

Appendix B :

Responses to Coventry City Council Statement of Gambling Policy Consultation - 5th August 2015 to 23rd September 2015

1 Background

- 1.1 The public consultation on the draft Statement of Gambling Policy took place for 6 weeks from 5th August 2015-23rd September 2015.
- 1.2 The consultation was extensive and included a range of statutory consultees, stakeholders and local communities.
- 1.3 2 responses were received during the consultation period.
- 1.4 All consultees were asked for comments on the draft policy, which have been organised into themes and are presented below.

Theme of comments	Capacity are you responding	Feedback/comments/amendments	Action
Primary Authority Partnership	Association of British Bookmakers (ABB) Power Leisure	Major operators and the ABB on behalf of independent members, have 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. Power Leisure Bookmakers Limited has established a Primary	Noted - No action required for the purpose of the policy.

	Bookmakers Limited	<p>Authority Partnership with Reading Council. The primary authority worked with the Gambling Commission to develop a national inspection strategy to be implemented to help protect underage people from gambling. Such schemes enable a consistent approach to regulation and enforcement and provide a uniform standard.</p>	Noted – no action required for the purpose of the policy.
Local Area Risk Assessment	Association of British Bookmakers (ABB)	<p>With effect from 6th April 2016, under new Gambling Commission provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.</p> <p>Licensees must take into account relevant matters identified in the licensing authority’s statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.</p> <p>The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. A review should only be required in response to significant local or premises change. In the ABB’s view this should be where evidence can be provided to demonstrate that the change could impact the premises’ ability to uphold the three licensing objectives.</p> <p>Although the ABB members will be implementing risk assessments at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.</p>	No action required as there is no proposed prescribed form. Operators on variation or new application will be allowed to gear their risk assessments to their own operational processes informed by the Gambling Policy and the Local Area Profile.

Local Area Profiles	Association of British Bookmakers (ABB)	<p>It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.</p> <p>This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.</p> <p>A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.</p> <p>We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.</p> <p>Paragraph 9.5 states that the onus will be on the applicants to show how potential concerns can be overcome. This appears to reverse the burden of proof in Gambling Act 2005 cases. The burden lies on the</p>	<p>No action required - Operators will need to consider the types of premises and their operation in the local area surrounding the premises in relation to the local profile that the Licensing Authority considers are sensitive premises, these may include:</p> <ul style="list-style-type: none"> • Educational facilities in the local area. • Community centres. • Any vulnerable group or venues relating to those vulnerable groups: i.e. • Homeless or rough sleeper shelters and care/support facilities. • Hospitals, mental health or gambling care providers. • Alcohol or drug support facilities

		<p>licensing authority to “aim to permit” applications insofar as they are reasonably consistent with the licensing objectives. The policy cannot reverse that burden.</p>	<ul style="list-style-type: none">• Religious Establishments <p>If an operator intends to apply for a new premises licence or a variation to a premises licence then a local risk assessment must be carried out. The assessment should be based on how the premises are proposed to operate and will need to identify the risk factors associated with the local area in which the premises are located. These factors are risks that relate to the potential impact gambling premises and its operation may have on the licensing objectives, considerations for operators are also identified in the Licensing Authority Gambling Policy.</p> <p>It should be noted that the local area profile will not preclude any application being made and each application will be decided on its own merits, but the onus</p>
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	<p>Power Leisure Bookmakers Limited</p>	<p>Coventry City Council will be aware that under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. We refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility. To ensure that better regulation principles are followed, operators should be allowed to assess their existing operational processes, informed by Statements of Principle, which highlight potential areas of particular sensitivity and known vulnerability. High risk areas must only be identified where empirical evidence is adduced that clear gambling related harm would be caused by the presence of gambling related premises. Identification of theoretical risk factors such as area demographics, ethnicity, proximity to other premises and deprivation should only be included where local evidence is available, which quantifies the ascertainable risk to be mitigated. Any proposed measures to address risks identified should be proportionate, effective and tailored to specific concerns identified. All risks must be substantiated in order to prevent the implementation of a disproportionate regulatory burden upon operators.</p>	<p>will be upon the applicant to show how the potential concerns can be overcome.</p> <hr/> <p>Noted –Operators will need to consider the types of premises and their operation in the local area surrounding the premises in relation to the local profile that the Licensing Authority considers are sensitive premises, these may include:</p> <ul style="list-style-type: none"> • Educational facilities in the local area. • Community centres. • Any vulnerable group or venues relating to those vulnerable groups: i.e. • Homeless or rough sleeper shelters and care/support facilities. • Hospitals, mental health or gambling care providers.
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Increase in Regulatory Burden	Association of British Bookmakers (ABB)	Moving away from an evidenced based approach would lead to substantial variation between licensing authorities and increase	Noted no action required

		regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.	
Application objections	Association of British Bookmakers (ABB)	Paragraph 4.5 indicates that considerations such as moral or ethical objections to gambling are not valid reasons to reject applications for a premises licence. The policy may be assisted by including a statement that matters of demand or public nuisance are also not valid reasons to reject applications for premises licences. This is recognised later in the policy at paragraphs 9 and 12.4 respectively..	Noted no action required
Criteria/Considerations	Association of British Bookmakers (ABB)	Paragraphs 5-7 detail matters that the authority will consider when determining an application under Gambling Act 2005. Some of the considerations refer to the imposition of conditions. The licensing authority is reminded that premises licences issued under Gambling Act 2005 are already subject to heavy regulation by virtue of the mandatory and default conditions. Additional conditions can only be imposed where there is specific evidence of a risk not addressed by the mandatory and default conditions. It is respectfully submitted that in the vast majority of cases, additional conditions will not be required.	Noted no action required
Location of Premises	Association of British Bookmakers (ABB)	Paragraph 9.3 suggests information that may be considered when applicants are considering the potential impact of the proposed business on the licensing objectives. The authority is reminded that betting premises are premises into which under 18's may not enter and that all operators have policies, procedures and staff training to ensure that this mandatory condition is not breached. The default condition for betting premises licences is that they may open between 7am and 10pm. Betting premises will, therefore, be open during school start and finish times.	The local area profile will not preclude any application being made and each application will be decided on its own merits, but the onus will be upon the applicant to show how the potential concerns can be overcome. Noted no action required

	Coral Racing Ltd	<p>Whilst each application will be judged on its merits and the guidance provided is not mandatory, within section 9.3, it is indicated that operations will be restricted to times which do not clash with schools start and finish times.</p> <p>Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges or being located in the middle of residential estates and no evidence whatsoever that they cause problems.</p> <p>Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (effective date is from 6th April 2016) and are pleased to see this detail briefly included within the document. We would be pleased to provide input into any consultation with regard to this.</p> <p>.</p>	The local area profile will not preclude any application being made and each application will be decided on its own merits, but the onus will be upon the applicant to show how the potential concerns can be overcome.
Conditions of Licence	Association of British Bookmakers (ABB)	<p>The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.</p> <p>This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local</p>	Noted no action required

	Power Leisure Bookmakers Limited	<p>authorities.</p> <p>The ABB welcome the statement that the authority will not generally impose conditions that limit the use of premises for gambling. As stated above, in the vast majority of cases the mandatory and default conditions will usually suffice and if additional conditions are to be imposed then there would need to be evidence in a hearing that additional conditions were necessary in the particular circumstances of that case.</p> <p>Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.</p>	Noted no action required
Additional information required by the Licensing Authority	Power Leisure Bookmakers Limited	<p>Section 5 suggests that the Authority may require additional information to be contained within premises licensing plans to enable the assessment of premises layout when considering premises management and potential areas of conflict. Whilst such information can be provided to the Authority to enable effective analysis of an operator's proposals, the addition of any further requirements for licensing plans is a matter for consideration by Parliament; as such proposals were previously rejected in consideration of other licensing regimes. The inclusion of additional requirements may be addressed by future amendment of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007. Any details provided in support of an application not required by the governing legislation</p>	

		<p>should be for illustrative purposes only and not form part of a premises licence plan.</p> <p>The draft statement of principles correctly identifies that unmet demand is not a criterion that can be considered and that duplication with other regulatory regimes will be avoided.</p> <p>Paragraph 9.5 states that the onus will be on the applicants to show how potential concerns can be overcome. This appears to reverse the burden of proof in Gambling Act 2005 cases. The burden lies on the licensing authority to “aim to permit” applications insofar as they are reasonably consistent with the licensing objectives. The policy cannot reverse that burden.</p>	
General	Association of British Bookmakers (ABB)	<p>The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.</p> <p>It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.</p> <p>Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.</p>	Noted no action required

	Power Leisure Bookmakers Limited	<p>As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.</p> <p>We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 and provides the code to which the Authority must have regard. Specifically, regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and have mechanisms in place for consultation.</p> <p>The Code provides that before any changes in policy are implemented the effect that any proposed amendments may have on businesses should be considered and stakeholders should be engaged. As the Gambling Commission is in the process of amending its Guidance to Licensing Authorities, should the Authority's policy require further revision, stakeholders should be consulted before any final changes are made. The Regulator's Code also identifies that where local risks are to be addressed, an evidenced based approach should be taken.</p> <p>Unnecessary burdens would include those which duplicate existing regulation. Licensing Authorities must therefore avoid approaches to regulation in their policy statements which mirror those already imposed by the Gambling Commission.</p>	Noted no action required
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