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From: Richard Matthews, Regional Secretary BBPA Midlands, PO Box 3876, Kidderminster DY11 5YR
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8.08.06

*Kathryn Preece,
Head of Environmental Services,
North-West Leicestershire District Council*

TECHNICAL AND CONTRACTING SUPPORT		
Res. Req.	Ack	Ref No.
		E6241
11 AUG 2006		
Officer	LM	
Copies/For Information		

Dear Kathryn,

North-West Leicestershire District Council's Statement of Licensing Principles

The British Beer & Pub Association (BBPA) represents brewing companies and their pub interests, and pub owning companies, accounting for 98% of beer production and around two thirds of the 60,000 pubs in the UK. Many of our members own and run pubs in the North West Leicestershire area. The Association promotes the responsible sale of alcohol and management of licensed premises. It has a range of good practice information and guidance for member companies. Further information is available on our website at www.beerandpub.com.

Overall, we welcome the approach taken by the Council, but would suggest that the draft Statement of Principles includes the full text on alcohol licensed premises which is contained in the LACORS template. Our further comments are as follows. This response is also supported by BII, the professional body for the licensed retail sector, the Association of Licensed Multiple Retailers (ALMR), which represents the interests of smaller independent companies within licensed retailing and the Federation of Licensed Victuallers Association (FLVA) which represents self-employed licensees in England.

The protection of children and vulnerable persons

We would like to take this opportunity to emphasise that pubs have had amusement with prize machines on their premises for many years. The BBPA has been pressing for legislation prohibiting under 18s from playing all cash machines (ACMs) since before the introduction of our Code of Practice on Minimum Age of Players, and we therefore very much welcome the restriction now contained in the new Gambling Act.

The Association first introduced its Code of Practice in 1998, and has kept it under regular review since then. As a result of the Code, which is supported by other trade bodies including the ALMR, BII, FLVA and BACTA, ACMs coming on to the market include the "No Under 18s to Play" prohibition notice in the front of the machine. The inclusion of this notice has been achieved at the instigation of the Association in co-operation with machine suppliers.

BBPA member company training schemes also reinforce the management of the machines to ensure the minimum age requirement is complied with, for example by requesting recognised ID such as a PASS accredited proof of age card, driving licence or passport where there is doubt that the player is 18 years of age or over.

Grant of additional permits

While there is no actual requirement under the Gambling Act 2005 for machines to be sited in the bar, we believe that supervision of machines is very important and this is again reinforced by our Code of Practice and staff training. Under the new regime, when operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice (which will of course replace the BBPA Code), there is no reason why these should not be granted. It would be helpful if the Statement of Principles could reflect this.

Application procedures for more than two machines

The Association would welcome the inclusion in the policy of an outline of the application procedures for permits for more than two machines. We understand that some councils are taking the view that they will grant up to four machine permits without the need for a hearing. We support such an approach in the interests of reduced administration and bureaucracy for both Councils and applicants and would encourage you to consider this possibility.

Both the BBPA and LACORS have been concerned about the lack of a generic application form for permits. We understand that LACORS are now working on a standard application form for permits which could be used by Councils and applicants. It is obviously in the interests of businesses and local authorities to have such a form. We fully support this approach and hope you will adopt the LACORS form once it is produced.

Transitional arrangements

As the implementation date of 1st September 2007 approaches, it is likely that the Council will receive increasing numbers of enquiries from alcohol licensed premises wanting to find out what will happen to their existing machine permissions. It would therefore be helpful if some reference to transitional arrangements could be included either in the policy or in the form of separate guidance. We appreciate that these arrangements will not be absolutely clear until the regulations have been finalised, but it is our understanding (based on the DCMS Transitional Arrangements consultation) that pubs will be automatically entitled to provide the same number of machines as they are currently permitted to provide. This provision is not subject to approval by the licensing authority and their existing permissions should be automatically transferred to the new legislative framework.

After this, if it becomes evident that there is a problem with the premises, the licensing authority has the power to remove the permission or to reduce the number of machines permitted, as stated in the draft policy.

We trust that these comments are helpful and that they will be taken into account in the final version of the policy. The BBPA is committed to ensuring a smooth transition to the operation of the new gambling regime and looks forward to working with you to achieve that objective.

Yours sincerely,

A handwritten signature in black ink that reads "Richard Matthews". The signature is written in a cursive style with a horizontal line underneath the name.

**Richard Matthews,
Regional Secretary,
British Beer and Pub Association Midland Counties**

President
Loed McIntosh

Vice President
Bill Galston OBE
Sir Nevil Macready BT OBE

Chairman
Anthony Jennings

Chief Executive
Geoffrey Godbold OBE TD DL

Trustees
David Banks
Lady Hilary Burnham
Professor Peter Collins
Sir Geoffrey De Denev
Lord Richard Faulkner
Susanna Fitzgerald QC
Lady Carolyn Teetlowan
Ian McRobbie - Treasurer



GAMCARE

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

2/3 Baden Place
Crosby Row, London SE1 1YW
Tel: 020 7378 5200 Fax: 020 7378 5233
e-mail: info@gamcare.org.uk
www.gamcare.org.uk

Helpline: 0845 6000 133

26th July 2006



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 of 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

- 1 The sale and distribution of Controlled drugs and the laundering of the proceeds of drugs to support gambling.
- 2 Prostitution to feed gambling needs
- 3 Any unlawful gaming gambling and betting
- 4 All leaflets giving assistance to problem gambling clearly displayed in prominent areas such as toilets for example where they will be more discreet. This will give certain anonymity.
- 5 Self exclusion forms available.
- 6 Operator must have a regard to best practice issued by organisations that represent the interests of vulnerable people.
- 7 On machines such as FOBT, s the odds clearly displayed.
- 8 All A.T.M or cash terminals to be separate from gaming machines, so that clients will have to leave the machine for more funds if so required. They should also display stickers with GamCare Helpline information positioned prominently on machine.
- 9 Social responsibility must be adhered to and mentioned at all times when reasonable.
- 10 It has been mentioned in the Principles however it is so important clear visible signs of age restriction are clearly displayed in gaming or betting establishments, also entrances to gambling and betting areas are well supervised and age identification verified.
- 11 Posters displayed suggesting " stay in control of your gambling" with details of GamCare telephone number and website.

