



From: Licensing Applications Essex [mailto: [REDACTED]]
Sent: 30 November 2016 11:42
To: Adam Penn
Subject: RE: Gambling Policy 2017 Consultation

Good morning Adam

Essex Police have no comments to make regarding the Southend Borough Council 2017 Gambling Policy Draft V2.

Regards

Steve

Essex Police County Licensing Officer Stephen Sparrow DMS ABII
Witham Police Station
PO BOX 12306
Police Station
Newland Street
Witham
CM8 2AS
Email: [REDACTED]



Southend Borough Council
Gambling Consultation
The Licensing Authority
Civic Centre
Victoria Avenue
Southend on Sea SS2 6ZG

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / LHF / 097505.00004
#GS1155128
Your ref:
Date: 06 January 2017

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 Betfair, 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 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.

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.

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 at 31 Mar 2016 were 8,809 - a decline of over 300 since March 2014, when there were 9,137 recorded.
- 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.
- 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.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power Betfair, 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

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 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.

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

Other concerns

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.

Considerations specific to the Gambling Licensing Policy Statement 2017-2019

Overall, the ABB welcomes the licensing authority's light touch approach to the draft licensing policy statement. In particular, the ABB welcomes the recognition of the need for an evidential basis for any consideration with regard to the location of a new premises (14.9) and the recognition that the mandatory and default conditions that attach to all Gambling Act 2005 premises licences are normally sufficient to regulate gambling premises.

The only specific issue that may need to be addressed within the draft policy relates to paragraph 14.11. This paragraph requires that one of the issues to be considered upon the completion of a local risk assessment is whether the premises is in an area of deprivation. We respectfully submit that this bullet point should be removed. It is difficult to see how the relative affluence of a location could be a material consideration as far as the licensing objectives are concerned. The Gambling Act 2005 requires that applications and the operation of premises are reasonably consistent with the licensing objectives. The only way in which the relative affluence of an area could be relevant to a risk to the licensing objectives is if the licensing authority has pre-determined that persons in that area are either automatically vulnerable or more likely to commit crime related to gambling. In the circumstances, we suggest that this bullet point be reconsidered.

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

SOUTHEND-ON-SEA BOROUGH COUNCIL



Meeting of Licensing Committee

Date: Tuesday, 24th January, 2017

Place: Committee Room 1 - Civic Suite

Present: Councillor D McGlone (Chair)
Councillors R Hadley (Vice-Chair), B Ayling, S Buckley, M Butler,
T Callaghan, D Jarvis, D Kenyon, H McDonald, C Mulroney,
G Phillips and J Ware-Lane

In Attendance: P Tremayne, T Row, A Penn, M Newton and L Colby

Start/End Time: 2.30 - 3.35 pm

681 Apologies for Absence

Apologies for absence were received from Councillors Borton, Folkard and Habermel (no substitutes).

682 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Callaghan – Agenda Item No. 4 (Application to be Recognised as an Association for Taxi Drivers) – Non-pecuniary interest: Taxi Driver;

(b) Councillors Jarvis – Agenda Item No. 5 (Consultation of the Proposed Gambling Policy for 2017) – Non-pecuniary interest: Member of Genting Club, the Rendezvous Casino and the Shoebury Conservative Club;

(c) Councillor Phillips – Agenda Item No. 5 (Consultation of the Proposed Gambling Policy for 2017) – Non-pecuniary interest: Member of Genting Club and the Rendezvous Casino.

683 Minutes of the Meeting held on Thursday 3rd September 2015

Resolved:-

That the Minutes of the Meeting held on Thursday, 3rd September 2015 be received, confirmed as a correct record and signed.

684 Application to be recognised as an association for taxi drivers

The Committee was informed that this item had been withdrawn from the Agenda on the basis that the formal application and supporting documentation had not been received.

Resolved:-

That consideration of this matter be deferred pending the receipt of a formal application and the relevant supporting information.

685 Consultation of the proposed Gambling Policy for 2017

The Committee received an oral report and presentation from the Council's Regulatory Services Manager on the proposed changes to the Gambling Licensing Policy Statement 2017-19. A copy of the policy statement was presented to the Committee to enable its views to be forwarded to the Cabinet as part of the consultation process. The Committee also received, for information purposes, a summary of the consultation responses that had been received to date.

