

LBBD Draft Statement of Gambling Licensing Policy – Detailed Responses to the Consultation		
Response from Tim Martin, Transport and Planning Policy		
Section	Text	Licensing Response
All	<p>Many thanks for providing us with the opportunity to comment on the draft policy.</p> <p>The Council doesn't currently have any specific policies regarding gambling/betting offices etc, but as part of the review of the local plan we are exploring whether such policies are needed.</p> <p>Generally speaking, the Council is keen to limit the proliferation of certain uses in our town and district centres, recognising that a range of different uses is needed to ensure vibrant, successful places. <b><i>Recent changes made to the Use Classes Order means that certain permitted development rights previously enjoyed by Betting Shops/Pay Day loan companies have now been removed meaning that planning permission for change of use is now required.</i></b> This gives the Council a greater level of control than it had previously, meaning that additional specific policies may not be needed.</p> <p>I trust this is helpful and we look forward to seeing the final adopted policies.</p>	<p>Noted with thanks.</p> <p>Highlighted text will be incorporated into the policy.</p>
Response from Cenred Elworthy, Trading Standards		
Section	Text	Licensing Response
All	<p>Having read the full draft, it is pretty comprehensive and at the moment cannot think of any additions to the vulnerable adult and children aspects.</p> <p>It would be interesting to see if when the impacts are reviewed there is any way of adding a figure of loss through gambling related crime arising out of harm to victims. We have had cases where defendants state their assets have been spent on gambling and of course the suspicion is that gambling has been the drive for the offending.</p>	<p>Noted.</p>

	<p>My directly related comments on the draft would be:</p> <p>Para 93: “However, any suspicion raised that gambling is not being conducted in a fair and open way will be brought to the attention of the Commission for appropriate action.” Could also include reference to suspicions being referred to Trading Standards to consider potential offences under fair trading legislation.”</p> <p>Page 44. The responsible authority contact details for the Police need updating as the two Officers have moved on.</p>	<p>Noted and will reference.</p> <p>Noted. All contact details and other references will be subject of further check before final version is published.</p>
<p><b>Response from Fiona Wright, Consultant in Public Health Medicine (Full copy of response attached at Appendix B1)</b></p>		
Section	Text	Licensing response
<p>Section 4</p>	<p><b>Public health support for the policy</b></p> <p>The context above briefly describes the evidence of gambling as a public health issue, makes reference to the major challenges to health and its wider determinants in Barking and Dagenham and outlines the strategic importance given to addressing these poor health and social outcomes in our borough.</p> <p>The Gambling Act (2005) (“the Act”) changed the legislation in relation to Gambling and came into force in 2007. <sup>1</sup> Public health has worked closely with other colleagues in the council and partners across London to develop the response as outlined in this draft policy. Public health is fully supportive of the draft policy. Key messages from the public health perspective are:</p> <ul style="list-style-type: none"> <li>• This policy addresses an issue of local public health importance and inequalities for Barking and Dagenham</li> <li>• This policy is in line with the strategic priorities for us a council (Borough Manifesto), our partners (Joint Health and Wellbeing</li> </ul>	<p>Noted with thanks</p>

	<p>Strategy) and based on evidence of poor health and social outcomes within our Joint Strategic Needs Assessment</p> <ul style="list-style-type: none"> <li>• This policy draws on national and international evidence and best practice</li> <li>• The Gambling Related Harm: Vulnerable Locality Index is based upon a robust methodology and was developed jointly with the public health team to support the formulation of the local gambling policy</li> <li>• Public health supports Section 3 of this policy outlining the considerations the Authority will go through in determining gambling premises licenses and Section 4 including the promotion of industry good practice.</li> </ul>	
<p>Section 5</p>	<p><b>Partnership and additional recommendations</b></p> <p>Further to the provisions in this policy it is suggested that LBBDD recommends working with local operators to follow best practice. Examples would include:</p> <ul style="list-style-type: none"> <li>• A Borough-wide self-exclusion policy across all premises licensed for gambling.</li> <li>• Operator risk assessments should include provision for staff training in recognising problem gambling.</li> <li>• Operators should consider providing healthy lifestyle information in their premises e.g. leaflets regarding alcohol consumption and local smoking cessation services and local support for mental health problems and debt advice.</li> </ul>	<p>Each of the points raised here are worthwhile proposals but several matters are already subject of Commission Licence Conditions and Codes of Practice. For instance,</p> <ul style="list-style-type: none"> <li>• All companies that offer gambling in licensed premises (arcades, bookmakers, bingo and casinos) must be part of a national <a href="#">multi-operator self-exclusion scheme</a>. This allows an individual to make a single request to self-exclude from all premises offering the same type of gambling (for example, betting shops) in your area, rather than the customer needing to exclude from each operator individually.</li> <li>• Social responsibility code requirements on customer interaction compel all companies to have policies and procedures in place which deal with the identification, reporting of,</li> </ul>

