

Appendix C – Report on results of consultation

Response 1 - GambleAware

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware’s recently published interactive maps useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

<https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
<https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the National Gambling Helpline on 0808 8020 133 and also www.begambleaware.org. Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.

Officer comment:

In 3.3 of the policy, we have added reference to the fact there is publicly available data in relation to crime, anti-social behaviour and problem gambling in the specific locality, to assist applicants in creating their local risk assessments.

Response 2 – an individual/member of the public

The only section completed by this respondent was in respect of the ‘no casino’ resolution, as follows:

Vale of White Horse District Council should continue with its 'no casino' resolution
Strongly agree (no further comments provided)

South Oxfordshire District Council should continue to allow applications for casinos
Strongly disagree (no further comments provided)

Officer comment:

The committee reports will allow for consideration of a ‘no casino’ resolution.

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Response 3 - Gosschalks on behalf of Betting and Gaming Council

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four principal objectives. These are to –

- create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable
- ensure future changes to the regulatory regime are considered, proportionate and balanced
- become respected as valuable, responsible and engaged members of the communities in which its members operate
- safeguard and empower the customer as the key to a thriving UK betting and gaming industry

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems. 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 the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. These figures do not take into account the COVID 19 period which betting offices saw a further 374 betting offices close.
- 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.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

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Problem gambling rates are static or possibly falling. The reported rate of ‘problem gambling’ (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC’s five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of ‘problem gambling’ in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare’s 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission’s National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, ‘gambling activity’ mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC 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.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made

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between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications 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 submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have 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 BGC 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 joint statement of gambling policy.

On behalf of the BGC we welcome the relatively light touch approach to your joint statement of gambling policy. There are, however, a number of issues that we would seek to raise with you.

The first relates to “primary gambling activity”. There are references to this throughout the joint statement of policy and indeed part 6 of the policy deals with it specifically.

The term “primary gambling activity” is no longer used by the Gambling Commission. It does not appear in either the Gambling Commission Guidance to Licensing Authorities or the LCCP. In the circumstances, these references should be redrafted to use up to date terminology.

SR Code provision 9 deal with gaming machines in gambling premises. As far as betting offices are concerned, SR Code provision 9.1.1 is clear that licensees must ensure that the function along with the internal and/external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing betting facilities. This provision also requires that gaming machines may only be made available for use where there are also substantive facilities for non-remote betting provided by the premises.

Part 7 of the draft joint statement explains the Licensing Authority’s approach to premises licence conditions. We welcome the reference to the mandatory and default conditions but respectfully submit that the draft joint statement of licensing policy would be assisted if it was made clear that the mandatory and default conditions are usually sufficient to ensure operation that is consistent with the licensing objectives. Indeed, that is the purpose of the mandatory and default conditions.

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The draft joint statement of licensing policy should be clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires the mandatory and default conditions to be supplemented in the circumstances of a particular case.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Officer comment:

Paragraphs 2 to 4 of the final section of the response all relate to the same issue. We maintain that the principle of primary gambling activity is still an important inclusion in the policy, so for example a licence for a betting premises would only be granted to a premises where the main activity is betting. We think the terminology is clear and easy for all to understand.

As a result of the comment in paragraph 5 of the final section, we have added a sentence to 7.7 in the policy to confirm that it will usually be the case that the mandatory and default conditions are the only conditions required to be attached to any licence, but that in cases where risk is identified, additional conditions may be added.

Response 4 – Thame Town Council

Thame Town Council has no objections to the proposed changes to the Gambling Policy. In respect of the casino resolution, they responded as follows:

Vale of White Horse District Council should continue with its 'no casino' resolution
Neither agree nor disagree (no further comments provided)

South Oxfordshire District Council should continue to allow applications for casinos
Neither agree nor disagree (no further comments provided)

Officer comment:

The committee reports will allow for consideration of a 'no casino' resolution.

Response 5 – Vale of White Horse district councillor

This respondent answered the question to confirm they agreed with the policy changes. In respect of the casino resolution, they responded as follows:

Vale of White Horse District Council should continue with its 'no casino' resolution
Strongly agree (no further comments provided)

Officer comment:

The committee reports will allow for consideration of a 'no casino' resolution.