

Betfred, 777-779 High Road, Tottenham, London, N17 8AH

Application for Betting Premises Licence under the Gambling Act 2005

Response by Betfred to Representation Received from Interested Party

1. Introduction

- 1.1 Betfred acknowledges the letter of representation received from Martin Ball dated 19th December 2013 regarding this application in respect of 777-779 High Road, Tottenham, London, N17 8AH. Betfred wishes to respond to that representation and explain its proposal in the light of the relevant licensing objectives.

2. Betfred the Company

- 2.1 Betfred presently trades 6 licences in Haringey Council Area; over 200 licences within the M25 and as a Company it operates 1380 shops Nationwide. It is the Country's 4th largest Bookmaker and operates with the benefit of an Operating Licence issued by the Gambling Commission.
- 2.2 As the Licensing Authority may know, Betfred was first established by brothers Fred Done (from whom the company now gets its trading name) and Peter Done, in 1967 in Salford in Greater Manchester. It is widely regarded in the industry, and beyond, as an "Independent" Bookmaker providing a competitive independent package of terms and conditions, distinct from those terms offered by the likes of the "Big 3" Ladbrokes, William Hills and Coral and other smaller independents. A significant part of its growth in recent years has been through new applications for licences such as this one.
- 2.3 Consequently, Betfred contend that they are extremely well versed and experienced in opening up and trading successfully, new betting shops, particularly in the context of the regulatory regime now established under the Gambling Act 2005.
- 2.4 And when determining whether the grant of this application would undermine a relevant licensing objective sufficient to justify a refusal, Betfred would particularly draw the Sub-Committee's attention to its acquisition of the Tote from the Government in the summer of 2011. It is respectfully submitted that had the Government (or indeed the Gambling commission) had concerns regarding Betfred's "fitness and propriety" and ability to run (successfully) high street betting offices (without regulatory concerns and without undermining the licensing objectives) then they would not have been allowed to have acquired the Tote.

3. Licensing Objective Section 1(a) Gambling Act 2005

“Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime”

3.1 Betfred has considered this licensing objective, to which the Sub-Committee must have regard, particularly in the light of the representations that have been received and the clarification sought by the Licensing Authority.

3.2 Betfred intends to fully promote this licensing objective and contends, in the light of all the matters to which reference will be made, that the grant of this licence would be reasonably consistent with this licensing objective. In particular:-

1. Betfred already work with the Police; attend regular meetings and are keen to continue to work in tandem with the proactive Licensing Unit in addressing issues of crime and disorder should any arise.
2. Betfred’s Security Manual, which demonstrates a high level of commitment to ensuring that this licensing objective is promoted, is attached to this response.
3. All members of staff are expected to be familiar with, and adhere to, the standards and policies to be found in the Company’s Security Manual, a copy of which is always maintained in the branch. Regular audits are undertaken by the Area Manager; the Company also have a team of Security Managers who are also responsible for supporting staff in this important area of compliance.
4. To further detail the particular security features that will be available in these premises, also attached is a copy of a security features brochure. This illustrates the security features that will be installed at the premises in the event of the licence being granted and, to the extent that the Sub-Committee think it necessary or desirable, such features can be made the subject of appropriately worded special conditions (see below).
5. The layout plan submitted with the application shows that all areas of the shop can be supervised, and the frontage to the premises will be relatively open. The toilet is to remain locked when not in use.
6. The main betting activity of the shop, and hence the focus of the betting facilities, will be the main gantry. It is intended for this shop to have an 8 screen multiview gantry.

Ancillary to that provision is the FOBT zone, which is close to, and in a position where it can be seen directly from, the main counter. CCTV will also enhance the levels of supervision throughout the shop.

7. The premises will be fitted out to a very high standard, commensurate with the location of these premises in Tottenham bearing in mind the prominence of it location. Every effort will be made to ensure that the fit out is appropriate.

