

Philip Lawson

From: elizabeth speed <elizabethspeed@luxuryleisure.co.uk>
Sent: 02 September 2015 16:24
To: General Licensing
Subject: Gambling Act 2005 – Statement of Principles Consultation

Dear Sirs

Re: Gambling Act 2005 – Statement of Principles Consultation

On behalf of Luxury Leisure, I make the following comments in response to the above consultation draft (the "Draft"):-

1. We note in Section 3 headed "Consultation on the Policy" that the dates and references appear to relate to the existing policy rather than the consultation Draft. No doubt this will be picked up before the Draft is finalised.
2. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005, 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 supports those it regulates to comply and grow. Additionally, 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. We suggest the Draft be amended to include a statement that the Authority recognises that it is subject to and will comply with the Regulators' code in relation to matters of gambling licensing and enforcement, perhaps most suitably in relation to "The Functions of the Licensing Authority" at Paragraph 4.
3. In support of the third licensing objective, the Draft states at Paragraph 5.25 that the Authority will look particularly closely at applications for premises licences in areas including those which include the premises already licensed for the provision of gambling facilities. As the Authority appreciates and acknowledges, gambling is a legitimate leisure activity provided it is carried out in accordance with the law and is regulated properly. There can be no justifiable grounds for the Draft to state that it is a matter of policy the Authority will "look particularly closely" at applications in areas which include existing gambling premises. To do so would be completely at odds with the statutory obligation to disregard any matters of demand (Section 153 of the Gambling Act 2005 ("the Act")) and this should be removed from the Draft.
4. Section 7 deals with "Interested Parties". As the Draft acknowledges at Paragraph 7.1, those who have business interests that might be affected by the authorised activities are "interested parties" under the Act. Paragraph 7.6 singles out existing gambling businesses, stating that any representation which they make must relate to the licensing objectives. With respect, all representations by interested parties must relate to the licensing objectives. It is not for the Authority to predetermine the acceptability of a representation made by a particular sector. Existing gambling business whose business is likely to be affected by the authorised activities, qualify as an interested party under Section 158. The Act does not qualify how those business interests are likely to be affected. If, however, the representation such a business makes does

not meet the requirements for representations applicable to all interested parties, then it will not be admissible. With respect, 7.6 seems to confuse the definition of interested parties on the one hand with the merits of a representation on the other. We suggest this be corrected.

5. Although the Draft acknowledges the existence of mandatory and default conditions which apply to each premises licence, it suggests that the Authority may decide to impose conditions dealing with the same issues. This is to be avoided as is acknowledged in the Guidance to Licensing Authorities. The mandatory and default conditions are imposed by legislation and the Authority should avoid attempts to impose higher burdens as the Draft suggests it may do (e.g. 9.30 for AGCs and 9.34 for FECs, but bizarrely none have been listed for betting premises).
6. Additionally, licensees are bound by the LCCP and a number of the sample conditions which the Draft suggests the Authority may attach to premises licences, are already adequately covered by the LCCP. Again, it is not for the Authority to duplicate the conditions imposed through the LCCP. (See for example those set out at 9.30 and 9.34 of the Draft (as before)). Similarly Paragraph 5.19 duplicates the LCCP which makes specific reference to the broadcast and non-broadcast advertising codes which apply. Accordingly this paragraph is duplicatory and unnecessary.
7. FECs are focused on the provision of amusement to families and children are permitted to enter them. They are legitimate sites. It is therefore surprising that 9.32 of the Draft suggests that the proximity of a family entertainment centre to a residential area, where families and children may live, may be detrimental to an application for an FEC. 9.32 does not reflect the Act or support the legislation and, we submit, would go beyond the Authority's powers.
8. Paragraph 8.23 is unclear and we suggest that the intention behind it be clarified.
9. As the Authority will appreciate, AGCs and bingo premises in existence before 13th July 2011 are permitted to make available 4 or 8 Category B gaming machines, respectively, or 20% of the total number of gaming machines on the premises, whichever is the greater. As such, we suggest that the provisions relating to AGCs (9.26) and bingo premises should be amended to reflect this.

We hope that the above proves useful.

Yours faithfully

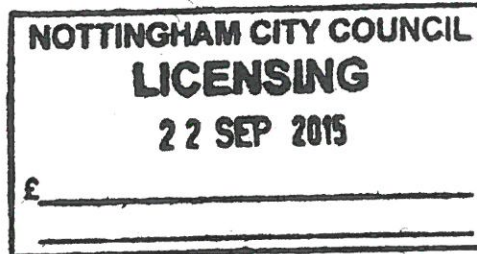
Elizabeth Speed
Group General Counsel
Novomatic UK
For Luxury Leisure
Direct +44 (0) 191 497 8222
Mobile +44 (0) 7808 571 588
elizabethspeed@luxuryleisure.co.uk

CONFIDENTIALITY NOTICE

This email is intended only to be read or used by the addressee. The information contained



Nottingham City Council
Licensing Officer
Tamar Building
Eastcroft Depot
London Road
Nottingham
NG2 3AH



Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / LHK / 097505.00004
#GS377090
Your ref:
Date: 21 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

The policy starts with a statement that the statement of gambling policy will promote the three licensing objectives. Thereafter there are further instances (paragraph 5.20 and 5.24) where it is stated that applicants are required to promote the licensing objectives. The authority is reminded that when dealing with Gambling Act 2005 applications, the requirement is that the authority aims to permit the use of premises for gambling insofar as the application is in accordance with the Gambling Commission Guidance, the LCCP, the local statement of policy and insofar as the application is reasonably consistent with the licensing objectives. The only body upon whom there is a duty to promote the licensing objectives under Gambling Act 2005 is the Gambling Commission.

