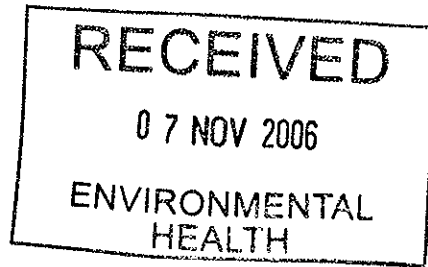




GOSSCHALKS
SOLICITORS



North Wiltshire District Council
Licensing
Environmental Health
Community Environment
Monkton Park
CHIPPENHAM
Wiltshire SN15 1ER

Our ref: JRH/JMW/103722-1-0

Your ref:

Date: 6 November 2006

E-Mail: jrh@gosschalks.co.uk

BY E-MAIL AND POST

Dear Sirs

re: Draft Gambling Policy

On behalf of the Association of British Bookmakers we are pleased to have an opportunity to respond to your draft Gambling Act licensing policy.

The Association of British Bookmakers

Off-course bookmakers were first recognised in legislation by the Betting and Gaming Act 1960. The industry now consists of approximately 8,500 betting offices in Great Britain, which makes them by far the most numerous type of dedicated gambling facility; the average authority having about 20 betting offices within its area. The Association of British Bookmakers is the representative association for businesses holding nearly 7,000 betting office licences, and will be responding to consultations on all the licensing policies in Great Britain.

Before the advent of the Gambling Act 2005, there was no national regulator for bookmakers. However, the industry has been extremely successful at policing itself. Bookmakers have given rise to no or few regulatory concerns. For example, there are few if any prosecutions of bookmakers or revocations of betting office licences, no suggestion of underage betting in betting offices and no suggestion that betting offices cause nuisance to surrounding users. Crime and disorder is extremely rare in betting offices, and there is no evidence that bookmakers have operated their business in such a way as to exploit the vulnerable. Of course, alcohol is not sold in betting offices. Betting offices have been good neighbours to both residential and commercial occupiers. A primary objective of the ABB has been to help create betting environments in which the public enjoys fair and responsible gambling. It has to a large extent been assisted by the demographics of the industry, in which there are some very large participants, eg Ladbrokes, William Hill, Coral, the Tote and Dones (Betfred). These operators set a high standard, in terms of offices and customer service, which new entrants have naturally striven to match.

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Partners - Simon Lunt, Bruce Raper, Bruce Wilkie, Ian Lanch, Richard Llewellyn, Anthony Clark, Neil Johnson, Clare Johnson, Richard Gooch, Christopher Burton, Roy Taylor, Robert Thomson, Jonathan Beharrell, Nigel Beckwith, Zoë Carmichael, Nicholas Dean, Mark Teal, Stephen Walker, Andrew Mallory, Ian Brown, Robert Hastie, Richard Taylor, Andrew Johnson, Mark Day, Jonathan Peet, James Phinn, Justin Graves, Matthew Fletcher, John Coulson, Andrew Tarbutt, Ted Flanagan, Kate Groves, Craig Beetham

Associates - Ashlie Prescott, Andrew March, Steve Dillon, Chris Groves, Paul Plaxton, Victoria Quinn, Jonathan Hyldon

Partnership Secretary - Martin Hardenby

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The ABB welcomes the new legislation, and the opportunity to work with licensing authorities, so as to consolidate and continue the enormous advances made by the industry, in a way which benefits customers while avoiding regulatory concerns. The ABB hopes and expects that a light touch approach will be taken to the imposition of conditions and regulatory burdens on the industry, save insofar as this is necessary and proportionate in individual cases.

We would take the opportunity to comment on some specific aspects of your policy. You will see that in certain areas we have been sufficiently bold as to suggest wording for the policy. The reason for this is that the ABB's members are keen, so far as possible, to achieve consistency between licensing policies, for the benefit of all involved in the system.

Door Supervision

Because of the success of the betting industry in managing its offices, and because of the general nature of betting clientele, door supervisors are not employed by betting offices. Premises are supervised from the counter. Door supervision has not been operationally required, and neither the licensing justices nor the police have suggested that door supervision is necessary.

