

BY EMAIL ONLY
Licensing Department
Leeds City Council

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Our ref: RJT / MJM / 123267.00001
#GS4056859
Your ref:
Date: 23 August 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

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.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

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. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- 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.

Problem Gambling

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 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 statement of licensing policy – 2022 to 2024 consultation draft

Part B is headed “Promotion of the licensing objectives”. On the basis that applications and the operation of premises needs to be “reasonably consistent” with the licensing objectives and to avoid any confusion with Licensing Act 2003 requirements, this heading should be changed to delete the reference to “promotion”. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission.

Paragraph 13.10 onwards refer to research in relation to problem gambling. It is important that any review of problem gambling is put into context. Problem gambling rates in the UK are static at around 0.5% of the population. This should be made clear prior to a discussion of the research.

Paragraph 13.11 is misleading and needs to be amended if not deleted. The last two prevalence surveys have shown that rates of problem gambling in 16-17year olds is zero.

Paragraph 13.12 refers to a research document from 2018 and indicates that 24% of secondary aged pupils and 32% of post 16 age pupils had taken part in gambling activity. Whilst the paragraph

distinguishes between illegal drugs and otherwise it makes no such distinction with gambling, seemingly suggesting that this gambling is illegal. This is not the case. The Gambling Commission engages Ipsos Mori to report on the gambling habits of young people each year. These reports show that the vast majority of gambling undertaken by those under 18 is playing cards/betting between friends, machine gaming in seaside arcades and participation in the National Lottery. (When this research was undertaken, the national lottery could be played by those over 16.) It is not clear what the purpose of this paragraph is. It is pejorative and should be removed.

The purpose of the Statement of Principles is to set out the principles that the Licensing Authority will apply when exercising its functions under Gambling Act 2005. It is not intended to be a discussion document on research undertaken into problem gambling or the vulnerability or otherwise of certain groups in society which exist in all urban areas.

Paragraphs 13.13 to 13.24 should therefore be removed from the draft Statement of Principles. These paragraphs contain excerpts from various research documents, none of which are taken in context. For example, paragraph 13.13 is a single sentence which has been reproduced from a 2015 report that runs to 107 pages.

The purpose of including paragraphs 13.13 to 13.24 is not clear. Paragraph 13.13 is headed "Minority ethnic groups" and paragraph 13.16, "Area deprivation" but thereafter, it is not clear whether the principles to be applied by the authority when exercising its functions are that an investment in new premises in an area largely populated by those from an Asian or Black background is discouraged or will be refused. These paragraphs and those on homelessness, mental ill health, substance abuse and personality traits/cognitive distortions should all be removed.

The issues highlighted within the paragraphs to be removed are all issues that an operator must recognise in its risk assessment and if they are present, that operator must have policies and procedures to mitigate those risks.

Paragraph 13.28 should also be deleted. This refers both to a health matrix developed by the city council and an "operating plan". Neither of these documents are creations of the Gambling Act 2005 or its associated regulations and whilst documentation produced by the authority to help assess risk in an area will be useful it cannot be a prerequisite of the consideration of any application. The authority must not create additional requirements, it must aim to permit the use of premises for gambling.

Paragraph 13.29 should also be deleted. Whilst the notion of "offering" conditions such as reduced opening hours is common within Licensing Act 2003 applications and suggested by the s182 Guidance issued to Licensing Authorities, the LCCP require applicants to conduct a risk assessment of risks to the licensing objectives and have policies and procedures to mitigate those risks. The mandatory and default conditions then apply to a licence granted. These are usually sufficient to ensure operation that is consistent with the licensing objectives. If there is evidence of a risk to the licensing objectives, then a default condition (e.g.hours) may be amended by the authority or an additional condition imposed.

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.

Yours faithfully,



GOSSCHALKS LLP