	<ul style="list-style-type: none"> <li>• Operators should reduce advertising at least in line with the Senet set of Commitments.</li> <li>• Finally, since gambling is increasingly recognised as involving public health concerns. The Authority should continue to work with Public Health at strategy setting and policy reviews to ensure that the health of Barking and Dagenham's residents is promoted within the context of licensed gambling establishments.</li> </ul>	<p>and responsible interaction with persons displaying signs of problem gambling. This includes staff training and individual staff responsibility.</p> <ul style="list-style-type: none"> <li>• Under LCCP Ordinary Code 5.1.6 (Compliance with advertising codes) requires that the advertising of gambling products and services should be undertaken in a socially responsible manner and companies should comply with the UK Advertising Codes issued by the Committees of Advertising Practice (CAP) and administered by the Advertising Standards Authority (ASA)</li> </ul> <p>While this level of governance is recognised, inspections of licensed premises will aim to ensure that all operators comply with these requirements.</p> <p>Beyond this, this Authority values its relationship with Public Health colleagues and will be very happy to work together generally with Public Health</p> <ul style="list-style-type: none"> <li>• to promote the placement of relevant healthy lifestyle information within licensed gambling premises operating in the borough</li> <li>• at strategy setting and policy reviews to ensure that the health of Barking and Dagenham's residents is promoted within the context of licensed gambling establishments</li> </ul>
<p><b>Response to Public Consultation Received from the Association of British Bookmakers – Comments (Full copy of response attached at Appendix B2)</b></p>		
<p>Paragraph</p>	<p>Text</p>	<p>Licensing Response</p>
<p>Paragraph 6-8</p>	<p>The ABB recognises the importance of the gambling policy statement in focusing on the local environment and</p>	<p>The Authority is pleased that the ABB generally recognises the importance of the gambling policy;</p>

<p>welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.</p> <p>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 within new processes 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 under the new regime.</p> <p>Any consideration of gambling licensing at the local level should also be considered within the wider context.</p> <ul style="list-style-type: none"> <li>• the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of September 2016 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.</li> <li>• recent 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.</li> <li>• successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.</li> </ul>	<p>the need for it to reflect the local area; and how the policy can enable operators to take an informed approach to risk-assessment.</p> <p>The Authority is equally keen to ensure that the statutory requirements placed on operators and local authorities under the 2005 Act remain clear.</p> <p>The Authority is aware of the existence and application of the mandatory conditions. The Authority is also aware that it is prohibited from placing a condition on a premises licence which makes it impossible to comply with an operating licence condition.</p> <p>The Authority is aware of the 'aim to permit' structure but would argue that this should not be read as a requirement to grant every application for a licence made to it. Each authority has the discretion to grant or refuse applications.</p> <p>The Authority also believes that it is very important that the key protections offered for the community are maintained and this is one of the primary intentions of this policy.</p> <p>The contextual information provided by the ABB is interesting and is noted among other relevant contextual information provided by other bodies. However, it should be recognised that the noted overall decline in betting shops is reflection of the national and not local position, where figures have remained stable. Additionally, according to the Health Survey for England 2015 the proportion of problem gamblers in England is 0.9%, previously (2012) 0.6% (an increase)</p>
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<p>Paragraph 9</p>	<p><b>Working in partnership with local authorities</b>  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.</p>	<p>The Authority is committed to partnership working together with all responsible authorities. The Authority is glad that the ABB has taken the opportunity to respond to this consultation and is interested in the response made.</p>
<p>Paragraphs 10-13</p>	<p><b>LGA – ABB Betting Partnership Framework</b></p> <p>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.</p> <p>Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the <i>"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."</i></p> <p>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</p>	<p>The partnership agreement is noted and welcomed, as is the national multi-operator self-exclusion scheme.</p>