We would refer to the Gambling Commission's Guidance at paragraph 9.26. This requires that conditions should only be imposed when they:

- are relevant to the need to make the proposed building suitable as a gambling facility;
- are directly related to the premises and the type of licence applied for;
- are fairly and reasonably related to the scale and type of premises; and
- are reasonable in all other respects.

We would specifically ask that the policy reflect this by stating:

"...there is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate."

Betting Machines

Reference to betting machines is made in section 181 of the Gambling Act 2005. These are machines on the shop floor of the betting office through which a customer can place a bet without having to visit the counter. They should not be confused with fixed odds betting terminals (which will be Category B2 gaming machines under the legislation) or amusement with prize machines ('fruit machines').¹ While up to four FOBTs/AWPs will be found in the great majority of betting offices in the country, the number of betting machines is vanishingly small. And there is no evidence at all that, where they do exist, they are causing any harm. They are machines on which one may place a bet in an adult only environment, not machines upon which rapid gambling may

¹ While FOBTs/AWPs clearly accept bets for the purpose of playing directly on these machines, for instance inserting £20 note into a FOBT to play roulette, the customer cannot use these machines to bet on other events available in the betting shop eg horse/dog races and football matches.



occur. For these reasons, while the section 181 discretion is acknowledged, it is respectfully suggested that the policy state that:

“While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.”

Re-site Applications

Over the last two decades in particular, betting offices have been subject to an evolutionary process of enlargement and improvement to accommodate the more extensive facilities and technology now demanded by their customers, for example more and larger screens, full toilet facilities for male, female and disabled customers, level entrances, comfortable seating, no smoking areas, machines, information terminals and so on. Frequently, this has involved re-siting within the same locality. Under the former regime, such re-sites were positively welcomed by licensing authorities concerned to improve the general level of facilities in their area, and were rarely objected to by competitors. This was recognised in the leading case of *R (Hestview) V Snaresbrook Crown Court* in which Hooper J. stated (para 65):

Likewise, if an application is, in effect, an application for the transfer of a licence from one premises to another close by, with some increase in the size of the customer area, then an authority might well conclude that the grant would not be inexpedient...”


It is hoped that licensing authorities will wish to endorse and support this natural progress and improvement in the industry. It is requested that the policy positively encourage, or at least state that the authority will give sympathetic consideration to, re-sites within the same locality and extensions in order to enhance the quality of the facility provided for the benefit of the betting public.

Enforcement

It is requested that the policy includes wording along the following lines:

“The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.”

Finally, we would respectfully ask that your authority notify the ABB of any further consultations to be conducted by you, and that you favour the ABB with a hard and electronic copy of your final policy. This will enable the ABB to establish a bank of policies for the benefit of its members, alert its members to any developments and enable greater liaison and consistency to occur. The relevant contact details are:



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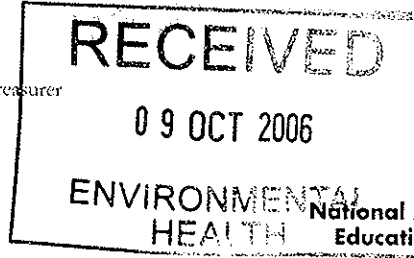
Sir Geoffrey De Denev

Lord Richard Faulkner

Susanna Fitzgerald QC

Lady Carolyn Trethowan JP

Ian McRobbie – Hon. Treasurer



GAMCARE

**National Association for Gambling Care
Educational Resources and Training**

Date as Postmark

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Helpline: 0845 6000 133

Dear Sir or Madam

Thank you for your Draft on the Gambling Principles from your Authority. As you will understand we received one from all the authorities in the process of putting together their Principles and future Policy.

I found various differences in all, however not too many discrepancies for concern. I have however put together a separate list of inclusions, which from GamCare's viewpoint we would like included either in the policy or as part of the Licensing conditions.

I have had to read quite a few drafts, as already explained so please forgive me if I repeat anything already included.

