

APPENDIX 3

DOC 1



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26 NOV 2015
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The Licensing Team
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
Shropshire, SY2 6ND

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / SDS / 097505.00004
#GS489646
Your ref:
Date: 24 November 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.

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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.

- 7 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

- 8 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.
- 9 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.

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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

- (0) 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

- (1) 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

12 a 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.

12 b 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.

12 c 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

13 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

- 14 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

- 15 In paragraph 7.3, the Gambling Policy Statement explains the Council's view on persons who are vulnerable for the purposes of the Gambling Act 2005. The draft policy statement repeats part of the Gambling Commission's Guidance that vulnerable persons include people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling. The draft statement of policy then indicates that this list includes first generation immigrants, persons from minority ethnic groups and persons affected by multiple deprivation. It appears that the Council has determined that these persons are automatically vulnerable and may not, therefore, be able to make their own informed or balanced decisions about gambling. The list also includes children and young persons. These should both be removed from the list. The licensing objective relating to children and the vulnerable is clear. Persons over 18 may make their own decisions about gambling and are not automatically vulnerable for the purposes of the Act. It is respectfully submitted that consideration is given to the removal of the list of persons that the Licensing Authority considers to be vulnerable.
- 16 Paragraph 10 explains the Council's approach to the imposition of conditions. The draft statement of policy would be assisted by a clear statement that the starting point for consideration of any Gambling Act 2005 application is that it will be granted subject only to the mandatory or default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The policy should make it clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented. It is important that the policy makes clear throughout that the imposition of conditions will be evidence based.
- 17 There is a typographical error within the first line of paragraph 14.2.

- 18 Paragraph 15 explains the Licensing Authority's approach to the first licensing objective. Paragraph 15.4 needs to be redrafted as this suggests that the Council may specify areas where gambling premises may be located. Any policy that a specific area is an area where gambling premises should not be located may be unlawful. The same paragraph indicates that applications are likely to be refused if the premises is in an area associated with unacceptable levels of crime that are creating burdens for the police. This paragraph needs to be redrafted so that it is clear that applications will only be refused where there is evidence of a risk to the licensing objective that cannot be mitigated by the imposition of conditions (crime or disorder caused by gambling, associated with gambling or being used to support crime). General anti-social behaviour or crime levels in the area which are associated with gambling would not be cause to refuse an application.
- 19 Paragraph 15.7 refers to concerns in relation to fixed odds betting terminals. The ABB welcomes the statement that the Council's local area profile has not highlighted this as either an existing or an emerging risk. It is important that decisions are based on evidence and not mere media concerns. This paragraph demonstrates that whilst there are concerns in the media, they are not necessarily borne out by the evidence.
- 20 Paragraph 17.4 again suggests that there may be specific areas where gambling premises may not be located. This needs to be redrafted as any such policy may be unlawful. Similarly, the suggestion that the Council is likely to refuse an application for a premises licence which is located close to a school is directly contrary to the overriding principle that the Licensing Authority is required to aim to permit the use of premises for gambling. Betting premises in particular have existed in areas of high footfall and highly populated residential areas for over 50 years. They are usually in areas, therefore, where children walk past and many are close the schools. Operators have policies and procedures which are supported by robust mandatory and default conditions to ensure that those who are not permitted to bet do not do so. Mere proximity is not a reason to refuse an application. In any event, the proximity of a school would be highlighted in the local area risk assessment conducted after 6th April 2016. That risk assessment would identify the risk and outline policies and procedures to mitigate any risks to the licensing objective.
- 21 Paragraph 17.6 needs to be redrafted as this shows a misunderstanding of the operation of betting premises. There is a suggestion that a Challenge 25 policy be adopted. Challenge 25 is the policy used largely by premises operating under Licensing Act 2003. The gambling industry standard age verification policy adopted in the vast majority of betting offices in the UK is Think 21. Paragraph 17.6 also suggests the use of "challenge log." Betting operators are required to lodge returns with the Gambling Commission relating to challenges. On the basis that this information needs to be produced anyway, there is no need for a further log for age restriction challenges.
- 22 Paragraph 17.10 refers again to nationally expressed concerns about FOBTs. The paragraph goes on to indicate that conditions may be applied to ensure consistency with the licensing objectives. The Licensing Authority is reminded that if conditions are to be applied over and above the mandatory and default conditions then these must be evidence based i.e. there must be evidence of a risk to the licensing objectives in the circumstances of a particular case if additional conditions are to be imposed.

Conclusion

23 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,



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Doc 2

From: Wendy Condlyffe [<mailto:Wendy@impactaas.co.uk>]

Sent: 12 October 2015 11:49

To: Licensing <licensing@shropshire.gov.uk>

Subject: Gambling Licence Strategy

- 1 I work for IMPACT, a support service for people with addictions and we provide counselling for people with gambling addictions in Shropshire on behalf of GAMCARE. GAMCARE is a national charity, funded largely by the Responsible Gambling Trust, I am not aware of any other support services for this client group in Shropshire.
- 2 My point of concern is about how young people (I am talking about 16 & 17 year olds) and, more importantly, vulnerable adults who gamble "beyond their means". There is a reference in the document about safeguarding of this client group but I wonder how this "advice" is made available and who polices it?
- 3 We have a number of people self referring to us weekly and we see them for 18 sessions, we are though only funded to provide support for Shropshire on one day a week only. It goes without saying that we have a waiting list; this limited service also prevents us from delivering an outreach service. We offer telephone counselling but this is not the best option for many people.
- 4 My point is that I am sure your new licensing strategy is within the law but I urge you to consider the people for whom gambling becomes an addiction; and that gambling outlets are obliged to recognise this and publicise support services. It seems that betting shops do everything they can to make gambling a fun and exciting experience (the joys of FOBTs), but can you, the licensing authority in Shropshire, make every effort to support the same people when it ceases to be fun.
- 5 So often, by the time people contact us, they and their families are in desperate financial and personal need.

Regards

Wendy

Wendy Condlyffe
Chief Executive Officer

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The Licensing Team
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27th November 2015

Dear Sir,

Consultation on Shropshire Council Statement of Principles – Gambling Act 2005

- 1 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.
- 2 Coral Racing Limited are supportive of the document. Your statement correctly notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of any moral objections to gambling.
- 3 Coral Racing Limited recognise the requirement to supply risk assessments with future applications and variations (requirement is from 6th April 2016) and we are pleased to see this information included and referenced with the relevant sections.
- 4a Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with
b future premises licence applications, 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
c control measures are needed. This we believe, can be accomplished without the need to list numerous styles of premises which various other councils have indicated and we are pleased to see that Shropshire Council have not progressed this route.

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

Yours faithfully,

John Liddle
Director of Development – Coral Retail



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a company

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DOC 4

Mandy Beever

From: Sarah Hughes <reception@ludlow.gov.uk>
Sent: 26 November 2015 16:48
To: Licensing
Subject: [Unable to verify sender (SPF none)] Gambling Act Policy Consultation

Hi there,

With regards to the above consultation, please see below comments from Ludlow Town Council:

A – Yes
B – Yes
C – Yes
D – Not sure
E – Absolutely, there is no place for casinos in a place like Shropshire

Best wishes
Sarah

Sarah Hughes
Finance Assistant
Ludlow Town Council
01584 871970