
Statement of Gambling Principles – Supporting Information

1. Introduction/Background

- 1.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act.
- 1.2 The Statement will last for a maximum of three years and can be reviewed and revised by the authority at any time.
- 1.3 The present Statement was published on 31 January 2016 and therefore must undergo a review and be republished on or before 31 January 2019.
- 1.4 Once published, the revised Statement shall be valid between January 2019 and January 2022.

2. Supporting Information

- 2.1 Due to the general reformatting of the Statement, it has not been possible to include all of the amendments as track-changes. However, a summary of the material changes are as follows:
 - Revised intro 1.1
 - Added 1.4 to clarify what are licensable activities and the responsibility of the licensing authority
 - Updated 1.7 and 1.8 reference Information Exchange and Enforcement
 - Updated 1.9 on local risk assessments
 - Added new section 2.1 on general principles of premises licensing
 - Added 2.2 reference preventing gambling from being a source of crime and disorder
 - Added 2.3 reference ensuring gambling is conducted in a fair and open way
 - Updated 2.4 on protection of children and vulnerable persons
 - Updated 2.5 on conditions
 - Added sections 2.6-2.12 giving premises-specific guidance
 - Added 2.13 on provisional statements
 - Added 2.14 on premises licence reviews
 - Added section 3
 - Updated sections 4 and 5
 - List of consultees and glossary added as appendices
- 2.2 In addition to these changes, and further to comments submitted during the consultation process, a reference has been added under section 2.4 of the Statement to the West Berkshire Health and Wellbeing Board and Safeguarding Adults Board.

- 2.3 It is noted that the West Berkshire Local Lottery is not run under a licence issued by the Council, and is instead run by an External Lottery Manager who is licensed by the Gambling Commission.
- 2.4 It is felt that a number of the other matters that have been raised in the comments received have been satisfactorily addressed during the revisions made to the wording, or are otherwise outside of the remit of the Statement.
- 2.5 It should be noted that as part of the wider Public Protection Partnership (PPP) this policy has been drafted in consultation with colleagues across Bracknell and Wokingham. It is a stated objective of the PPP to reduce duplication and derive efficiency from economies of scale. There may be occasion where terminology is used to describe processes which vary from authority to authority. It is acknowledged that as part of the feedback process these may be amended to suit the individual authorities' own style and culture.
- 2.6 The Council's Licensing Committee met on 19 November 2018 and have recommended the Statement for approval.

3. Options for Consideration

- 3.1 There were no other options considered. This revision has been subject to consultation with interested parties and the wider public.

4. Proposals

- 4.1 That the Council approves the revised Statement at Annex E.

5. Conclusion

- 5.1 There is a mandatory duty on the Council to publish a revised statement and the substantive policy objectives being proposed are considered to be in the best interests of the Community, the Council and the trade. A public consultation has also informed this process.
- 5.2 The revised Statement is also seen as being broadly consistent with our PPP partners' objectives and whilst there may be some localised deviations they are only minor in nature, enabling the Council to benefit from economies of scale and resilience.

6. Consultation and Engagement

- 6.1 A consultation was carried out between 20th August 2018 and 5th October 2018. The bodies consulted are included at Appendix A of the revised Statement.
- 6.2 Details of the responses received to this consultation are included at Appendix D of this report.
- 6.3 It is noted that some of the comments received are general comments rather than specific responses to the Statement that has been drafted, or are outside of the Council's power to effect.

- 6.4 Early discussions with the Chairman of the Licensing Committee and members of the Committee who expressed an interest in its development have informed the revised SLP.

Background Papers: None

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval ☒

Delays in implementation could have serious financial implications for the Council ☐

Delays in implementation could compromise the Council's position ☐

Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months ☐

Item is Urgent Key Decision ☐

Report is to note only ☐

Wards affected: All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

☒ **P&S – Protect and support those who need it**

The proposals contained in this report will help to achieve the following Council Strategy priority:

☒ **P&S1 – Good at safeguarding children and vulnerable adults**

Officer details:

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Appendix D

Responses to Statement of Gambling Principles consultation

Public Health and Wellbeing West Berkshire Council

HWBB and the Safeguarding Adults Board should also be mentioned when considering protection of 'other vulnerable people'.

