

**Gambling Act 2005
Responses to 2015 Review of Statement of Principles consultation**

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Name of Responder	Details	Officer Comment	Action
A.G. Worth	<p>Betting offices now exist primarily for the benefit of small punters and FOBT users. As you will no doubt be aware, heavy bettors, whatever their sport, will generally bet online. It is also the case that few young people bet on horse racing in betting offices; their interest is primarily in sports betting, mainly football, and FOBTs. In recognition of this, the major bookmaking chains target online betting through their advertising and marketing, invariably ignoring the betting shop punter.</p> <p>So the question B & NES has to answer is: how many betting shops do you need to license in order to accommodate the small punter and FOBT users? Or do you simply let the market decide? Within each betting shop how many FOBTs do you need?</p>	<p>The local authority has no powers to deal with on-line betting, this is dealt with by the Gambling Commission.</p> <p>The local authority has no powers to limit the numbers of betting shops in any location. Each application for a premises licence is dealt with on its own merits.</p> <p>Under current UK legislation, these machines are allowed to offer content classed as Category B2, Category B3 as well as Category C content. Betting Shops are allowed up to four terminals, although this number also includes traditional slot machines. Most shops</p>	<p>No action required.</p> <p>Unless there is a change to primary legislation no action is possible at this time.</p>

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	<p>Allied to this is whether B & NES is supposed to promote competition in its licensing policy, something which did not seem to receive a mention in the policy statement. It goes without saying that restriction invariably impedes competition.</p> <p>Incidentally, on a more peripheral issue, is it the case that betting offices have to provide toilets for their customers? This takes on greater significance given that public conveniences are now an endangered species and any member of the public can be a "customer".</p>	<p>favour the new FOBTs over the traditional slot machines. The <u>Gambling Commission</u> reports that there were 33,319 FOBTs in Britain's Betting Offices between October 2011 & September 2012.</p> <p>See above – each application will be dealt on its merits.</p> <p>It is not the licensing authority's role to promote or limit competition.</p> <p>The provision of toilets is not a requirement under the Gambling Act 2005 and is therefore not relevant to this consultation.</p>	<p>Unless there is a change to primary legislation no action is possible at this time.</p> <p>Unless there is a change to primary legislation no action is possible at this time.</p>
<p>Sam Cone Communications Executive</p>	<p>I am writing on behalf of the Racecourse Association, the trade association for horse</p>	<p>All noted.</p>	<p>No action required.</p>

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<p>The Racecourse Association Ltd</p>	<p>racecourses in Great Britain. We have reviewed the revision of statement of gambling licensing policy for Bath & North East Somerset Council, to which we would like the opportunity to respond on behalf of our members, which include Bath Racecourse.</p> <p>Door Supervision (Part 17) – The Council is asked to be aware that under the Licensing Act 2003 and the Private Security Industry Act 2001, racecourses are already required to provide licensed door supervisors in some roles. In line with the stipulation by the Council in Part 17.1 that they will seek to avoid duplication with other regulatory regimes, the Council should not impose any further provisions relating to door supervisors.</p> <p>Premises Licences (Part 25) – the Council is asked to note that the requirements of the Licence Conditions Codes of Practice (LCCP) apply to Operating Licence holders. As identified by the Council in Part 25, tracks are not required to hold an Operating Licence (unless they are providing facilities for betting</p>	<p>The licensing authority notes this and agrees.</p> <p>The licensing authority notes this and agrees.</p>	<p>No action required.</p> <p>No action required.</p>
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	<p>themselves) as betting facilities are provided by other operators.</p>		
<p>John Liddle Director of Development Coral Retail</p>	<p>Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.</p> <p>Coral Racing Limited are supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. We politely note that when judging applications, the Council should not take into account of any moral objections to gambling.</p>	<p>All noted.</p> <p>Noted and agreed.</p>	<p>No action required.</p> <p>No action required.</p>

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	<p>Coral Racing Limited recognises the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6th April 2016) and whilst this detail is not currently included within the Statement, we would be pleased to contribute to a consultation when it is.</p> <p>Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed.</p> <p>If we can provide any further information, we would be pleased to do so.</p>	<p>The licensing authority is encouraged to hear that Coral Racing Ltd is pleased to provide any further information where possible.</p>	<p>No action required.</p>
<p>Poppleston Allen on behalf of Power Leisure Bookmakers Ltd.</p>	<p>Power Leisure Bookmakers Limited response to Bath & North East Somerset Council's Consultation on its draft Statement of Gambling Principles</p> <p>Paddy Power is Ireland's biggest Bookmaker and operates both a retail business through licensed betting offices and an</p>	<p>All noted.</p> <p>Although the licensing authority</p>	<p>No action required.</p>