All local authorities must now recognise that they should have a "Duty of Care" and become "Corporate Parents" assisting the residents of their authority with gambling addictions. Gambling is a much hidden form of addiction with little recognition.

Many authorities have now set up programs for Drug and Alcohol addictions, GamCare feel there is a great benefit of a program of problem gambling and possibly Debt Management counselling, to run in conjunction.

GamCare, I must emphasise, is a Gambling Neutral charity; we also recognise gaming is a very entertaining form of relaxation.

I would be grateful or the opportunity visit to your authority, and meet with all interested parties explaining in more detail how we may be of assistance to you, and the way we look for support and raise awareness about problem gambling.

Yours sincerely

Alan Faulkner
GamCare Partners Manager

THESE ARE SUGGESTIONS FOR CONSIDERATION THESE MAY APPLY ONLY IF YOU ARE HAVING A CASINO IN YOUR AREA.

SOME YOU MAY WISH TO MAKE AS CONDITIONS OF YOUR OWN LICENSE.

- 1 The sale and distribution of Controlled drugs and the proceeds to support Gambling.
- 2 All leaflets giving assistance to problem gambling clearly displayed in areas such as toilets where discretion is considered and to give a certain anonymity.
- 3 Self exclusion forms available in betting offices and casino's etc.
- 4 All operators must have regard to best practice issued by organisations that represent the interests of vulnerable people.
5. On all F O B T 's make sure the odds are clearly displayed, GamCare stickers are displayed on the terminal.
- 6 All ATM or cash terminals should be in a separate area to the gaming terminals.
- 7 It has been mentioned in the Principles, however it is so important clear visible signs are displayed of age restriction in every gaming establishment. All betting and gaming areas well supervised.
- 8 Posters displayed suggesting " STAY IN CONTROL" of your gambling clearly displayed, with details of GamCare and NATIONAL HELPLINE telephone no, also the website.
- 9 In new Casino's it is now a requirement for "Chill out Rooms to be available in older establishments please ask if they can make an area available.
10. please ensure that fruit machines are not situated in taxi cab offices or Takeaways when the change in the law takes place.

GAMBLING COMMISSION

08/11/2006

North Wiltshire District Council
Licensing, Environmental Health
Community & Environment
Monkton Park
Chippenham
Wiltshire
SN15 1ER

Dear Sir/Madam,

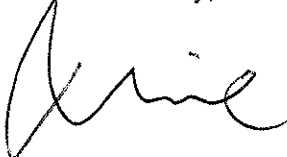
Ref: North Wiltshire's Draft Statement of Principles - Consultation

The Gambling Commission has reviewed your draft statement of principles for the Gambling Act 2005, as part of the consultation process.

The Commission considers that some reference could be made to the various responsible authorities shown at section 157 of the Gambling Act 2005, and the impact that they bear on the licence application process. Paragraph 6.50 of our 'Guidance to Licensing Authorities' booklet indicates that their contact details should be made available, and consideration could be given to perhaps including this information as an Appendix to the main policy statement or confirming how applicants can find these details out.

There are no further comments at this time.

Yours sincerely,




Richard Silver
Policy Development Officer
Gambling Commission
Tel: 0121 230 6543



"Tim Mayo"
<mayocrowd@hotmail.com>
14/10/2006 14:03

To licensing@northwiltshire.gov.uk
cc
bcc

Subject Statement comments

History:  This message has been replied to.

Section 6 must also not be so tight as to prevent any person claiming a close relationship to a person living "sufficiently close" making representations, even when the latter has not asked him to do so. This is to cover cases where a relative (perhaps even a former partner) of an ex-addict has genuine concerns that he will be lured back into gambling when he otherwise would not be.

Section 6 also needs to define "sufficiently close". Say I had moved out of London for a new life, in order to escape 20 years of gambling life and the associated misery to my family. As a resident of Kington Langley, could I lodge a valid objection to a proposed premises in Chippenham or would I have to live literally up to three streets away to be deemed "sufficiently close"?

Tim Mayo
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