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 Gambling Licensing Policy for the period 31st January 2019 to 30th January 2022.

The new sections with regard to local risk assessment need to be re-drafted. There is a list of bullet points in Section A 10.3 which details matters that the Council will expect the local risk assessment to consider. This list of bullet points needs to be re-drafted as it contains matters that are not relevant to an assessment of the risks to the licensing objectives. For example, whether the premises is in an area of deprivation has no bearing on any assessment of risks to the licensing objectives unless the Licensing Authority has pre-determined that persons in an area of deprivation are automatically vulnerable or more likely to commit crime as a result of gambling. We are certain that this is not the case and this bullet point should therefore be removed.

Similarly, the ethnic profile of residents in the area, the proximity of other gambling establishments, banks, post offices, refreshment and entertainment facilities are not relevant to any assessment of risk to the licensing objectives and therefore the bullet points that refer to these matters should be deleted.

Similarly, the list of bullet points in paragraph A 10.4 should be re-drafted to remove matters that are not relevant to any assessment of risk to the licensing objectives. Gaming trends that may mirror days for financial payments such as pay days or benefit payments cannot be relevant to any assessment of risk unless the Licensing Authority has determined that people in receipt of benefits are automatically vulnerable or more likely to commit crime as a result of gambling. This bullet point should be removed.

Section B 2 deals with location of gambling premises. This section should be clear that each application will be determined on its own merits. The mere proximity of a proposed gambling
premises to schools, leisure centres etc will not necessarily be a bar to gambling premises being situated in a location.

Betting Offices have operated in densely populated urban areas and therefore close to schools, playgrounds etc for many years without any difficulty whatsoever. This section should be very clear that every application will be determined on its own merits.

The following Section (B 3) explains the Licensing Authority’s approach to the imposition of conditions on premises licences. This section would be assisted by a clear explanation that the mandatory and default conditions are intended to be sufficient to ensure operation that is reasonably consistent with the licensing objectives and that it is unlikely that additional conditions will be necessary. This paragraph should also state that additional conditions will only be imposed 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.

Paragraph B 3.8 contains a number of suggested premises licence conditions. This section should be deleted. The suggested premises licence conditions are all matters that are already covered by the LCQP and duplication of matters relating to proof of age schemes, staff competence and training etc is unnecessary.

Section B 4 recommends that applicants inform the Licensing Authority of the number of staff on duty at premises and the times that such numbers will be on duty. Issues of staffing are matters for the operator who is best placed to determine the numbers of staff required to ensure operation of a premises in accordance with the licensing objectives. This is not an issue for the Licensing Authority and therefore references to this should be deleted.

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

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984 E info@gosschalks.co.uk W www.gosschalks.co.uk DX 11902 – Hull

A list of partners is available for inspection at the above address. The firm is authorised and regulated by the Solicitors Regulation Authority under number 61213. Lexcel


Lexcel

Legal Practice Quality Mark
Law Society

Unlimited
Dear John

We received a letter from you regarding the consultation for the revised Gambling Policy which I have reviewed. I only have one suggestion as follows:

Re A10.4 – should reference be made to having arrangements in place to signpost vulnerable customers to relevant support organisations?

With best wishes
Sally

Sally Lyons  | Economic Regeneration Team Leader  | MoneyWorks
Planning and Regeneration
MoneyWorks Newham
Unit 62 | The Mail | Stratford Centre
London | E15 1XF
DDI: 020 3373 2729 Int: 32729 | mobile: 07757025171

www.newhammoneyworks.co.uk | @LBNMoneyWorks
Dear Sir, Madam,

I am writing in regards to the on-going draft of the Newham Gambling Policy.

Betknowmore UK will be launching a gambling support hub in Newham early next year, providing support, training and consultancy. We work with a range of stakeholders, including the Gambling Commission, Gamble Aware and RSPH.

A project piloted in Islington called 'Don't Gamble with Health' worked directly with LBO's, providing a rapid support service to betting shop customers and training to LBO shop staff. The project won the RSPH award 'Health on the High Street' this year. We will be looking to replicate a similar model in Newham.

