involved in limited types of gambling (Category D machines) and we suggest that this paragraph is amended to reflect that. It is not correct to say that the third licensing objective is to prevent children from taking part in all gambling. Further, while we note the reference to measures that may be implemented to support this objective, these are issues that will be dealt with in the Local Risk Assessment (LRA) which is described at paragraph 2.5. and as such the comments in this section overlap and duplicate the LRA section.
3. Para 2.2: As the Authority will know, it is perfectly legitimate for an application to be made for a premises licence even though the premises are not finished or complete. This was confirmed in the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement. We suggest that it would be helpful for the wording in the Draft to be amended to make it clear that applications for premises licences can be made regardless of whether the building in question is complete or finished. While an

applicant may apply for a provisional statement if the building is not complete, it does not have to do so and can instead apply for a premises licence.

4. Section 2.3: Section 349 of the Act requires Authorities to prepare a statement of the principles that they will apply in exercising their functions under the Act. While we note the references to the other legislation that impacts on the Authority, the only legislation that is relevant for the purposes of the statement of Policy is the Act itself. That is not to say that, for example, the Authority is not bound by the Human Rights Act, but that is an application outside the terms of this Statement of Policy. We therefore think the inclusion of much of this section is inappropriate. A key example is the reference to the LDF – save where the issues are related to the licensing objectives the question of planning is irrelevant, as indeed is made plain by section 210 of the Act. Although some of the points included may reflect the obligations of the Authority under the Code – for example in relation to the needs of the tourist economy, - these would be better wrapped up in a statement of support of the Code's application as suggested above.

We also suggest that a statement be included at the end of this section to emphasise that only Interested Parties and Responsible Authorities may make representations under the Act. As is noted already, any such representations must be based solely on the licensing objectives, and not, for example, matters of the LDF, or tourism.

5. Para 3.6: Although AGCs are referred to in list of the types of possible premises licences, no section for AGCs has been included in the same way as for all of the others. We imagine that this was in error, and suggest that a section is included.
6. We note that the list of possible measures noted for FECs is for some reason not repeated for licensed Bingo or Betting premises, even though the amount that can be staked and won is significantly higher in them. We submit therefore that the Draft is inconsistent in this important regard and suggest it is amended.
7. Para 26.3: With respect it is not actually a requirement of the SR Code of the LCCP that the local risk assessment is provided on request. Rather it is an Ordinary Code provision which is not a cast iron requirement.
8. Para 26.4: The wording of the second bullet point seems to us to be vague. It is already a requirement of the LCCP that local self-exclusion schemes are in place. Any further requirement to share information "regarding self-exclusions" would run the risk of breaching GDPR. Additionally, the suggestion that licensees share information on "gaming trends" is vague – we are not sure what "trends" are being referred to in a Social Responsibility context. We suggest that this bullet point is removed.

We hope that the above proves useful. If you have any questions, please do not hesitate to contact us.

Yours faithfully,

Elizabeth Speed
Group General Counsel
Novomatic UK

Direct +44 (0) 191 497 8222
Mobile +44 (0) 7808 571 588

CONFIDENTIALITY NOTICE

This email is intended only to be read or used by the addressee. The information contained in this email message may be confidential information. If you are not the intended recipient, any use, interference with, distribution, disclosure or copying of this material is unauthorised and prohibited. Confidentiality attached to this communication is not waived or lost by reason of the mistaken delivery to you.

If you have received this message in error, please delete it and notify us by return email or telephone Astra Games Limited +44 (0) 1656 658658. Any email attachment may contain software viruses which could damage your own computer system. Whilst reasonable precaution has been taken to minimise this risk, we cannot accept liability for any damage which you sustain as a result of software viruses. You should therefore carry out your own

BY EMAIL ONLY
Licensing Department
Wycombe District Council

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / SDS(MJM) /
097505.00005
#GS1770714
Your ref:
Date: 30th August 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 for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

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 within new processes 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 under the new regime.

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.

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

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 new requirements build on measures the industry has 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

Other concerns

Where a local area profile is produced by the licensing authority, 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.

Considerations specific to the draft Statement of Licensing Principles under the Gambling Act 2005

On behalf of the ABB we welcome the light touch approach to the Statement of Licensing Policy and have very few comments to make. The comments that we do have are below:-

2.5 – Local Risk Assessment

This section contains a list of bullet points which list matters that the council expects the local risk assessment will consider. The final two bullet points need to be amended or deleted.

The penultimate bullet point is *"gaming trends that reflect benefit payments"*. This bullet point should be deleted. The purpose of a local risk assessment is to assess local risks to the licensing objectives posed by the provision of gambling facilities. It is impossible to see how this bullet point could be relevant to an assessment of the licensing objectives unless the licensing authority has predetermined that persons in receipt of benefits are automatically vulnerable or more likely to commit crime connected with gambling. We are certain that this predetermination has not taken place.

The final bullet point refers to issues of nuisance. The Statement of Licensing Policy should be clear that issues of nuisance/anti-social behaviour are not relevant considerations under the Gambling Act 2005. Indeed, the Gambling Commission Guidance to Licensing Authorities is clear that disorder is activity that is more serious and disruptive than mere nuisance.

3.4 – Conditions

This section would be assisted if the first paragraph was to be expanded to state that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The following paragraphs which relate to additional conditions being imposed should be clear that additional conditions will only be considered where there is 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 is acknowledged in the section relating to door supervisors.

3.10 – Betting Premises

This section would be assisted if a clear distinction was made between betting machines, where the licensing authority has the ability to limit numbers and gaming machines, where there is no such ability to limit numbers. The holder of a betting premises licence may make available for use up to 4 machines of categories B, C or D (S172(8) Gambling Act 2005).

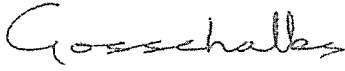
Conclusion

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