



Jill McKenzie
DCMS

24/2/06

Dear Jill

**Consultation: Gambling Act 2005
Licensing Authority Policy Statement (England and Wales)
Draft Regulations 2006 - response from ABB**

Introduction

1. The Gambling Act 2005 gives licensing authorities a range of new powers to license gambling premises in their communities and requires licensing authorities to perform a number of different functions, including issuing premises licences, temporary use notices and a range of permits and other permissions. To assist authorities in this task, and to provide transparency for those wishing to apply to an authority for a permission under the Act, all authorities are required to prepare and publish a licensing policy statement.
2. Section 349 of the Act gives the Secretary of State at DCMS the power to make Regulations relating to the licensing policy statement to be published by licensing authorities. The Regulations may prescribe: the form of the statements; the procedure to be followed in relation to the preparation, review or revision of statements; and the publication of statements.
3. DCMS has now issued draft Regulations for comment and this is ABB's response.

Response

The need for a template

4. The bookmaking industry has consistently taken a responsible position in recognising the need for a suitable regulatory framework to be in place to support the 2005 Gambling Act. Notwithstanding this, we have always been equally concerned that the procedures adopted should be fair and reasonable. With many other new administrative demands likely to be placed on the industry the consultation document on licensing authority policy statement gives us an early opportunity to reaffirm our commitment to the former as well as expressing our concerns regarding the latter.

5. As stated above, the bookmaking industry is keen to ensure the framework for production of licensing authority policy statements does not impose an undue burden on the industry and is therefore keen to see, so far as possible, a consistent approach being applied. We do also understand the need to allow licensing authorities some flexibility and bookmakers welcome the fact that DCMS is trying to protect our interests by setting minimum requirements while allowing local authorities a degree of freedom when writing statements.
6. However, we do not believe that the Regulations go far enough in specifying the form that the policy statements must take and would prefer to see a more comprehensive approach. We are extremely concerned about the burden which will be placed on the bookmaking industry in having to review differing policies from hundreds of licensing authorities in a short timescale, each of varying length and content. Whilst we appreciate that some flexibility is required, we believe it would be more appropriate to have a basic licensing policy which would form the starting point for all local authorities with LAs having the opportunity to amend this document in certain specified areas to allow for specific local issues. This basic document would have standard headings and be arranged in a specified order, so that bookmakers would easily find key information. We recommend this approach, as we believe, as things stand, individual local authorities may be at different levels of understanding regarding their knowledge of betting. Accordingly a greater initial guidance is justified by DCMS and we believe it would be useful for both the LA as well as the gambling industry.

The need for brevity

7. We have been alarmed to see that statements of licensing policy under the Licensing Act 2003 (alcohol licensing) can be very long which does not augur well for the coming gambling policy statements. We have looked at one alcohol licensing statement which is an hundred pages long. Length is an important issue. The gambling licensing policy statement needs to cover the issues of importance in sufficient detail and no more. Very lengthy documents become inaccessible to independent bookmakers and large bookmakers, dealing with hundreds of licensing authorities, could find themselves drowning in paper. We cannot see how very long documents are consistent with better regulation. We would encourage both DCMS and the Gambling Commission to apply a strict test of relevance when advising licensing authorities on what should be included.

Scope for increasing awareness

8. Currently permit and premises licence applications are published in the leading trade paper, the Racing Post. We believe that the Regulations should require local authorities to notify new or revised statements in trade newspapers.

9. Assuming the intention is to have a broad ranging consultation, would a sensible approach be for consultation documents (as well as any final documentation) to be available via a central website, possibly part of the Gambling Commission site, where they are readily available to the bookmaking industry and other interested parties to review? In relation to the notice of intention to publish required by Clause 7 of the draft Regulations, it is impractical for large, national bookmakers to monitor notices that appear on all authorities' websites and in local newspapers/newsletters and public notice boards. Is it possible to have a central process, possibly part of the Gambling Commission site, such as links to the relevant authority's website being posted as and when a notice appears?

Bookmaker consultees

10. We note that Section 349(3)(b) of the Gambling Act 2005 specifies that one or more persons who appear to represent gambling businesses locally should be consulted. Could we please suggest that this should normally include bookmakers and perhaps there is scope for specifying this in the Regulations or other advice to LAs.

Principles for assessing applications

11. You will understand that bookmakers have other concerns surrounding the interpretation of the Act, including the principles that LAs will apply when judging applications, although this is covered to some extent in the Guidance to Local Authorities consultation document. To the extent that it is possible, we would like greater clarification within the Regulations.

We hope that you find the comments above useful and are happy to discuss.

Yours sincerely,



Russ Phillips
Deputy Chief Executive

cc Jenny Williams, Gambling Commission