

# GOSSCHALKS

BY EMAIL ONLY  
LICENSING SECTION  
MANCHESTER CITY COUNCIL

Please ask for: [REDACTED]  
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Date: 11 October 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 Draft Gambling Licensing Policy Statement 2022-2025**

Paragraph 1.8 refers to the council’s *“responsibility under the Gambling Act 2005 to decide whether to grant or reject applications...”* It is disappointing that this paragraph which effectively paraphrases s153 Gambling Act 2005 omits the council’s responsibility to “aim to permit” the use of premises for gambling. Indeed, this responsibility is not acknowledged until page 11 (paragraph 2.1). As this is a fundamental requirement of the Act, paragraph 1.8 should be redrafted to include a reference to the “aim to permit” principle.

The purpose of the licensing policy statement is to set out the principles that the licensing authority proposes to apply when exercising its functions under Gambling Act 2005. It is not to provide a commentary on research documents or to provide an over simplified precis of research documents taken out of context. Paragraphs 2.11 to paragraph 2.18 are headed “Public Health.” The purpose of these paragraphs is unclear, the information provided is oversimplified, their inclusion is pejorative, and they should be deleted.

If these paragraphs are not to be deleted then they must be amended in order that any “research” referred to is properly identified, context is provided, and the correct figures used when calculating the estimated numbers of problem gamblers and at risk gamblers.

Paragraph 2.11 should be deleted. This is, at best, misleading. The paragraph indicates that whilst gambling is an enjoyable activity for “some”, it is a source of harm for “many.” This statement ignores the fact that for the overwhelming majority, gambling is a harmless and enjoyable activity. If the paragraph is to remain, it should be clear that gambling is an enjoyable leisure activity for many but a source of harm for some.

Paragraph 2.12 refers to “research”, but it is not clear what this research is, when this research was conducted or where. The paragraph refers to a “city region like Greater Manchester” and if it is to be left in the statement of principles, it should be clear that these figures are not figures from Greater Manchester itself.

Thereafter there is a table outlining the estimated number of problem gamblers and the estimated number of at-risk gamblers. The Gambling Commission figures show that the overall rate of problem gambling is stable at around 0.5% of the population. The figures used in the table estimating the number of problem gamblers in the Greater Manchester area are however more than three times this at 1.8%.

Similarly, whilst the Gambling Commission published rates of persons at risk are 2.7%, the figure used in the table showing the estimated number of at risk gamblers in the Greater Manchester area is almost twice this at 5%.

It is not clear where these inflated figures used have come from and if this table is to remain in the draft statement of principles, the correct figures should be used.

Paragraphs 3.8 to 3.12 explain the licensing authority’s approach to the imposition of conditions on premises licences. This section would be assisted by the inclusion of an acknowledgement that the mandatory and default conditions that attach to all premises licences are designed to be, and usually are sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section of the draft statement of principles should also state that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that is not adequately addressed by the policies, procedures and mitigation measures contained within the applicant’s risk assessment.

Paragraphs 4.5 to 4.7 are headed “Gambling related harm.” It is not clear why this section appears in the draft statement of principles as the information in these paragraphs has nothing to do with the exercise of the licensing authority’s function and the section should therefore be removed. If it is not to be removed then again, as with the public health section above, context should be given. The figures given for participation include everyone who may have had a wager with a friend, who has participated in an office sweepstake, played the national lottery or gambled on-line. These forms of gambling are all outside the Licensing Authority’s remit and are irrelevant considerations for the licensing authority when exercising its functions. If these paragraphs are to remain in the draft statement of principles then to have any relevance to the licensing authority’s function then figures

should be given for those who use premises for gambling with licences granted by the licensing authority.

Paragraphs 4.8 to 4.17 explain the requirements for operators to conduct risk assessments. This section is too prescriptive with the licensing authority dictating what is to be included and matters that it expects to be considered. This section should be abridged to simply outline the requirements of SR Code Provisions 10.1 and 10.2, acknowledging that operators are best placed to assess the risks posed by their proposals and the bullet point lists in paragraphs 4.12, 4.13 and 4.14 amended to exclude matters that are not relevant to any assessment of risk to the licensing objectives. For example, paragraph 4.12 indicates that the risk assessment is expected to consider "*Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity etc.*" It is impossible to see how these activities can be relevant to an assessment of risk to the licensing objectives.

Similarly, "*Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti tagging, underage drinking etc.*" should be removed from paragraph 4.14.

Finally, the references to, "*Gaming trends that may mirror days for financial payments such as pay days or benefits= payments*" in paragraph 4.13 should be removed as these can only be relevant to an assessment of risk to the licensing objectives if the authority's view is that anyone in receipt of benefits or indeed paid employment is deemed vulnerable or likely to commit crime as a result of gambling.

Paragraphs 4.40 to 4.43 are headed "*Expectations of operators: Data gathering and sharing*" and list matters that are to be recorded with an expectation that this information will be shared annually with the licensing authority. This section should be removed. The matters listed are the subject of returns to the Gambling Commission and whilst the licensing authority can be provided with this information, the provision of it cannot effectively become a condition.

Overall, the draft statement of principles appears to adopt an anti-gambling stance, is over prescriptive and should be simplified.

## **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**