



Public Affairs & Social Policy Unit

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Date: 24 October 2018
Ref: IG24102018

Emma King
Licensing Officer
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Tendring District Council
88-90 Pier Avenue
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The Salvation Army response to Tendring District Council on their Gambling Licensing Policy Statement

The Salvation Army is an international Christian church working in 131 countries worldwide. As a registered charity, The Salvation Army demonstrates its Christian principles through social action and is one of the largest, most diverse providers of social welfare in the UK.

The Salvation Army has worked closely on the issue of gambling policy with the Department of Culture Media and Sport and subsequently with the Gambling Commission over several years. We are particularly concerned that the current trend towards the societal normalisation of gambling could lead to an increase in the number of people experiencing the highly damaging consequences of problem or pathological gambling, either directly or indirectly.

The Salvation Army has a long history of working with those whose lives are damaged by addictions, most notably to alcohol and drugs, and a number of those with whom we work also cite gambling among their addictions. We work with faith-based groups who have been working together on gambling for some years. Together we represent The Methodist Church, CARE, the Evangelical Alliance, The Mission and Public Affairs Council of the Church of England and Quaker Action on Alcohol and Drugs.

Along with our ecumenical colleagues, we gave evidence to the Joint Committee that scrutinised the Bill which became the Gambling Act of 2005, as well as to the Culture, Media and Sport Select Committee that sat in 2011/12, and we have interfaced with politicians with from all parties throughout this time. Furthermore, we, alongside our ecumenical colleagues, engaged in the DCMS Consultation on proposals for changes to Gaming Machines and Social Responsibility Measures. We view gambling as a socially harmful industry and that the proliferation of FOBT gaming machines has been a wholly unwelcome development. We were thus delighted by the announcement in May 2018 to limit FOBT stakes announcement and also deeply disappointed by the recent delay its implementation.

The Salvation Army appreciates the invitation to respond to this consultation process and commends Tendring District Council for the general form and content of the Gambling Licensing Policy Statement. Our detailed comments are:

101 Newington Causeway, London SE1 6BN
0207 367 4500 Web: www.salvationarmy.org.uk

The Salvation Army registered Charity No. 214779 and in Scotland SC009359; Social Trust Registered Charity No. 215174 and in Scotland SC037691
Republic of Ireland Registered Charity No. CHY6399; Guernsey Registered Charity No. CH318; Jersey NPO0840; Isle of Man Registered Charity No. 267
The Salvation Army Trustee Company, registered number 00259322 (England and Wales). Registered office: 101 Newington Causeway, London SE1 6BN
General: Brian Peddle Territorial Commander for the United Kingdom with the Republic of Ireland: Commissioner Anthony Cotterill

- We warmly welcome the reference to the Salvation Army as a consultee in Annex A. The Salvation Army has commended councils who include local charities, faith groups, community groups and medical and health providers in their list of interested parties. These groups often have to bear the social cost of problem gambling.
- The Salvation Army believes that gambling premises should not be sited close to schools or other establishments attended by children or vulnerable adults. We also believe that residential areas that have a high number of children ought to be avoided. We welcome the Council's comments in (1.1), (2.1), (9.2), (15.8), (15.11), (15.12), (15.13), (15.16), 15.20 (15.23), (20.3), (22.25), (26.3), (27.4), (28.1) that note the need to protect children and vulnerable persons
- We welcome under section (15.16) the Council's commitment to give consideration to preventing Gambling from becoming a source of crime or disorder and protecting children and other vulnerable persons from harm or exploitation.
- In pursuance of protecting the vulnerable, The Salvation Army welcomes arrangements such as:
 - The provision of adequate signage and adequate division of premises. We also welcome high levels of supervision over machine areas and proof of age schemes (15.17)
 - Stringent door controls to ensure that children are not allowed to gamble and would recommend that door supervisors are made compulsory at gambling venues and that all door supervisors are DBS checked.
 - The Salvation Army encourages all councils to consider insisting on DBS checks on all gambling premises staff as well as specialist training on dealing with underage children and vulnerable persons for both FECs and AGCs. We are opposed to advertising that could influence children and would support restrictions on advertising that could be seen by or be targeted towards young people.
- The Salvation Army pays special attention to the size, division, design and layout of premises. Separation of licensed premises is crucial to ensure that 'drift' does not occur and customers make a 'dedicated trip to gamble'. Ambient gambling is encouraged by insufficient delineation between gambling premises and other forms of entertainment. We welcome the reference to the physical separation of areas in (15.17)
- The Salvation Army has placed on record its concerns regarding the negative impact of FOBT machines and their location in disadvantaged areas. Therefore, we note the concerns detailed in (15.11) with reference to the local risk assessment
- The risks associated with gambling are increased with 'ambient' gambling. If someone does choose to gamble making a dedicated trip to gamble with a predefined budget and timescale offers greater opportunities for self- control. Casual or ambient gambling arrived at through 'drift' does not.
- We support measures that help ensure a solid separation of premises so that people do not 'drift' into a gambling area from another area that is not. There should be an explicit goal of separating gambling areas so as to avoid 'drift' toward gambling activity for example inside shared entertainment complexes. We note this is acknowledged in principle in (15.5)
- The Salvation Army recommends that ATMs should not be sited inside licensed premises. If the Council does allow this to occur, our advice would be that ATMs would be sited in designated 'non gambling areas' or 'chill-out zones'. This would encourage breaks in play

