

BARNSLEY METROPOLITAN BOROUGH COUNCIL

**Report of the Assistant
Director of Regulatory Services
to the meeting of the Statutory
Licensing Regulatory Board
Sub Committee to be held on
the 29th January 2008.**

GAMBLING ACT 2005**APPLICATION FOR A PROVISIONAL STATEMENT**

47/49 High Street, Wombwell, Barnsley

1. Background

- 1.1 In October 2007 an application was received from Betfred for a Provisional Statement for a Betting Premises Licence.
- 1.2 Members are requested to determine the application for the Provisional Statement.
- 1.3 47/49 High Street is currently a shop known by the name of "Wise Owl Discount Store" it is a ground floor retail unit which is situated on the main arterial route through Wombwell.

2 The Application for a Provisional Statement

- 2.1 On the 29th October 2007 an application was made for a Provisional Statement for 47/49 High Street, Wombwell, Barnsley. The application is to allow the provision of betting facilities at the premises as shown on the plans submitted as appendix 1.
- 2.2 As a result of a delay in the statutory notice being displayed on the relevant premises by the applicant, they re-advertised the said notice in accordance with the Gambling Act 2005 Regulations 2007. This consequently resulted in a delay in the hearing procedure until the expiry of the later date for representations. All

representation received throughout the extended notification period have been considered.

- 2.3 Members are asked to note that under the Gambling Act 2005 the provisional statement serves the function of the provisional grant of a premises licence. As such Members should apply the same tests for the provisional statement as it would for the premises licence. If the subsequent application for a premises licence is made in the same form as that for the provisional statement then no representations can be taken into account if the same, or substantially the same representations could have been made about the application for a provisional statement, provided there has been no material change in the circumstances of the premise or the area in the vicinity of the premises since the provisional statement was made.

3 Promotion of licensing objectives

- 3.1 The applicant has set out in the application the additional steps intended to be taken in order to promote the three licensing objectives, if the proposed provisional statement is granted.

a) To Protect Children and other Vulnerable Persons from being harmed or exploited by Gambling

Under 18's are not allowed on our premises and all shops have clear prominent signage to reflect this. All our staff has been trained in this regard as are any new starters to the business. This training is being refreshed to extend the questionable age to 21. We actively promote the citizen card registration scheme and this is also being refreshed, with guidance given.

The current training programme is being developed to include the need for care with regard to the acceptance of bets from people who have learning difficulties, and the importance of any guidance in this regard from any care professional associated with that individual.

We do not serve any individuals who appear to be unable to make rational decisions as a result of the consumption of alcohol or the taking of drugs.

All our staff has been trained with regard to social responsibility. The training covers such items as to how to respond to gamblers with problems and all steps through to the completion of self exclusion documentation if appropriate. This training is being refreshed to include all aspects detailed in the licence conditions and codes of practise, to be delivered to all staff and thereafter all new starters.

All shops have leaflets and posters on display in support of social responsibility, and this will be done in line with Gambling Commission guidelines, with shop application subject to regular audit.

All shops display Gamcare details in both prominent and discreet locations, with special attention to areas of the shops designated to Fixed Odds Betting Terminals and machines

All shops have the facility for customers to exclude themselves: staff will be trained to deal with such requests and have the resources to satisfy any such request.

Betfred has contributed regularly to the Responsibility in Gambling Trust and will continue to do so.

b) To Prevent Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

Betfred has always had, and will continue to have, a policy of contacting the Police should we suspect anyone of using our premises for the furtherance of criminal activity (for example, drug dealing, passing counterfeit money or handling stolen goods).

The company has appointed a money laundering officer, the details of which are known to shop teams. The shop teams have been given guidance with regard to money laundering.

We have adopted the Proceeds of Crime Act (PoCA) Guidelines produced by the Association of British Bookmakers (ABB), which are referred to on page 19 of the November version of the Commission's Licence Conditions and Codes of Practice document. These guidelines deal with both conventional money

laundering and criminal lifestyle choice. Our policy is to be alert to anyone trying to use our shops for money laundering or as criminal lifestyle choice, using the indicators in the guidelines. We will not accept bets when we have suspicions. If suspicions are raised after a bet has been accepted we will contact SOSA before going any further. We require all staff, including new and temporary staff, to have read the guidelines.

