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SOLICITORS

BY EMAIL ONLY  
Licensing Department  
Breckland Council

Please ask for: [REDACTED]  
Direct Tel: [REDACTED]  
Email: [REDACTED]  
Our ref: RJI / MJM / 097505.00005  
#GS2213615  
Your ref:  
Date: 11 October 2018

Dear Sir/Madam,

**Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take 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 has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

### **Best practice**

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

### **Concerns around increases in the regulatory burden on operators**

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

### **Employing additional licence conditions**

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent

with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### **Considerations specific to the Draft Statement of Principles Gambling Act 2005**

The commentary on the first licensing objective (preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime) should be re-drafted. Specifically, the second paragraph refers to issues of nuisance and gives an example of levels of noise from public address systems that should ideally be sited at the back of premises away from residential areas. Unlike Licensing Act 2003, the prevention of public nuisance is not a licensing objective. Under Gambling Act 2005 issues of nuisance are not relevant considerations as these can be adequately be dealt with by other legislation. Accordingly these paragraphs should be re-drafted in order that they concentrate on what is relevant.

The section of the draft statement of principles that explains the Licensing Authority's approach to the imposition of conditions would be assisted by an acknowledgment that all Gambling Act 2005 premises licences are subject to mandatory and default conditions and that these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The draft statement of principles should be clear that additional conditions will only be considered 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.

Thereafter, the section on default licence conditions should also be amended. The final sentence of the first paragraph indicates that the Authority will only exclude default conditions and replace the same with less rigid conditions where there are clear and identifiable reasons for doing so. This is not the test that should be applied. The Licensing Authority is required under S153 Gambling Act 2005 to "aim to permit" the use of premises for gambling and an application that seeks to exclude the default conditions should be determined in accordance with the principles of S153 i.e. that the application is in accordance with the LCCP, the Gambling Commission Guidance, is

reasonably consistent with the licensing objectives and in accordance with the Authority's policy (as amended to exclude irrelevant matters).

Paragraph 6 of Part B is specific to betting premises. This section should also be re-drafted to remove the paragraph that starts *"The Licensing Authority will not look favourably upon an application where an applicant seeks a betting premises licence with the sole intention of placing category B2 gaming machines only in the premises with no provision for facilities for betting as this is not considered to be in the spirit of the act."* The requirement of SR Code Provision 9.1.1 is that gaming machines may be made available for use in licensed betting premises only where there are substantive facilities for non-remote betting provided in the premises. Accordingly, the statement in the draft statement of principles can simply be removed given that any application would be in breach of the SR Code Provisions in any event.

Paragraph 15 of Part B explains the Local Authority's approach to local risk assessments and contains a list of 12 matters that the authority would expect a local risk assessment to consider as a minimum. This list should be re-drafted as it contains matters that are not relevant for an assessment of any risk to the licensing objectives. For example, the first minimum requirement is to assess whether the premises is in an area of deprivation. The relative affluence of an area can have no bearing on any risk to the licensing objectives unless the Licensing Authority has pre-determined that persons in that area are automatically vulnerable or are more likely to commit crime as a result of gambling. We doubt that this pre-determination has taken place.

In addition, the references to "high employment area", "the area has a specific ethnic population", "pawn broker/pay day loan businesses in the vicinity" and "other gambling premises in the vicinity" are not relevant to any assessment of risk to the licensing objectives unless the Licensing Authority has pre-determined that a persons employment status, or ethnicity renders an individual automatically vulnerable or more like to commit crime. The proximity of pawn brokers/pay day loan businesses or other gambling premises in the vicinity cannot be relevant to any assessment of risks. In the circumstances, this list should be re-drafted to concentrate solely on what is relevant to an assessment of risks to the licensing objectives.

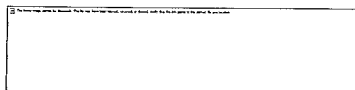
## Conclusion

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.