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when gambling and a reminder of how much is being spent. Both of these would act as protection against compulsive patterns of behaviour.

- We note that in (20.1) Tendring District Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005. Where Local Authorities do pass such motions we express our support. We are confident that the social costs of casinos outweigh claims of regenerative benefit.

Thank you for taking our response into account. Please do not hesitate to contact me should you have any comment or queries, or if you require any further input from The Salvation Army.

Yours sincerely,



Ian Geary
Public Affairs Adviser
The Salvation Army

CC Lee Ball, Territorial Addictions Officer, The Salvation Army

Clacton Corps - Major Barry and Major Maria Sampson
Harwich Corps - Lieutenant Caron and Lieutenant Jon Doyle



GOSSCHALKS
SOLICITORS

BY EMAIL ONLY
Licensing Department
Tendring District Council

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 097505.00005
#GS2225681
Your ref:
Date: 23 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

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.

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 had 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

Considerations specific to the Draft Gambling Licensing Policy Statement 2019 - 2022

Paragraph 4.1 of Part A indicates that before the Licensing Authority can consider an application for a premises licence an operating and personal licence, or both must have been obtained from the Gambling Commission. This is incorrect. An application for a premises licence may be made where an applicant has an operating licence pending. The premises licence cannot be issued until such time as that operating licence is granted. Accordingly, this section should be amended.

Paragraph 13.7 lists Primary Authority Schemes in place. The ABB, on behalf of its members has its own Primary Authority Scheme with Reading Council.

Paragraph 15.11 of Part B contains a list of bullet points detailing matters that the Licensing Authority expects a local risk assessment to consider as a minimum. This list of bullet points should be re-drafted as it contains matters that are not relevant to any assessment of risk to the licensing objectives. For example, the first bullet point refers to whether the premises is in an area of deprivation. The relevant affluence of an area can have no bearing on any assessment of risk to the licensing objectives unless the Licensing Authority has pre-determined that persons in that area are automatically vulnerable or more likely to commit crime as a result of gambling. Similarly, the ethnic profile of residents in the area is an irrelevant consideration unless the Licensing Authority pre-determined that persons in specific ethnic groups are automatically vulnerable or more like to commit crime as a result of gambling. This list of bullet points should be re-drafted to contain matters that are relevant to an assessment of risk to the licensing objectives and nothing further.

Paragraph 22.5 and 22.6 refer to fixed odds betting terminals (FOBT's) in betting premises. Paragraph 22.5 indicates that the Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences which may include minimum staffing levels. An operator of a betting premises licence is best placed to determine both risks to the licensing

objectives and staffing levels at his/her/its own premises and unless there is clear evidence of a risk to the licensing objectives that would require conditions relating to minimum staffing levels then this is not an area where the Licensing Authority should seek to dictate staffing levels.

The following paragraph refers to privacy screens around FOBT's and requires that where privacy screens are to be installed, a variation application is required. The purpose of a privacy screen is to enhance the customer experience as many customers prefer to play FOBT's without the possibility of people looking over their shoulder. The ABB has engaged with the Gambling Commission over these privacy screens and the general view is that there is no difficulty with them as long as the screens do not impede supervision.

Previous guidance from the DCMS and the Gambling Commission has been that an application for variation will only be required where there are material changes to the layout of the premises. It is accepted that what constitutes a material change could be a matter for local determination but on the basis that a privacy screen does not change layout or impede supervision, it is difficult to see how the installation of such a screen could be considered a material change.