We rigorously enforce our bet acceptance procedures and this affords the Company the opportunity of assessing any significant bets against any known trends or patterns. This could indicate that an individual is the recipient of insider information which may be linked to event fixing. Using the ABB as a test bed for any concerns, we would then contact the Commission if we suspect that rule has been breached or if we suspect foul play.

All our premises are assessed for security and the appropriate measures put in place. This may include alarms, PA buttons, CCTV, maglocks and the position and screening of counters. Shops currently have limited cash holdings and security systems are in place to protect us from significant losses. In the event of any incident a review of these measures will take place and all incidents will be logged for further ongoing review.

We currently monitor shops daily to ensure that no collusion exists to give any customer an unfair advantage. All instances of overpayment and late bets are investigated quickly with the appropriate action taken; this will continue to be our policy.

c) To Ensure that Gambling is Conducted in a Fair and Open Way

All our shops display a copy of our betting rules which are clear and generally in line with other major operations. The rules currently being reviewed and this review will fully embrace the requirements of the Gambling Commission. We will also test our review against the guidelines issued by the ABB and ABAS.

We attempt to resolve all complaints locally and have been successful to this point in limiting the number of disputes that remain unresolved. All our receipts

carry contact details so that customers can easily make contact should any queries arise that they do not wish to discuss locally.

Our customer's services team are all fully trained to deal with queries for all mediums and with regard to the key objectives of the Gambling Commission. We monitor complaints, and maintain a record of all correspondence, with a view to an analysis of any concerns that exist that may require a review of any aspect of our operation.

We are, and will continue to be, a member of IBAS, and any disputes that cannot be resolved will be referred to IBAS, whose decision will be binding.

We are in our 40th year of trading and have always paid out on winning bets.

All centrally produced marketing, and any promotions, will be in line with our Operating Licence conditions. Shop teams are given guidance with regard to their responsibilities.

4 Responsible Authorities

- 4.1 No representations have been received from any responsible authorities.

5 Interested parties

- 5.1 Following publication of the statutory notice of the application of the provisional statement in the local press (a copy of which has been provided to the Licensing Section by the applicant) and the display of notices at the premises, representations have been received from two interested parties. The representations were received within the 28 day consultation period.

- 7.2 The persons making valid representations are:-

Mrs A. A. Upperdine, 29 Doncaster Road, Darfield, Barnsley.

The representation submitted by Mrs Upperdine is accompanied by a petition signed by approximately 2,500 people. A Copy of this petition will be made available at the hearing.

William Hill Organization Limited, 34 High Street, Wombwell, Barnsley.

A further fourteen Representations were received, considered and rejected on the grounds that either they did not address the licensing conditions or the persons making them did not live or have a business in the vicinity.

7.3 The valid representations made by the interested parties relate to the licensing objectives and these are attached as Appendix 2.

8 Compatibility with the European Convention on Human Rights

The decision of the Board will amount to a determination of the Council and the rights of the applicant. Therefore, as far as it is possible to do so, the board must comply with the requirements of Article 6 (the right to a fair trial). This means the applicant should be afforded the right to make oral representations at the meeting.

If Members determine to refuse the application, it is necessary for the reasons to be clearly stated.

9 Financial implications

N/A.

10 List of appendices

Appendix 1 – Plan of premises.

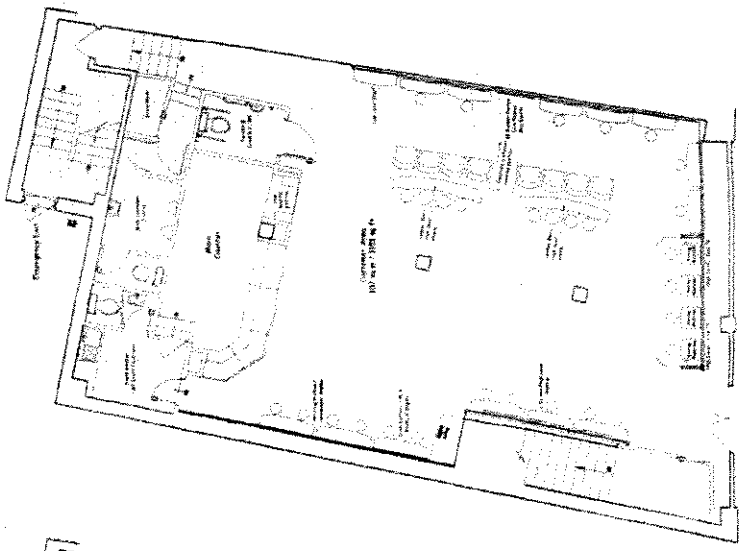
Appendix 2 – Representations from interested parties.