I have attached a top level strategy plan for your reference. Please do let me know if we can help further. I believe we can advise on policy, support services and link licensing with wider public health and local support mechanisms.

Many thanks,

Bw, Frankie

Frankie Graham
Founder & CEO

M. 07534 979684
E. frankie@betknowmoreuk.org
W: www.betknowmoreuk.org
V: Click here for the Betknowmore UK story!
Betknowmore UK is a company limited by guarantee.
Registered in England and Wales No: 8822099

CONFIDENTIALITY AND DISCLAIMER NOTICE
The information contained in this e-mail is confidential and may also be subject to legal privilege. It is intended only for the recipient(s) named above. If you are not named above as a recipient, you must not read, copy, disclose, forward or otherwise use the information contained in this email. If you have received this email in error, please notify the sender (whose contact details are above) immediately by reply e-mail and delete the message and any attachments without retaining any copies.
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

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

This email is solely intended to be received by the individual to whom it is addressed as it may contain confidential information. Please do not read, copy, forward or store this message unless you are the intended recipient. If you have received this email in error please notify GamCare immediately.

From: Info <Info@gamcare.org.uk>
Sent: 08 November 2018 09:26
To: Catherine Sweet <catherine.sweet@gamcare.org.uk>
Subject: FW: Revised Gambling Policy

From: John.Newcombe@newham.gov.uk <John.Newcombe@newham.gov.uk>
Sent: 05 November 2018 17:18
To: adele.duncan@gordonmoody.org.uk; Info <Info@gamcare.org.uk>; gambling.cnwl@nhs.net; nsosec@gamanon.org.uk; info@community-links.org
Subject: Revised Gambling Policy

This Message originated outside your organization.
Dear Sir/Madam,

We are writing to you as you as part of our consultation process for the review of our Gambling Policy. Under the provisions of the Gambling Act 2005, the Council is obliged to carry out a review of the Gambling Policy this year and issue a new Policy in January 2019.

The revised policy contains significant new sections on local area risk assessments, access to premises and local area profiles plus a number of other amendments, including gaming machine permits.

A draft of the proposed new policy is available on the Council’s website; https://www.newham.gov.uk/Pages/Services/Current-consultations.aspx from the 5th November 2018.

If you have any comments on any matters contained within the draft, please let me know in writing by the 31st December 2018 at The Licensing Team, 1st Floor, Town Hall Annexe, 330-354 Barking Road, London E6 2RT.

You can also email me direct or at licensing@newham.gov.uk

Yours Sincerely,

John Newcombe
Team Leader (Trading Standards & Licensing)

NOTE: This communication is sent on behalf of the London Borough of Newham. However the views expressed within it are not necessarily the views or policies of the Council. The unauthorised use, disclosure, copying or alteration of this communication and any attachments is forbidden. This communication and any attachments are intended for the addressee only and may be confidential. If this has come to you in error you should immediately permanently destroy it. You should take no action based on it or copy or show it to anyone and telephone the Council immediately with any issues on 020 8430 2000 or any other number provided in the communication. Please note that electronic communication is not considered a secure medium for sending information and therefore maybe at risk.

We advise that you understand and accept this lack of security when using this form of communication with us. Although we have taken steps to ensure that this email and attachments are free from any virus, we advise that in keeping with good computing practice the recipient should ensure they are actually virus free and should run current anti-virus software. Please note that email may be monitored and checked to safeguard the council network from viruses, hoax messages or abuse of the Council’s systems. Action may be taken against any malicious and deliberate attempts to infect the council network.

The information contained in this email maybe subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure the confidentiality of this email and your reply cannot be guaranteed.

Newham Council’s Privacy Notice can be found on our website Data Protection https://www.newham.gov.uk/Pages/Services/Processing-personal-data.aspx which outlines your rights and how we collect, use, store, delete and protect your personal data.