8. Betfred contends there is nothing unique or unusual in the locality as regards trading a licensed betting office. They trade shops in numerous other comparable locations across the Capital and indeed operate in countless other similar locations in cities and town centres across the country. Moreover, William Hill previously traded from these premises until they moved to their present location, which afforded them with a return frontage onto White Hart Lane.
9. Betfred would also wish to draw the Sub-Committee's attention to the Voluntary Code of Safety and Security National Standards for Bookmakers; a Code arising from the Safe Bet Alliance of which Betfred is an active member. In the event of a licence being granted for these premises, Betfred fully intend to adhere to the Code as set out by the Safe Bet Alliance. A copy can be made available on request.
10. And finally, Betfred "prays in aid" the decision taken by the Metropolitan Police not to raise any representations in respect of this application.

4. **Licensing Objective Section 1(c) Gambling Act 2005**

"Protecting children and other vulnerable persons from being harmed or exploited by gambling"

- 4.1 Betfred have also considered this licensing objective very carefully and, in the light of all the matters to which reference will be made below, contends that the grant of this application will also be reasonably consistent with this third licensing objective.
- 4.2 To ensure that Betfred retains, at the heart of its estate operations, adherence to all of the licensing objectives and, in particular, licensing objective three, the Company employ a Compliance Manager, Mr Jim Winder. He is responsible for ensuring that all of Betfred's staff are conversant with, and adhere to, the Company's established policies and procedures designed to ensure compliance. That is also achieved through the network of Regional Managers, Area Managers and Area Supervisors working throughout the country. But, in particular:
 1. In every Betfred shop is a Social Compliance Manual, a copy of which is also attached. It is maintained and kept up to date by the Shop Manager. The Sub-Committee is invited to consider the stated principles of the Company and, in particular, the approach to licensing objective three.
 2. Persons under the age of 18 are not permitted to enter any of Betfred's licensed premises and staff are given a number of tools to support them in their efforts to prevent under age gambling;
 - Under age signage
 - Promotion of the Citizen Card
 - An under 18 log to record all instances of refusal
 - A shop self audit form to ensure literature and signage remains in place

Betfred is also a member of the BAVA; the Bookmakers Age Verification Alliance. This is an ABB (Association of British Bookmakers) led group comprising Betfred and the other four major bookmakers. As a group, it meets regularly to review best practice and analyse the results of its independent 3rd party testing programme.

3. Additionally Betfred have adopted the “Think 21” best practice, which means that although signage states that the legal age is 18, in order to err on the side of caution and so as to assist with prevention, staff are asked to broaden their validation checks to include anyone who looks to be under 21. Moreover staff can only accept identification that meets a number of stringent criteria, including the need for it to contain a photograph; the holders date of birth, and it must also be valid and legible. The steps taken by staff to adhere to this are also regularly monitored by Management on shop visits.
4. Betfred also retains the services of an independent company, Serve Legal, to carry out unannounced random “test purchases” in all of their shops so as to check on its procedures. It undertakes approximately 2,000 such visits each year.
5. Care will be taken with the design, layout and external appearance of the premises so as to ensure that it is not attractive to children. Betfred also takes care in the design of promotional material so as to ensure that it will not encourage the use of any of their premises or facilities by children or young persons. Neither does Betfred believe that the actual location of the premises in Tottenham, will present unique or particular difficulties in adhering to this licensing objective, bearing in mind its experience elsewhere.
6. When concerned with the protection of vulnerable persons from being harmed or exploited by gambling, Betfred maintains policies and procedures to ensure that this licensing objective is promoted in all of its shops. And in the context of this licensing objective, Betfred’s Customer Interaction Policy is of particular significance. Betfred seeks to promote socially responsible gambling, and the Sub-Committee is specifically referred to the Social Compliance manual that has already been mentioned. The Sub-Committee is invited to have regard to the responsible approach advocated by Betfred, and pay particular heed to the self exclusion procedures and monitoring forms available in the branch for staff to complete.
7. And again, in the event that the Sub-Committee consider it necessary or desirable, Betfred are willing to agree to suitably worded special conditions (see below).