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	<p>online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.</p> <p>Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives. Operators of premises licences have full authority to provide their services by the provision of an Operators' Licence granted by the Gambling Commission. The UK's gambling regulator has therefore approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are the obligations and requirements now placed upon operators under the social responsibility provisions of the LCCP, which were introduced by the Gambling Commission earlier this year.</p>	<p>acknowledges that Power Leisure Bookmakers Ltd. do not currently have any licences within the Bath & North East Council's licensing area, their views are welcome.</p> <p>All noted.</p>	<p>No action required.</p>
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	<p>The draft policy correctly refers 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. Of particular note, regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and where local risks are to be addressed, an evidenced based approach should be taken. The Code provides that before any changes in policy are implemented the effect that any proposed amendments may have on businesses should be considered. 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.</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>	<p>All noted.</p> <p>All noted & agreed.</p>	<p>No action required.</p> <p>No action required.</p>
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	<p>General Policy Commentary Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives and in accordance with its own statement of principles. Authorities can request additional information in support of an application to assist with the determination in consideration of the above criteria. 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>Location and local area risk assessment 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</p>	<p>All noted & agreed.</p> <p>All noted & agreed.</p>	<p>No action required.</p> <p>No action required.</p>
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	<p>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. We believe that should the policy be amended to incorporate the requirement for risk assessment that these principles should be incorporated in order to adhere to better regulation.</p>		
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	<p>necessary, as this would duplicate the requirements under operating licence provisions. For example, whilst obligations with regard to advertising practice, self-exclusion, age verification, training and the provision of appropriate information are not conditions under sections 167 and 168 of the Gambling Act 2005, they are imposed as code provisions under the Licensing Conditions and Codes of Practice.</p> <p>The draft policy confirms that the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling. The policy also states that consideration will be given to the location of proposed premises in particularly sensitive locations along with those areas with known high levels of crime and disorder (sections 13 and 15). In order to fully address any potential concerns, all risk profiles must be based upon factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed and controlled premises, compliant with the Gambling Commission’s LCCP, do not pose a gambling related risk to children and young people and additional measures,</p>	<p>All noted & agreed.</p>	<p>No action required.</p>
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	<p>controls or conditions considered should not be imposed to address wider social issues. Any reference to vulnerability should specifically address evidence based risks of gambling related harm caused to individuals and populations identified. Any additional proposed measures to mitigate those risks will only be appropriate where they cannot be addressed by operators' existing measures and compliance with governing legislation.</p> <p>When considering crime and disorder, although the policy identifies that there is a clear distinction between disorder and nuisance, the Authority must consider that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority must consider the prevalence of illegal gambling and ensure that any policies or controls proposed to address crime are proportionate to the existing operational procedures implemented and that they will effectively address any concerns identified.</p> <p>Should the Licensing Authority contemplate introducing detailed policies regarding the location of specific gambling premises (section</p>	<p>All noted & agreed.</p> <p>All noted & agreed.</p>	<p>No action required.</p> <p>No action required.</p>
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	<p>12.6), thorough details should be provided for consultation with stakeholders at that time. Such consultation would permit the thorough assessment of the validity of any potential local area profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.</p> <p>Any finalised policy must not suggest that gaming related applications pose an inherent risk to ‘vulnerable people’, regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.</p> <p>Primary Authority Power Leisure Bookmakers Limited has established a Primary 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</p>	<p>All noted & agreed.</p> <p>All noted & agreed.</p>	<p>No action required.</p> <p>No action required.</p>
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	<p>from gambling. Such schemes enable a consistent approach to regulation and enforcement and provide a uniform standard.</p> <p>Conditions 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> <p>Conclusion We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the licensing objectives.</p>	<p>All noted & agreed.</p> <p>The licensing authority is pleased to hear that Power Leisure Bookmakers Ltd. are committed in this way.</p>	<p>No action required.</p> <p>No action required.</p>
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