12. Compulsory non-gambling areas or "Chill out Rooms" in all Casinos [this is only relevant if you are having a casino in your authority] .

Please ensure that fruit machines are not situated in Mini Cab offices or Takeaways or other unlicensed premises were children may have access to.

THANK YOU FOR YOU ASSISTANCE.

**North West Leicestershire
Citizens Advice Bureau**

87 Belvoir Road
Coalville.
Leicestershire. LE67 3PH

Tel: 01530 454750
Fax: 01530 454752
Email: nwlcab@tiscali.co.uk



06 July 2006

Emma McHugh
Licensing Officer
NWLDC
Council Offices
Coalville
Leics LE67 3FJ

TECHNICAL AND CONTRACTING SERVICES		
Res. Req.	Act	Ref No E6057
7 - JUL 2006		
Office:	E. M.	
Copies/For Information		

Dear Emma,

**GAMBLING ACT 2005
DRAFT STATEMENT OF LICENSING POLICY**

We have reviewed the policy and generally find it to be fine. However we have one or two queries in part C which perhaps there are support documents to cover.

1. How do you define 'appropriate measures/training for staff' wrt truants and unsupervised young children etc.?
2. Having defined this how would you guarantee that it has taken place?

It seems to us that these are important areas and without definition children can potentially be exposed to gambling. Also if there are young unsupervised children why are they there, who should be supervising them and what about CRB checks if staff are left to deal with them. This could leave any one working there very vulnerable as well as the children.

I hope this is of some assistance in drawing up the policy.

Yours sincerely

Anne Stratton
Bureau Manager



the coalfields
regeneration trust

Registered Charity No. 1095845 A Company Limited by Guarantee Registered No 4544659
Chairman: Reverend Vic Goodman Company Secretary: Mrs A Stratton



INVESTORS IN PEOPLE

Community
Legal Service



HEATHER PARISH COUNCIL

Mrs Jan Shepherd, Parish Clerk, 23 Ashby Road, Ravenstone, Leicestershire, LE67 2AA
Telephone: 01530 837267

23 August 2006

The Licensing Officer
North West Leicestershire District Council
Council Offices
Coalville
Leicestershire
LE67 3FJ

TECHNICAL AND CONTRACTING SUPPORT		
Reqs Req.	ACK	Ref No. E6343
29 AUG 2006		
Dirce	LM	
Copies/For		

Dear Ms McHugh

I am writing in relation to the Statement of Licensing Policy, draft document dated 19/6/2006

I am sure that you are aware that, in the past, the licensing of local Public Houses has always been referred to the Parish Council, as the most local body, and if there has been a change of licensee, the Parish Council has been contacted by an authorised solicitor to request their observations as to the suitability of the change.

Having read your document, it was not clear whether there would be any consultation before this type of license was granted or not. Could you clarify that for me, please? We were also concerned about the continuity of effectiveness if certain elements of the policy are going to be dealt with by yourselves, some by Planning and Building Control and some by the Gambling Commission. Will there be any liaison by the three groups to ensure effectiveness?

Thank you for the opportunity to comment and we look forward to your reply.

Yours sincerely

Jan Shepherd

Jan Shepherd
Parish Clerk



BY E-MAIL AND POST
 The Licensing Team
 Environmental Health
 North West Leicestershire District Council
 Council Offices
 Coalville
 Leicestershire LE67 3FJ

Our ref: JRH/MJM/103722-1-0
Your ref:
Date: 19th September 2006
E-Mail: jrh@gosschalks.co.uk

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.

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

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.



“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.”

Responsible Authorities

We note that under this heading, the policy does not advise potential applicants of the contact details for the responsible authority by referring them to the Council website suggested by the LACORS template.

Omitted Headings

We note that the second paragraph of the Section on casinos at page 9 deals specifically with betting machines and yet this is not mentioned by way of a heading. The same situation arises at page 10 of the draft policy in respect of tracks. The paragraph commencing with “Applications” deals specifically with gaming machines and the following paragraph commencing with “This



Licensing Authority” deals specifically with betting machines. We recommend that sub heading be added to identify these points.

Betting Machines

At paragraph 6 of the draft policy there is a statement which indicates that “this Licensing Authority will take into account the ability of staff to monitor the use of the machines by children and young persons”.

The above paragraph is a reflection of Section 181 of the Act. We respectfully submit that this paragraph should be qualified with a statement that children are not able to enter betting premises with the benefit of a Betting Premise Licence. In those circumstances it is hard to see what relevance the ability of staff to monitor the use of machines by children could possibly be.

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:

Hollie Blakeman ABB Regency House 1-4 Warwick Street LONDON W1B 5LT hollieblakeman@abb.uk.com
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Please do not hesitate to contact us should you wish to discuss any of the contents of this letter.

Yours faithfully

GOSSCHALKS