The emphasis of section 8 is rightly on children, however there is scope to expand this to formally recognise the significant impact that a gambling addiction might have on a person's mental health and overall wellbeing. I would like to see more detail on how the policy encompasses recommendations from the LGA/ PHE publication

https://www.local.gov.uk/sites/default/files/documents/Tackling%20gambling%20related%20harm_LGA_10%2023.pdf

The faculty of Public Health issued the following statement and this should be reflected in the policy with a statement such as Public Health recognises that Gambling can have a negative impact on individuals and the wider community. Gambling is associated with stress, depression, and alcohol and substance misuse. These often cluster and can be bi-directional. Gambling harm affects not only the individual, but also the family and wider society. See references in the following document to support this ref 6 and 7

<https://www.fph.org.uk/media/1810/fph-gambling-position-statement-june-2018.pdf>

Englefield Parish Council

Englefield Parish Council have reviewed the attached draft policies and have the following comment with regard the Statement of Gambling Principles:

We welcome and support the three stated Licensing Objectives (Section 3).

With regard to (c) and aware that problem gambling has significant psycho-social dimensions, we suggest that this might be specifically recognised within the safeguarding category of 'vulnerable persons' who are identified as being at risk from gambling.

Public comment

In: Section 9 - Interested parties it is stated that "Section 158 of the Act defines interested parties as persons who:

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) have business interests that might be affected by the authorised activities; or
- c) represent persons who satisfy paragraph a) or b)."

I assume therefore that West Berkshire intends to rely solely on this definition. I believe that this definition is far too narrow and does not allow other affected parties to have their views suitably considered. Licenced premises and activities can affect a large part of the community, not just those in close physical proximity. West Berkshire should consider amending Section 9 to include a broader range of interested parties; specifically those who may work, travel close to, shop at or use the services of businesses nearby.

Holybrook Parish Council



Holybrook Parish Council

Serving the communities of Beansheaf Farm & Fords Farm

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18th September 2018

Cheryl Lambert
Public Protection Partnership
Environmental Health and Licensing
West Berkshire District Council
Council Offices
Market Street
Newbury
Berkshire RG14 5LD

Dear Mrs Lambert

RE: Licensing Act 2003: Review of Statement of Gambling Principles

Thank you for inviting Holybrook Parish Council to comment on WBCs Review of Statement of Gambling principles.

Whilst it is acknowledged that the policy is based on standardized directives, Holybrook Parish Council make the following comments/observations:

- Section 14d 'guidance and assistance to licence applicants'

Please consider adding: '.... and information for those wishing to make an objection'.

- Section 12 (41) 'The name and address of the person making the representation will normally be made available to the applicant but will be withheld upon request. In such cases, an objector must appreciate that the representation may receive lesser consideration'

Holybrook Parish Council question why this may be the case? Is this in-line with the new GDPR regulations?

We look forward to your response.

Yours sincerely

Pamela Kirkpatrick
Clerk, Holybrook Parish Council

PLEASE ADDRESS ALL CORRESPONDENCE TO THE CLERK

GamCare

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.

- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

Gosschalks Solicitors, representing the Association of British Bookmakers



West Berkshire Council

Please ask for: Richard Taylor
Direct Tel: 01482 590214
Email: rt@gosschalks.co.uk
Current: R17 / 303 / 097505.00005
#G32198285
Your ref:
Date: 01 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

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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.

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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.

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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

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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 Gambling Principles

On behalf of the ABB, we welcome the light touch approach to the Statement of Gambling Principles and have very few comments to make. Those comments are below.

Section 3

Paragraph 7 indicates that *“the licensing authority recognizes that its duty under the Act is to carry out its functions with a view to promoting the licensing objectives...”* This sentence should be redrafted as the licensing authority does not have a duty under the Act to promote the licensing objectives. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. In exercising most of its functions under the Gambling Act, the licensing authority is required to “have regard” to the licensing objectives whilst applications granted must be “reasonably consistent” with the licensing objectives. It is important that this paragraph is redrafted in order that there is no confusion with Licensing Act 2003 where the licensing authority does indeed have a duty to promote the licensing objectives.

Section 10 – Licensing Conditions

Paragraphs 32-35 explain the licensing authority’s approach to the imposition of conditions on premises licences. These paragraphs would be assisted by a clear explanation that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives and it is only in circumstances where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that additional conditions would be considered. The evidential basis for the imposition of additional conditions is extremely important and should be clearly stated within the Statement of Principles.

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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,

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