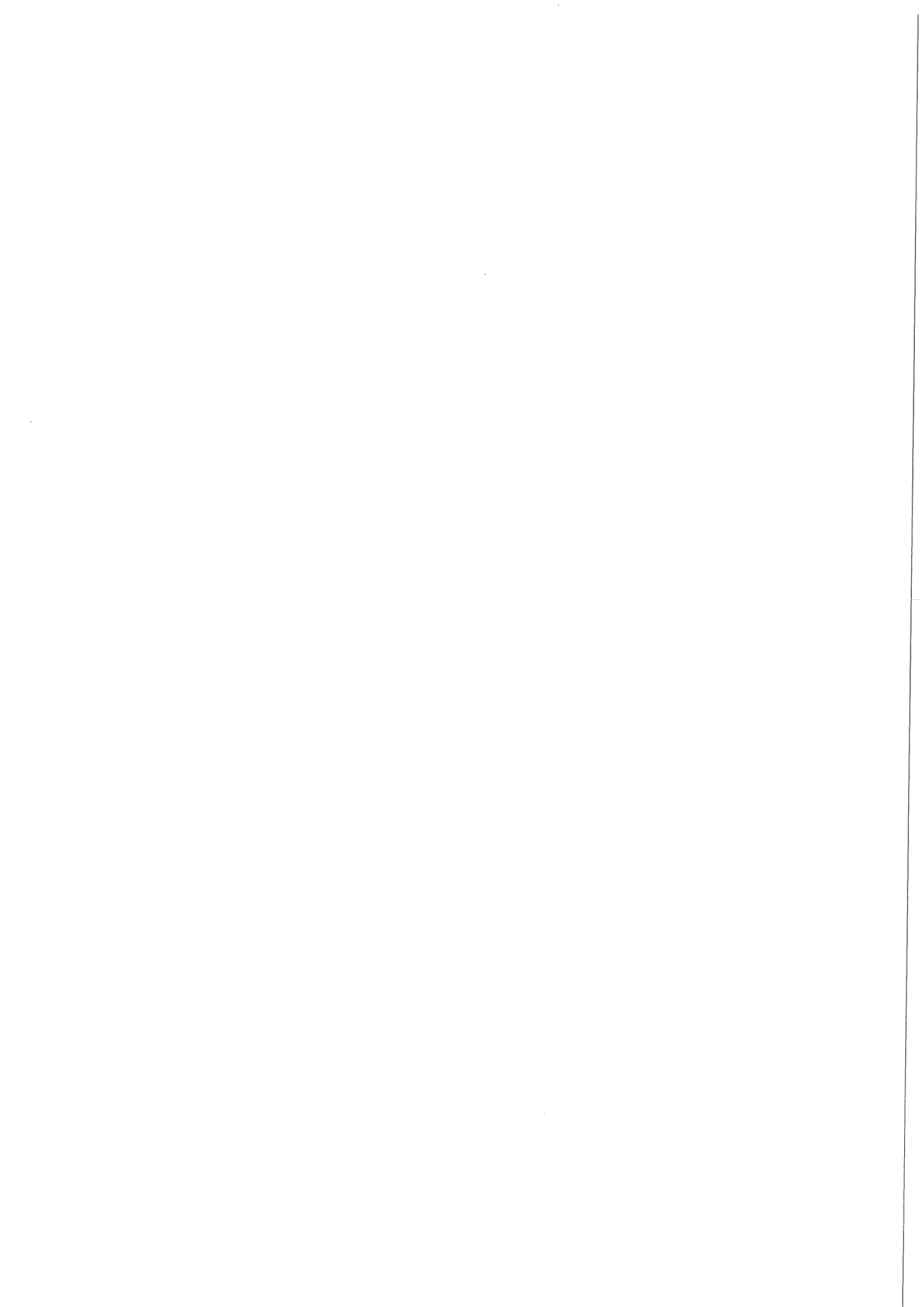
Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make 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**





**Hall, Donna**

**Subject:** FW: Gambling policy review - Public Health input  
**Attachments:** Norfolk PH Gambling insert to Policies.docx; Licensed Premises Data - Template.xlsx

[Redacted]