- 4.3 Betfred invites the Sub-Committee to note that the levels of problem gambling in this country have been consistently low. And there is no evidence to suggest that increasing betting shops in whatever area, results in a corresponding increase in the levels of problem gambling. Indeed Betfred does not expect or anticipate that there will be substantial growth in the overall level of betting activity in this locality in the event of the licence being granted. Predominantly the application is designed to provide a prominent, well presented, convenient, first class national independent

alternative betting facility, from the two Operators already trading in this part of the High Road.

- 4.4 Consequently, although Betfred have no evidence of unacceptable levels of gambling addiction in the area or gambling related harm, arising from the use of the existing betting offices, given the lack of growth in demand, and the measures designed to promote this licensing objective, Betfred believes that the grant of this licence will be reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

5. Particular measures proposed to meet the licensing objectives

- 5.1 Betfred anticipates that the Sub-Committee will give consideration to a number of measures when determining this application in the light of its Gambling Policy. Where relevant, Betfred contends as follows:

- An appropriate and sufficiently robust proof of age scheme will be in operation in the premises;
- CCTV will be available and can be made the subject of an appropriately worded condition;
- An entry control system, through the use of a magnetic lock, can be provided as part of the premises security specification;
- The one entrance to the premises, and the FOBT playing area, are capable of being supervised from behind the main counter;
- Notices and signage appropriate for underage and Gamcare will be prominently displayed throughout the premises. All of Betfred's shops meet the display of information requirements set out in the Gambling Act the LCCP and the Licensing Authority's Gambling Policy;
- In the event of this licence being granted, it will not be Betfred's intention to depart from the standard default hours for betting premises licences, and will open at times common to the other bookmakers in the locality;
- A self exclusion scheme will be in operation in the premises, and for any customers who have self-excluded from Betfred's existing shops in the area, such self-exclusion shall also carry over and will apply to this shop;
- Gamcare leaflets will be displayed in the premises and staff will be trained in line with the company's Customer Interaction Policy to assist those customers who require assistance in that regard.

- 5.2 In addition, the Sub-Committee is also invited to attach weight to those other measures proposed by Betfred so as to promote the licensing objectives. These include, amongst other things;

- Toilets to be kept locked when not in use;
- Covert pin hole CCTV camera at the entrance to the premises;
- Screened counter;
- Adherence to the Safe Bet Alliance Voluntary Code of Safety and Security;
- Auditing of social compliance policies and procedures by shop staff and area management;

- The maintenance of logs for the recording and reporting of underage refusals, incidents in the shop and self-exclusions;
- Appropriate induction and refresher training for all staff on social compliance;
- The careful design of the frontage and any promotional literature used to advertise Betfred's facilities.

6. The premises

- 6.1 The premises the subject of this application previously traded as "Advantage" Solicitors.
- 6.2 Betfred is proposing to take a new 10 year lease with at an annual rent of £27,500 and is also investing over £140,000 in the refurbishment of the premises. In addition, Betfred is providing local employment; as a minimum, opportunities will be available for 3 full time and 2 part time staff, along with a cleaner.

7. Conditions

- 7.1 As the Guidance from the Gambling Commission makes clear; "In cases where an authority is concerned whether a grant would be in accordance with, for example, the guidance in this document, this can be resolved by the imposition of appropriate licence conditions" (paragraph 5.5).
- 7.2 Betfred is therefore willing, should the Sub-Committee consider it necessary, to discuss any additional special conditions which it feels would be "appropriate", having regard to the issues raised in the letter of representation, and in the light of these submissions.

8. Demand, locality and statutory disregards

- 8.1 As the Sub-Committee knows, and will be advised, the number of betting offices in a given locality and the demand for the facilities that are proposed is a "statutory disregard". "In determining whether to grant a premises licence a Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide" (Section 153(2) Gambling Act 2005).
- 8.2 Reference to this statutory disregard can also be found in the Guidance from the Gambling Commission (paragraph 5.6) and in the Licencing Authority's Statement of Gambling Policy at 3.4.
- 8.3 However, although the number of licensed betting offices in a given area is not, by itself, a relevant consideration, Betfred wishes to make it clear to the Sub-Committee, lest there be any misunderstanding, that the grant of this application in their judgement would not result in a proliferation of licensed betting offices in this part of Tottenham.
- 8.4 In terms of the locality for the purposes of this application, Betfred respectfully submits that there are just two betting offices conveniently serving this area; William Hill at 793/795 High Road and Paddy Power at 814 High Road. Consequently, this is an application for the grant of a third licence in this part of the High Road.