	<p>awareness of the scheme, which is widely promoted within betting shops.</p> <p>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 <i>"breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."</i></p>	
Paragraphs 14-15	<p><b>Primary Authority Partnerships in place between the ABB and local authorities</b></p> <p>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.</p> <p>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.</p>	The primary authority arrangements held by ABB members are understood and noted. The Authority will refer to these where applicable.
Paragraphs 16-18	<p><b>Local area risk assessments</b></p> <p>Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to</p>	The Authority notes the ABB's support for the implementation of risk-assessments.

	<p>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.</p> <p>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 new 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.</p> <p>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’.</p>	
<p>Paragraphs 19-23</p>	<p><b>Best practice</b></p> <p>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.</p>	<p>This Authority does not intend to prescribe the form of an operator’s risk assessment, only to provide information which helps operators to understand relevant local contextual information and address the concerns highlighted.</p>



	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
<p>Paragraphs 24-25</p>	<p><b>Concerns around increases in the regulatory burden on operators</b></p> <p>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</p>	<p>This Authority does not wish to add to the regulatory burden and does not expect operator risk-assessments to be reviewed with unnecessary frequency. As per Commission guidance, it is anticipated that relevant local risk-assessments will be reviewed,</p>

	<p>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.</p> <p>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.</p>	<p>however, upon the introduction of the Council's new licensing policy and local area profile and, thereafter, when there is significant change in circumstances either locally or at a premises to address.</p>
<p>Paragraphs 26-28</p>	<p><b>Employing additional licence conditions</b></p> <p>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.</p> <p>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</p>	<p>The Authority is aware of the mandatory conditions; the conditions set in the Commission's Licence Conditions and Codes of Practice and the principles set out by the Commission that local licensing authorities need to abide by when considering additional licence conditions. The Authority will comply with all of this.</p> <p>However, there may be cases where the 'standard' conditions are not sufficient to address a specific situation adequately and, in such circumstances, additional conditions or, indeed, higher standards may be necessary.</p> <p>For instance, the Authority is aware of the general approach to 'Think 21' and would accept that in many cases this approach is appropriate and acceptable. However, this Council's general approach to age-restricted products is to rely on 'Challenge</p>

	<p>age verification policy should not be imposed.</p> <p>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</p>	<p>25' which is increasingly accepted as the 'industry standard' in many fields, including other areas of licensing, for instance, alcohol. The Authority may wish to apply this standard where appropriate having given consideration to the case in question.</p>
<p>Paragraph 29</p>	<p><b>Other concerns</b></p> <p>Where a local area profile is produced by the licensing authority, 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.</p>	<p>The local area profile is intended as an appendix to the main policy. This approach is taken so that the profile may be reviewed as necessary without requiring review of the full policy if this is not necessary. As such the profile will be available together with the main policy document.</p>
<p>Paragraphs 30-56</p>	<p><b>Considerations specific to the Draft Statement of Gambling Policy 2017-2020</b></p> <p>The purpose of a Statement of Gambling Licensing Policy is defined by s349 Gambling Act 2005. Its purpose is to detail the principles that the Licensing Authority proposes to apply in exercising its function under the Gambling Act 2005. The draft Statement of Gambling Licensing Policy goes beyond this. It is too long, too prescriptive, introduces extra layers of bureaucracy and appears to trespass into areas that are nothing to do with it.</p> <p>Good examples of this are found at paragraphs 99 and 103. These paragraphs require that an applicant for a premises licence furnishes the Licensing Authority with details of its policies and procedures to demonstrate social responsibility and to prevent gambling by underage persons and vulnerable adults. All of this documentation will have already been scrutinized by the Gambling</p>	<p>Under the Act the Authority has a primary responsibility for the third licensing objective dealing with the protection of children and vulnerable adults and, an interest, in the first licensing objective regarding the prevention of crime. If the Authority is to take steps that properly promote the licensing objectives then it is helpful to understand the relevant policies and procedures of the company involved with the application.</p> <p>This is not to make judgement as to whether the policies and procedures adequately address the requirements of the national standards set by the Commission but will enable consideration to be given as to whether the local situation is adequately addressed.</p>