**Subject:** Gambling policy review - Public Health input

Hello All,

Firstly I hope this is reaching the appropriate licensing leads in each district council, if not please could you pass on to the relevant member of staff. Many thanks

As part of the current review of the statement of principles in relation to Gambling in your local authority, Norfolk County Council Public Health would be keen to have the opportunity to submit our position on Gambling with a few short paragraphs (attached). I appreciate I have not had the opportunity to speak with all of you regarding this, however I updated the licensing forum group back in May on this and hope that you would be willing to accommodate this insert? I would be happy to speak with you all regarding this if there are any issues, or you would like to know more about how Public Health are trying to engage with licensing teams across Norfolk, and why.

Also back at the May forum, I mentioned the ongoing Public Health mapping project at a County level, we would very much appreciate if you could submit the gambling licensed premises in your local authorities by cut and pasting the data into the attached excel spreadsheet template. Thank you in advance.

Finally as part of the ongoing work for Public Health as a responsible authority we are always looking at ways we can support the LA's with Alcohol licensing. There has been some good examples of other areas across England that support Public Health inclusion into the licensing process, even in the absence of a Public Health objective, below is one example:





- Page 5-6 Section 3.10 – 3.16 is a good example of an insert into your Alcohol licensing policy
- <https://www.gateshead.gov.uk/media/2465/LICENSING-POLICY-2016-2021/pdf/LICENSING-POLICY-2016-2021.pdf>

Kind Regards

[Redacted] **Public Health Officer**

Public Health

[Redacted]  
3rd Floor, County Hall, Martineau Lane, Norwich, NR1 2DH

 **Norfolk County Council**   

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## *Public Health and Gambling*

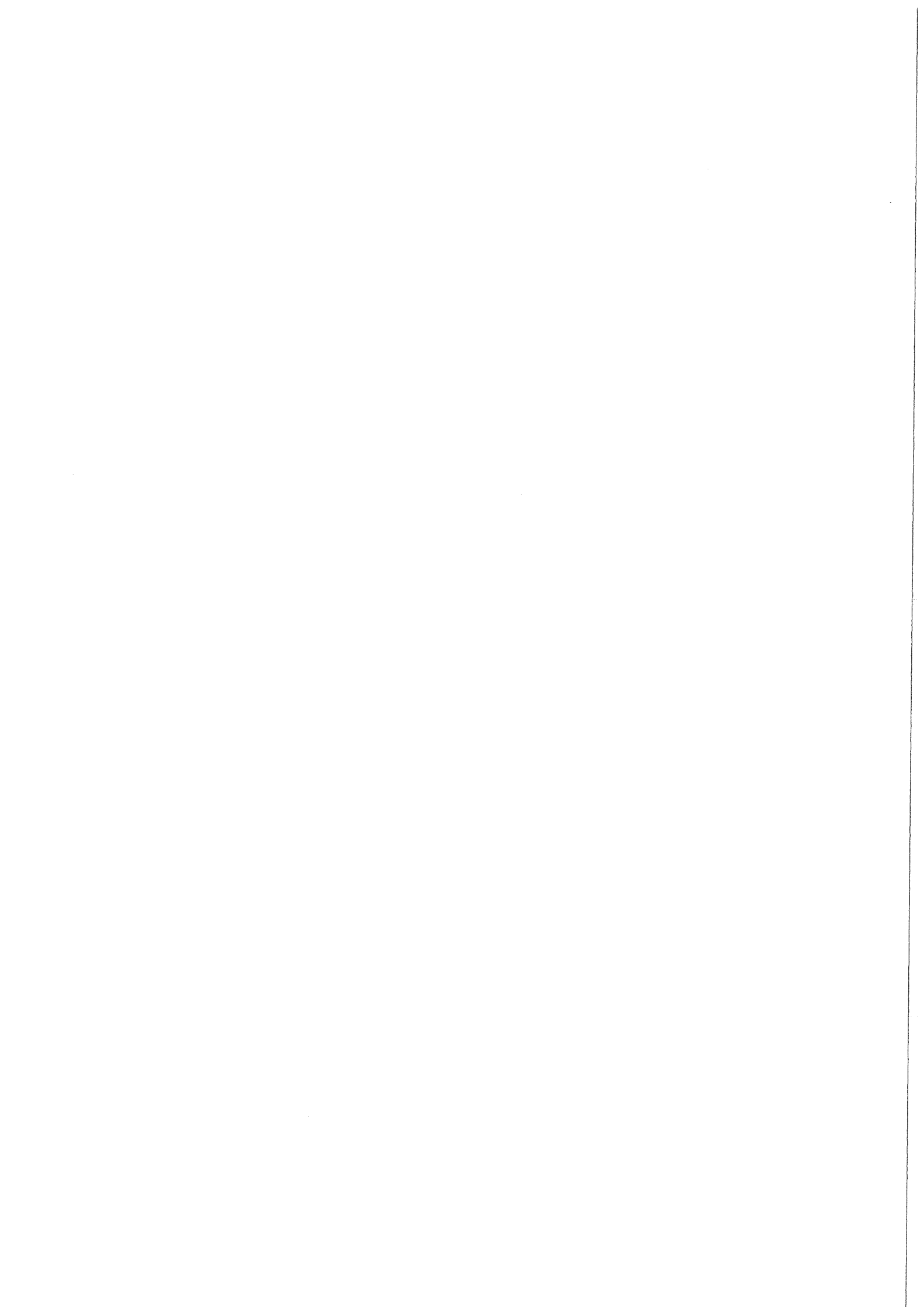
*Norfolk County Council Public Health supports the national position of the Gambling Commission on the prevention of problem gambling<sup>1</sup>, which the commission states should be a Public Health issue that is tackled in a comprehensive way alongside other public health issues like alcohol, drug misuse, or obesity, addressed by a range of organisations and agencies working co-operatively.*