Within the introduction the policy recognises that due to deprivation within the authority's boundary there is a "high level of potentially vulnerable people." The Guidance to Licensing Authorities issued by the Gambling Commission does not seek to define vulnerable persons but assumes that this group includes people who gamble more than they want to, gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs. It does not follow that a deprived area has potentially higher number of vulnerable persons.

Paragraph 5.7 indicates that applicants seeking premises licences are encouraged to put forward prohibitions, restrictions or conditions of their own. The authority should recognise that there is no mechanism to do so within the application process although from April 2016, it will be clear how risks will be addressed through the submission of local risk assessments. The policy should also acknowledge that premises licences issued under Gambling Act 2005 are already subject to robust mandatory and default conditions. In the vast majority of cases, these conditions will not need to be supplemented. It is only where there is evidence of a particular risk in particular circumstances that the need for additional conditions should be considered.

Paragraph 5.13 indicates that the new Social Responsibility and Ordinary Code Provisions take effect from 8th May 2015. This is incorrect. Social Responsibility Code Provision 10.1.1 and Ordinary Code Provision take effect from 6th April 2016. The policy should be amended to reflect this.

Paragraph 5.3 indicates that in certain circumstances the authority will look particularly closely at applications. The first of these circumstances is applications which are "close to sensitive areas otdevelopments". Aside from the spelling mistake, it is not clear what this means. Thereafter residential areas, schools, residential hostels for vulnerable adults and premises licensed for alcohol or gambling are listed as areas where the authority will look particularly closely at applications made for new premises. The authority is reminded that betting has been heavily regulated for over 50 years and have operated largely without any problem whatsoever. . Betting offices, in particular are always situated in areas of high population and passing trade. Accordingly, these premises are always in locations where children may walk past and very often close to schools. On account of the robust policies and procedures operated by betting office operators, the number of instances where young people try to use betting offices is extremely small. The mere proximity of a school etc should not preclude the opening of a well operated betting office.

Paragraph 7.6 relates to representations that may be made by an existing gambling business. It states that only representations relating to the licensing objectives would be applicable. The paragraph should be amended to reflect that an existing gambling operator may make representations that any application is not in accordance with the LCCP, Gambling Commission Guidance or local statement of policy. It is accepted that representations based entirely on trade protection cannot be accepted.

Paragraph 8.21 – The policy would be assisted by an acknowledgement that gambling premises are already subject to strict mandatory and default conditions and that these will not need to be supplemented unless there is specific evidence of a need to do so in a particular circumstance.

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,

[Redacted signature box]

GOSSCHALKS

Licensing Officer
Tamar Building
Eastcroft Depot
London Road
Nottingham
NG2 3AH

24th September 2015

Dear Sir,

Consultation on Nottingham City 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 any moral objections to gambling and kindly suggest its inclusion.

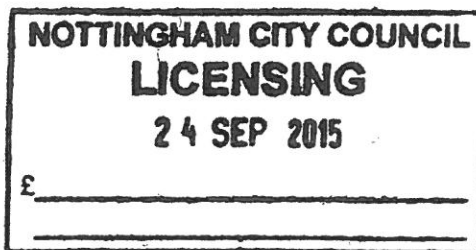
Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6th April 2016) and are pleased to see this detail included within the Draft Statement from Section 5.9 onwards.

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.

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

Yours faithfully,

John Liddle
Director of Development – Coral Retail



Coral Racing Limited
One Stratford Place, Montfichet Road, London E20 1EJ
Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT
Registered in England No. 541600
Tel: 020 3288 7000 Fax: 020 3288 7050

Angela Rawson

From: Lewis1, Marcus <marcus.lewis1@hmcts.gsi.gov.uk>
Sent: 01 October 2015 14:08
To: Angela Rawson
Subject: Review of Statement of Gambling Policy

Importance: High

Hi Angela

I hope you are keeping well.

I'm sorry for the delay in replying to the consultation. I did read it prior to the deadline but forgot to reply.

The court has considered the statement and does not have any comments to make.

Thanks

Marcus Lewis

Senior Legal Adviser

Her Majesty's Courts and Tribunals Service

Nottingham Justice Centre (Magistrates court)

Tel. 0115 9558165

marcus.lewis1@hmcts.gsi.gov.uk

This e-mail (and any attachment) is intended only for the attention of the addressee(s). Its unauthorised use, storage, disclosure or copying is not permitted. If you are not the intended recipient, please destroy all copies and inform the sender by return e-mail. I am not authorised to bind Her Majesty's Courts Service (HMCS) contractually, nor to make representations or other statements which may bind HMCS in any way via electronic means. This e-mail (whether you are the sender or the recipient) may be monitored, recorded, and retained by HMCS. E-mail monitoring/blocking software may be used, and e-mail content may be read at any time.

This e-mail (and any attachment) is intended only for the attention of the addressee(s). Its unauthorised use, disclosure, storage or copying is not permitted. If you are not the intended recipient, please destroy all copies and inform the sender by return e-mail.

Internet e-mail is not a secure medium. Any reply to this message could be intercepted and read by someone else. Please bear that in mind when deciding whether to send material in response to this message by e-mail.