The Gambling Commission Guidance is clear that when considering an application for variation, the Licensing Authority will have regard to the principles S153 Gambling Act 2005. These are not adversely affected by the installation of a screen which does not affect supervision and it is submitted, therefore, that an application for variation of the premises licence should not be required where these screens are installed. Accordingly this section should be re-drafted.

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

Emma King

From: Catherine Sweet <catherine.sweet@gamcare.org.uk>
Sent: 09 August 2018 11:05
To: Licensing Section
Cc: Emma King
Subject: RE: GAMBLING ACT 2005 – REVIEW OF STATEMENT OF GAMBLING POLICY
Attachments: GamCare Local Authorities Brochure 2018 (web-version).pdf; GamCare Training Brochure 2017.pdf

Hello,

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

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,
Catherine

Catherine Sweet
Head of Marketing and Communications
T: 020 7801 7028
E: catherine.sweet@gamcare.org.uk



Click here to sign up to our free, monthly e-newsletter

From: Emma King <eking@tendringdc.gov.uk>
Sent: 30 July 2018 10:52
To: Emma King <eking@tendringdc.gov.uk>
Subject: GAMBLING ACT 2005 – REVIEW OF STATEMENT OF GAMBLING POLICY

This Message originated outside your organization.

Dear Sir/Madam

In accordance with the provisions of the Gambling Act 2005, the Council as the Licensing Authority is required to review its Statement of Gambling Policy every three years and consult with Chief Officer of Police, one or more persons who represent the interests of persons carrying on gambling businesses in the Tendring District and one or more persons who represent the interests of persons likely to be affected by the exercise of the Licensing Authority's functions under this Act.

The revised policy will run for three years from January 2019 to January 2022 subject to any administrative or legislative amendments that are necessary to be made to it from Central Government or the Gambling Commission.

I am therefore writing to invite you to comment on the proposed draft of the revised policy which has been approved for consultation by the Council's Licensing and Registration Committee at its meeting of the 18 July 2018. **The consultation period will run from the 1 August to the 24 October 2018.** In particular the Council would welcome any thoughts or views that you may have on how the policy may lawfully be improved to support and promote the licensing objectives under the Act which are:

- 1) Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime;**
- 2) Ensuring that gambling is conducted in a fair and open way; and**
- 3) Protecting children and other vulnerable people from being harmed or exploited by gaming.**

All written responses will be shown to the Members of the Council's Licensing & Registration Committee for their consideration.

A.2 - Appendix B

The Policy can be viewed or downloaded from the attached document and comments can be submitted via e-mail to licensingsection@tendringdc.gov.uk

I very much hope that you will be able to reply to this invitation and in the meantime thank you for the time that you have taken to read this e-mail.

Emma King

Licensing Officer

Licensing Team | Customer & Commercial Services | Tendring District Council

☎ 01255 686592 7 01255 686343 ✉ eking@tendringdc.gov.uk

🌐 [Licensing Website](#) 🌐 [Licensing Public Register](#)

📍 Licensing Section, Tendring District Council, 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN

Please note that the Licensing Office is now located at 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN
Open Reception times are Tuesdays and Wednesdays between 10am and 12 noon and Fridays 1pm till 4pm.
All other times are by appointment only.

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Emma King

From: Debbie Hough Bollard <debbie@houghandbollard.co.uk>
Sent: 02 August 2018 17:14
To: Licensing Section
Subject: Consultation on Review of Statement of Gambling Policy

Categories: Emma

Emma

Thanks for sending me a copy of the proposed Statement for 2019 - 2022 which I have had a read through.

My only comment would be around the Local Risk Assessment which the document refers to a number of times and what it is expected to contain. However, whilst its is a licensing condition under the LCCPS and so obligatory for Operators to carry out a local risk assessment for each site the LCCPs say its only best practice to submit a copy with an application for a premises licence. I cannot specifically see any express requirement in the Statement that a copy should be included with an application and you may therefore wish to consider formally making this part of the application process as some other local authorities are now doing.

I am aware of a number of Representations against premises licence applications being made by an organisation with a large number of arcades across the country. They mainly relate to whether the applicant has demonstrated how they will uphold the licensing objectives which are referred to in the Statement and the Commission's guidance to Local Authorities. One way of covering that off is via a well written Local Risk Assessment which should address those points.

Kind Regards

Debbie Hough Bollard BA (Hons) Assoc CIPD
HR & Licensing Consultancy

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