<p>Commission upon application for an operating licence. There is no need for the Licensing Authority to review this, indeed, it does not have the same expertise as the Gambling Commission and should not therefore be commenting upon it.</p> <p>If an applicant is required to furnish the licensing authority with details of policies and procedures that are acceptable to the Gambling Commission, and the Licensing Authority then determines for whatever reason that they are not suitable then is it expected that an applicant would need to go beyond what is required by the Gambling Commission? It is respectfully submitted that the Licensing Authority channels its attention to its own functions and does not introduce additional layers of bureaucracy especially in areas where it has little or no expertise.</p> <p>The executive summary indicates that <i>“it is understood that as many as 600,000 individuals nationally face deep personal consequences from their relationship with gambling.”</i> This is unsubstantiated with no provenance or foot note to indicate where these figures came from. The executive summary indicates that the figures may be from the Health Survey for England 2012 but that document indicates that around 0.6% of the population in England are identified as problem gamblers. This would not account for 600,000 persons unless the population is 100 million. Problem gambling is defined within the Health Survey as involving gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits. It is unclear where the figures given came from or upon which survey they are based. The executive summary should be redrafted to either attribute where the figures come from or be amended in order that the correct figures are produced.</p> <p>The draft Statement of Gambling Licensing Policy introduces a new section 3 – Local Area Profile. Unfortunately, this is not contained</p>	<p>This section has now been updated as new figures have been received but we are not just talking about problem gamblers, we must also consider family, friends and other people who will be affected by problem gamblers</p> <p>The Health Survey for England 2015 now shows 0.9% prevalence and the Gambling Commission’s 2017 Assessment of National Gambling Behaviour put this figure at 0.8%.</p> <p>Steps will be taken to ensure that when it is published all portions of the policy documentation may be widely and readily accessible.</p>
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	<p>within the policy itself and instead a link is provided within the policy. This link cannot be accessed without an “Office 365” account. The Local Area Profile must be accessible and should be included as an annex to the gambling policy.</p> <p>We have, however, reviewed the document entitled “Gambling Related Harm” which appears on your website and which, we assume, is the document to which there is a link that is inaccessible.</p> <p>This document indicates that the hotspots for gambling premises are in Barking town centre and the Heathway. Thereafter it states that Barking town centre has the highest density of anti-social behaviour and makes the point that it is impossible to say that the two are related.</p> <p>There is then a document entitled “Gambling Related Harm Index Compared to Deprivation Deciles.” The link between gambling related harm and deprivation, however, is not established by this document. The document merely shows the proximity of betting offices to the areas of deprivation. There is no link between the two whatsoever. This document should therefore be retitled as it is wholly misleading.</p> <p>The whole document is deeply flawed and makes, at best, tenuous links about gambling and societal problems. At worst, it is misleading. The document picks and chooses its statistics. For example, the final slide is headed “revenue from licensed gambling establishments” and indicates simply that LBBB collects £312,504 from business rates from the 31 betting offices in the Borough. It takes no account of the income generated within the Borough, the salaries paid to staff or the income generated for the Borough by virtue of people travelling to use these establishments.</p>	<p>References to the document entitled ‘Gambling Related Harm Risk Index’ are noted.</p> <p>The analysis of direct costs to LBBB from betting shops and excess fiscal costs incurred by people who are problem gamblers were considered potentially an interesting contextual piece of work and should not be considered evidence to say that gambling is costing the Authority £x or that Authority could save £x</p>
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<p>References to this document should be removed from the draft statement of principles.</p> <p>Paragraph 42 causes the ABB significant concern. This paragraph indicates that the Authority considers that it is necessary to limit facilities for gambling in certain areas. This statement is in direct contradiction of the requirement to aim to permit the use of premises for gambling. The authority appears to have made a determination that persons in deprived areas are either automatically vulnerable or more likely to be involved with gambling related crime.</p> <p>We respectfully submitted that paragraph 42 simply be deleted and replaced with a statement that all applications will be considered upon their own merits and in accordance with s153 Gambling Act 2005.</p> <p>In addition, it is suggested that paragraph 44 be redrafted. The final bullet point refers to issues of anti-social behaviour and street related disorder. These are not issues that can be taken into account when considering whether or not an application is reasonably consistent with the licensing objectives. The Gambling Commission Guidance is clear that issues of nuisance and low level anti-social behaviour are irrelevant considerations as far as that determination is concerned.