



GOSCHALKS
SOLICITORS

Cheshire East Council
Licensing
Municipal Buildings
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Please ask for: Richard Taylor
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Our ref: RJT / LHK / 097505.00004
#GS370984
Your ref:
Date: 18 September 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

2 General Principles

The general principles recognise that neither unmet demand nor the unlikelihood of an applicant obtaining planning permission are relevant for the purposes of a Gambling Act 2005 application. We suggest that added to this list is the fact that moral objections to gambling are not relevant for the purposes of the act.

3 Gambling Prevalence and Problem Gaming

Paragraphs 3.1 to 3.5 contain statistics obtained from the 2010 prevalence survey before paragraphs 3.6 to 3.8 move on to issues of problem gambling. We respectfully submit that the policy should include the fact that gambling is a perfectly lawful activity and for the vast majority of people, it is nothing more than an enjoyable pastime. This would balance the statements with regard to problem gambling which it is acknowledged is at rates of between 0.9% and 0.5% depending upon which survey's evidence is accepted.

8 Premises Licences

Paragraph 8.7 indicates that *"applications for the grant, transfer or variation of a premises licence should be accompanied by an assessment that demonstrates how the applicant will promote all the licensing objectives."* This statement needs to be amended. First, there is no requirement for an applicant to "promote" the licensing objectives. An application needs only to be reasonably consistent with the licensing objectives. Secondly, neither the Social Responsibility Code Provision or Ordinary Code Provision contained within the Gambling Commissions LCCP require risk assessment on transfers of premises licences. It is accepted that transfers from one operator to a new operator with different procedures may require a risk assessment submitting but there may

be instances where there are transfers between companies operated by the same parent company where there is no effective operational change. This would be a transfer of the premises licence but would not require the submission of a risk assessment. In the circumstances, this paragraph should be amended to reflect the provisions of the codes.

8.12

This paragraph suggests that *“where appropriate conditions may be attached to a premises licence requiring the provision of door supervisors.”* The policy should be clear that conditions can only be attached where there is evidence that in the particular circumstances of that application, the mandatory and default conditions need to be supplemented.

8.13

This paragraph makes the distinction between disorder and nuisance. The paragraph would be assisted by a statement that the Gambling Commission intends disorder to *“mean activity that is more serious and disruptive than mere nuisance.”*

8.18

This paragraph indicates *“the licensing authority will not normally grant a premises licence for premises which are located to schools.”* The authority is reminded that betting offices are environments where under 18's are not admitted. Betting offices have been situated in many areas close to schools without any difficulty whatsoever for the 50 years since betting regulation began. The reason is that operators have robust policies and procedures in place to ensure that only those who are permitted to bet do so. Many operators also engage independent test purchasing organisations to test their policies and training. The local area risk assessment will recognise the proximity of schools and deal with measures implemented to ensure consistency with the licensing objectives. This paragraph should be deleted.

15 Licence Conditions

In paragraph 15.3 the policy indicates that *“applicants are encouraged to offer their own suggested conditions to demonstrate how the licensing objectives can be met.”* This is appropriate where premises licence applications are made under Licensing Act 2003 but the authority is reminded that there is no “operating plan” in applications under Gambling Act 2005. This is because premises licences under Gambling Act 2005 are already subject to robust mandatory and default conditions. In the vast majority of cases it is not necessary to have any further conditions. Supplemental conditions will only be appropriate if there is evidence of a particular risk not otherwise addressed. The suggestion that applicants should suggest their own conditions is unnecessary and should be removed.

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,

PLEASE SIGN HERE



GOSSCHALKS

Cheshire East Council
Licensing
Municipal Buildings
Earle Street
Crewe
CW1 2BJ

21st September 2015

Dear Sir,

Consultation on Cheshire East 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.

Coral Racing Limited are supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. We politely note that the Statement does not indicate that the Board should not take into account of any moral objections to gambling and if this is missing, kindly suggest its inclusion.

Coral Racing Limited do note that in paragraph 2.5, the Statement makes references to premises being located within the proximity of schools as being a possible relevant consideration in respect of 'protecting children or other vulnerable persons from being harmed or exploited by gambling'. Coral knows of no evidence that the location of a licensed betting office within the proximity of schools causes harm to the licensing objectives nor that children coming from schools are gaining access to betting offices. Our 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.

In paragraph 8.22, the Statement makes reference to steps that Central Government are taking to change the planning class of betting shops. Please note that this is now in force and all betting shops are required to seeking planning permission within the 'sui generis' planning usage.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6th April 2016) and whilst this detail is not currently included within the Statement, we would be pleased to contribute to a consultation when it is.

Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these 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.



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a  company



1700+ shops



mobile



coral.co.uk



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We would additionally 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.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John Liddle', with a long horizontal line extending from the end of the signature.

John Liddle
Director of Development – Coral Retail