*Public Health's role is to focus on the prevention of harm to vulnerable people within Norfolk, and any health harms that can be caused, or exacerbated by gambling. Our aim is to work with Local authorities in Norfolk to support a move towards health harms for individuals and communities being considered in the Gambling licensing process.*

*We will support the local authority in the development and review of the Statement of principles, and, where appropriate, a Local profile that identifies the wider health harms relating to gambling that includes Mental health, Housing, community welfare, and debt. All these areas are connected to poor health outcomes, not only for an individual, but for the surrounding family and the community.*

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<sup>1</sup> <https://www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf>



**Hall, Donna**

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**Subject:**

FW: Gambling Act Policy Consultation Comments - Breckland

**Attachments:**

Categories of Gaming Machine 2007\_20072158\_en.pdf; Gambling Act 2005  
Mandatory and Default conditions premises licences.pdf

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**From:** [REDACTED]

**Sent:** 24 July 2018 09:34

**To:** Licensing Team

**Cc:** [REDACTED]

**Subject:** Gambling Act Policy Consultation Comments - Breckland

Dear Licensing Team

I have looked at your draft gambling policy document and have a couple of comments relating to bingo premises licences and gaming machines.

In your section 6 about Bingo, age restrictions are referred to and state that where under 18s are permitted that the Category C machines should be in a separate area. There is also the question of permitted Category B machines, which are also allowed in bingo premises. I would suggest the addition of a reference to permitted Category B machines (in Bingo B3 and B4) in this section. (Reference Mandatory and Default Conditions, attached, Schedule 2, Part 1, section 3)

Further in the document there is a reference to acquisition of Bingo Premises Licence in order to offer Category B2 machines. I think that this must be a typo as only LBOs and Casinos are permitted B2 (FOBT) machines and they are not permitted in licensed bingo premises. I also attach the SI relating to categories of Gaming Machine and where they are permitted.

I hope that this is useful.

With kind regards

[REDACTED]

Company Secretary

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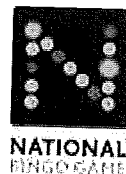
[REDACTED]

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Lexham House, 75 High Street North, Dunstable, Bedfordshire. LU6 1JF



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