</p> <p>The paragraphs beyond the heading “How applications for premises licences will be assessed” also need to be redrafted. Paragraph 47 should make it clear that the Licensing Authority will aim</p>	<p>On the references to Paragraph 42, it remains the case that all applications will be considered upon their own merits with all relevant information taken into account. This is stated within the policy. The relevant information should, however, include the contextual information provided by the Index / local area profile. The Authority has concerns which are shown by the recent public consultation to be shared by a large percentage of those who have responded to the consultation and the Authority consequently has a position, which is stated in the policy. However, the Authority remains aware of the current legal framework to the Act and intends to comply with the position at that point in time. With the increasing pressure on the Government around gambling related harm the Authority anticipates that there will be changes to associated law and process in time and wants the policy to be best placed to react to changing circumstance as this may occur.</p> <p>On the reference to Paragraph 44 the Authority acknowledges that ‘nuisance’ is not intended to be a specific consideration under the first licensing objective but does consider that the degree of local street based anti-social behaviour and crime are relevant considerations when determining a specific premises licence.</p> <p>On the reference to Paragraph 47 a similar statement is already included in Paragraph 16 under the heading ‘local authority discretion’. However, this will be</p>
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	<p>to permit the use of premises subject to any application being in accordance with the relevant LCCP, Gambling Commission Guidance, insofar as it is reasonably consistent with the licensing objectives and finally in accordance with the Licensing Authority's Statement of Principles.</p> <p>Thereafter, the licensing policy suggests both that an applicant is required to "promote the licensing objectives" and should submit "operating schedules" to demonstrate mitigation of the risks raised within the local area profile. There is no duty upon an applicant to promote the licensing objectives and this bullet point should therefore be deleted. The requirement to submit an operating schedule is a requirement under Licensing Act 2003 and is not replicated within Gambling Act 2005. The only requirement here is to submit a local area profile. The bullet points need to be amended to reflect this.</p> <p>Paragraph 49 then contains a list of matters that the authority will take into account. This list needs to be redrafted. The reference to "levels of deprivation" in the local area needs to be deleted as the relative affluence of an area can have no bearing on whether or not a premise will operate in a fashion that is reasonably consistent with the licensing objectives unless the Licensing Authority has predetermined that persons on specified levels of income are automatically vulnerable or more likely to be involved with gambling related crime. We doubt that this is the case.</p> <p>The paragraphs with regard to conditions (51 to 53) need to be amended to make it clear that all licences are subject to the mandatory and default conditions and that these conditions are usually sufficient to ensure operation that is consistent with the licensing objectives. The draft Statement of Gambling Licensing Policy would be assisted if this were made clear and thereafter there was an indication that additional conditions will</p>	<p>re-iterated here in the final version of the policy</p> <p>The response then goes on to set out that 'operating schedules' are a requirement of the Licensing Act 2003 and not the Gambling Act 2005 which is acknowledged. However, while the phraseology may be open to question, the principle remains that the Authority asks the applicants to consider and set out how it intends to address the local concerns raised by the local policy. The licensing application form makes no other provision for this.</p> <p>On Paragraph 49 it is considered that this information provides context to the application which, taken into account with all other relevant matters, can help inform the final decision. The bullet point will be clarified.</p> <p>On Paragraphs 51-53, Paragraph 53 of the policy already makes clear that 'where its discretion has been engaged through the representations process ....' Clarification will be added however.</p>
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	<p>only be considered in the event of representations and there is evidence to demonstrate that the mandatory and default conditions need to be supplemented.</p> <p>Section 4 deals with premises licences and paragraph 59 appears to indicate that a plan to scale of 1:100 must be submitted unless otherwise agreed with the licensing authority. There is no requirement in the legislation for a plan to be at 1:100 or indeed to agree the scale with the Licensing Authority. The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 simply require that a scale plan is submitted. In the circumstances paragraph 59 should be amended at least to indicate a scale of 1:100 is preferred by the Licensing Authority.