- 8.5 Betfred respectfully submits that it would not be unusual or out of place for a such an area as this to have that number of premises trading in competition with each other, particularly in the light of the extensive investment, regeneration and development that has already taken place and is due to take place in this area; a matter with which the the Sub-Committee will no doubt be familiar.
- 8.6 The letter of representation also makes reference to other factors that fall outside the scope of the Sub-Committee's consideration when determining this application within the ambit of Section 153. It is respectfully submitted that a number of the issues raised in Mr Ball's letter of representation are not relevant, when one had regard to the statutory framework within which this application falls to be considered. Particularly the issue of rubbish collection from the existing premises at 474 High Road.
- 8.7 His letter of representation refers to the potential for nuisance and antisocial behaviour in the event of this application being granted. Betfred does not accept that this will be a consequence, particularly having regard to the measures outlined above at paragraph 3. However, and for the avoidance of doubt, Betfred respectfully reminds the Sub-Committee that issues such as nuisance fall outside the scope of Section 153. Guidance from the Gambling Commission is clear. One of the examples of a representation that would not likely be relevant upon the consideration of an application is:-

“That the location of the premises is likely to lead to traffic congestion; or that the premises will cause crowds of people to congregate in one area, which will be noisy and create a nuisance”.

The guidance goes on to state that unlike the Licensing Act “the Gambling Act specifically does not include as a licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant laws”.

9. The licensing objectives in the context of the representations received

- 9.1 Betfred contends that the scheme of the Act means that “there is a presumption in favour of permitting the relevant premises to be used for gambling...” (Gambling Commission Guidance 5.5). Accordingly, Betfred submits that the onus is on those raising representations against the grant of an application, to demonstrate that the grant of the licence would not be in accordance with Section 153. Particularly given that the Metropolitan Police have not objected.
- 9.2 And yet Betfred contends that the representation does not refer to, nor rely upon, any sufficient evidence (particularly in relation to the operation of the existing betting offices in the area) that would justify a refusal of this application, bearing in mind the measures designed to promote the Licensing Objectives and to which reference has already been made.
- 9.3 In contrast Mr Ball's representation is largely based on what he perceives to be Betfred's so called “mismanagement” of its shop at 474 High Road, which is almost a mile away from the application site and in a different

locality altogether. His observations and conclusions however are not accepted, although Betfred does agree that it was necessary for them to implement a number of measures last year, in order to address certain very specific issues associated with the premises, and in particular, the secondary entrance on the return frontage of the premises. These measures were discussed and agreed with the Metropolitan Police and the Licensing Authority, and included:-

9.3.1 Converting the door into a fire exit only.

9.3.2 Removing all Betfred signage from that entrance.

9.3.3 Installing external CCTV on the return frontage and at the entrance onto High Road.

9.3.4 Affixing warning notices /signage re: anti-social behaviour.

9.4 His letter of representation also refers to the drinking of alcohol by members of the public (some of whom may or may not be customers of Betfred) in the doorway of the premises. Betfred approached the local Planning Authority for permission to remove the recessed doorway but were told that any formal application would be refused on planning grounds. In light of this, we have now lodged an amended layout plan for this application, which would avoid any such problems occurring in the new unit.

9.5 Accordingly, Betfred contends that, in view of the extensive measures to which reference has already been made (and which can if necessary be made the subject of special conditions) it believes that the grant of this licence would be reasonably consistent with the licensing objectives.

10. Conclusion

10.1 Having regard therefore to all the submissions put forward in this response, Betfred believes that the grant of this application would be reasonably consistent with the licensing objectives, and that any concerns that the Sub-Committee may have, can be adequately dealt with through the imposition of appropriate conditions.

Betfred

February 2014