The Committee considered and discussed the policy statement in some detail, and noted the requirement for applicants to carry out (and review as necessary) their local risk assessments. Furthermore, in order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Committee noted that it was proposed that the Licensing Authority would be publishing a local area profile (LAP). The LAP would be published as a separate document to the policy statement and would not form part of it. An initial draft copy of the LAP was circulated at the meeting. The Committee also noted that approval would be sought to delegate any necessary amendments to the LAP to the Deputy Chief Executive (Place) to ensure the information included within it was up to date and accurate.

Resolved:-

1. That, subject to the amendment of the term "Criminal Records Bureau" to "DBS" or "Disclosure" check in paragraphs 25.2 and 27.1, the proposed changes to the Gambling Licensing Policy Statement 2017-19 be supported.
2. That the Cabinet be recommended to approve the publication of the LAP as a separate document to the policy statement and that the LAP should include, amongst other things, areas of deprivation to assist in the completion of risk assessments.

686 Update on Other Licensing Matters

The Committee received an oral report and presentation from the Council's Regulatory Services Manager which provided Members with a brief update on the following matters:

- Sex establishments and Sex entertainment venues
- Animal Licensing
- Massage and special treatment licensing
- Scrap metal licensing
- Licensing Act 2003



Leigh-on-Sea Town Council

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LOCAL COUNCIL
AWARD SCHEME
FOUNDATION

Chairman: Cllr Carole Mulroney
Vice Chairman: Cllr Helen Robertson
Town Clerk: Paul Beckerson (Helen Symmons Acting Town Clerk)

Gambling Consultation
The Licensing Authority
Southend-on-Sea Borough Council
Civic Centre, Floor 13
Victoria Avenue
Southend-on-Sea
Essex SS2 6ZG

25th January 2017

Dear Mr Penn

GAMBLING ACT 2005
SOUTHEND-ON-SEA BOROUGH COUNCIL – GAMBLING POLICY 2017 CONSULTATION

Thank you for consulting us on this revised draft gambling policy.

Leigh-on-Sea Town Council discussed the changes at their Planning, Highways & Licensing meeting on the 24th January 2017. The Committee resolved to support the intended revisions to the policy.

Yours sincerely

Helen Symmons
Acting Town Clerk

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23rd January 2017



Southend Borough Council
Civic Centre
Victoria Avenue
Southend-on-Sea
Essex

**RE: Gambling Act 2005
Southend-on-Sea Borough Council-Gambling Policy 2017 Consultation**

Dear 

I would like to respond to the above consultation with a few ideas as mentioned below, I do understand that some of my suggestions, you may be unable to implement.

When a planning application comes before the council, for a retail/commercial property to be turned into a betting shop. The frontage of the property (proposed betting shop) should be limited to the width of a small/ individual retail unit.

The reason being we have seen a few retail units with a wide frontage or two shops next to each turned into one betting shop, this does interfere with the street seen.

Three properties spring to mind

A double fronted property between the Plough, Westcliff and Hamlet Court Road

The large property (a former Bank), corner of the London Road A 13 and Hamlet Court Road.

The large property, a former Barclays Bank, the property is located in a prominent position at the top of the High Street opposite W H Smith.

With five minutes walk of the above property there are a further three double fronted properties, now betting shops, together with a property occupying a prominent corner position Southchurch and Chichester Road

I would like to see a restriction on further planning applications for betting shops and

this could be achieved by limiting the amount of further planning approvals in connection with planning applications for Betting shops in a location, where a betting shop already exists.

All advertising and promotions should be confined to the inside of the property, not on the windows facing the public highway, or advertising on the frontage of the property.

Any new application for a Betting Shop should also include separate toilets for Ladies, Gentlemen and the Disabled.

The emergency exit should be able to be at street level and wide enough to accommodate a wheelchair.

The counter where the transaction is made needs to be of a height which is accessible to a person confined to a wheelchair, together with clocks in the customer areas.

The amount of so called Fixed odds Betting Terminals, needs to be reduced and set at the lowest possible number, one, in each property, which is less than at present allowed, and the machines should only be assessable for part of the time the betting shop is open for business, possible between 10 am- 5 pm.

When there is a Planning Application for a Casino, the design of the Casino should allow the customer to have access to as much natural light as possible in all parts of the building with large clocks in prominent positions throughout the Casino and the amount of Fixed Odds Betting Terminals should be limited to one per property.

Can you please confirm receipt of the above, confirming when any decision will be published and if possible send me a copy of the decision together with any recommendations which will be implemented and reasons why other suggestions cannot be implemented?

Yours sincerely

A black rectangular redaction box covering the signature of the sender.