</p> <p>Paragraphs 105 and 106 come under the heading "Location". It would be of assistance if the draft Statement of Gambling Licensing Policy would recognise that betting offices have always been situated in areas of high population. Therefore, these are all areas where there are large numbers of children and the Licensing Authority should recognise that operators, historically, have always been very successful with policies and procedures to ensure that those who should not be permitted to enter betting offices or bet do not do so.</p> <p>The bullet points at paragraph 106 should be amended. There is an indication that the authority would give careful consideration to any application in respect of premises that are in close proximity to faith premises and places of worship. The Gambling Commission Guidance is clear that moral issues are not relevant considerations when considering an application for a premises licence and it is difficult to see how the proximity of a church/place of worship could render operation that was inconsistent with the licensing objectives.</p>	<p>On Paragraph 59 this can Paragraph can be clarified to show that 1:100 is the preferred scale for premises plans.</p> <p>The comments on Paragraphs 105 and 106 are noted and some appropriate acknowledgement that many premises are established and have operated for a number of years can be considered. Paragraph 106 is not meant to enable moral issues to be considered. It references the fact that faith premises and places of worship may be frequented by children and vulnerable people.</p>
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<p>In addition, the bullet point that refers to anti-social behaviour is irrelevant for the purposes of the consideration of an application for a new premises licence.</p> <p>Paragraph 109 is a further example of the Draft Statement of Principles requiring more than is required by the Gambling Commission. Again, this is territory into which the licensing authority should not trespass. Paragraph 109 recommends that the age verification scheme operated should be based on the principle of Challenge 25. The Ordinary Code Provisions require that licensees should put into effect procedures that require their staff to check the age of any customer who appears to them to be under the age of 21. The majority of betting office operators operate the industry standard Think 21 scheme to comply with this provision. Whilst the Licensing Authority may have a preference, in the absence of evidence to the contrary, the Licensing Authority should not require that operators change age verification schemes that have been successfully operated for many years.</p> <p>Paragraph 118 refers to fixed odds betting terminals (FOBT's) within betting offices. There is a little commentary indicating that in relation to FOBTs, considerable sums of money may be spent in a short period of time. This is of course, no different to any other betting activity or indeed activity in any other gambling establishment and there is no need for this comment which should be deleted. There is a sentence, however, that <u>needs</u> to be deleted. That sentence reads <i>"in the light of this, the authority must be satisfied that the primary use of the premises is to operate as a betting premises."</i> This has been subject of much debate but has finally been settled by the case of <i>Luxury Leisure V The Gambling Commission</i> – May 2014 in which it was held that condition 16 (Primary Gambling Activity) does not require a contest between over the counter betting and the use of machines. There must simply be sufficient facilities for betting if gaming machines are to be</p>	<p>Comments on Paragraph 109 have been dealt with previously.</p> <p>On Paragraph 118 it is recognised that the concept of 'primary gambling activity' has been removed from the Gambling Commission Guidance. This does not take away from the fact that a licensed betting shop must have adequate betting facility to be licensed as such and qualify for the installation of FOBTs. This section will be reworded.</p>
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	<p>utilised. The relative use of those machines against over the counter betting is not a relevant consideration.</p> <p>Paragraph 121 indicates that the Authority is unlikely to exclude the default hours unless it is satisfied that robust measures will be in place to protect the vulnerable. The Licensing Authority cannot pre-judge an application and must take each application on its merits. In order to refuse an application to exclude the default conditions there would need to be evidence that to do so would render operation inconsistent with the licensing objectives. In the circumstances, this paragraph should be amended to reflect this, concentrating as ever on the “aim to permit” principle.</p> <p>We understand that since 2014 there has been no overall change in betting office numbers within the Borough, two have opened and two have closed. Nationally, numbers are declining. The Draft Statement of Gambling Principles includes measures which are completely disproportionate in terms of dealing with the few new applications within the Borough.</p>	<p>On Paragraph 121 intention to operate outside of the default hours requires special consideration and it is right that robust measures should be in place to ensure the premises can operate safely to a later hour. Cases will be considered upon their individual merits.</p>
<p>Paragraphs 57-59</p>	<p><b>Conclusion</b></p> <p>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.</p> <p>We would encourage local authorities to engage with us as we continue to develop both these codes of practice,</p>	<p>The Authority supports partnership working and will always work together with responsible operators to achieve best management practice.</p>

## Appendix 2

	which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.	
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