Officer Contact: Mrs. D Rimmington Tel: 01226 775696

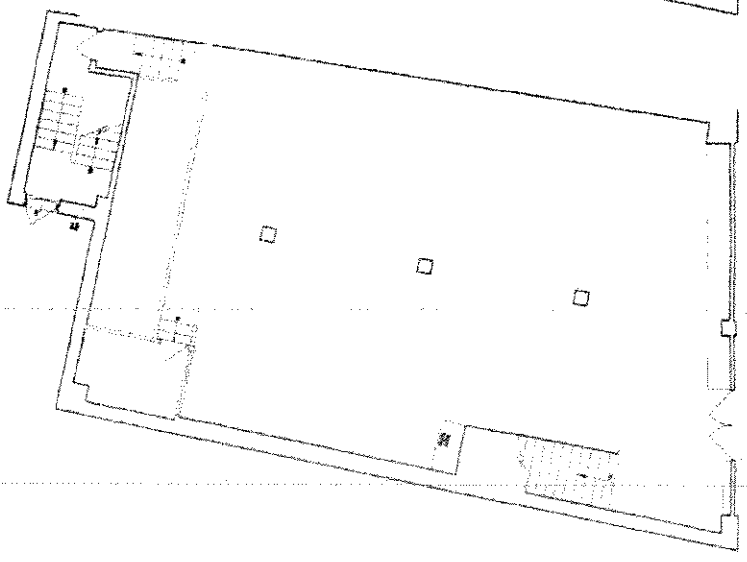
21st January 2008

APPENDIX L

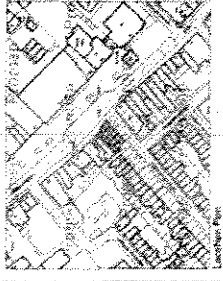
BETFRED
Diane Boudreau
1000 Highway 100, Suite 100
Westwood, NJ 07675
Tel: 201-261-1000
Fax: 201-261-1001
www.betfred.com



Proposed Ground Floor Plan



Existing Ground Floor Plan



(1)

APPENDIX 2.

MRS R A Upperdine
29, Doncastet Rd.
Darfield
NR. Barnsley
S 43 9 7B
01226-453754

19/11/07.

Dear Sirs/Madams,

I currently work at Wise Owl Wombwell. Since the application of the betting shop to use these premises was announced in the Barnsley Chronicle and posted on the windows of the Wise Owl Shop, people have been making their way especially into Wise Owl to sign a petition which a concerned customer suggested setting up in objection to the betting shop. I enclose the petition with near on 2/500 signatures.

As you may know Wombwell is a shopping place mainly for people who can't get to the "big" Supermarkets like Tesco & Morrisons etc. This includes many vulnerable people like senior citizens, Mothers and families with many children and invalids, disabled with wheelchairs etc. They have expressed how they feel under threat because of the central dominant position and size of the shop and the attraction of the kind of people they know a betting shop would bring into Wombwell. They can see outside, the other betting shops, particularly the one opposite to us, the "well known" thieves and drug takers, meeting and hanging around there. They can take a wide berth to pass them there as there is a very broad pavement and milling area and seats, trees etc on that side of the road, but the footpath is quite narrow on this side. We also have quite a lot of school children passing in the mornings and afternoons and their mothers and fathers have expressed concern for their safety, not wanting them to be influenced when they are at such an impressionable age.

The police have on their records incidents of drug takers stealing from the shops in Wombwell. They currently are looking at a CCTV Tape from us. They will the stolen goods straight away in the back streets then use the existing premises for

(2)

gambling. This is not keeping gambling in Wombwell crime free. The people in Wombwell and the surrounding villages know of this and are fearful of crime escalating.

With all these concerns and more, why, they say would we want to come to Wombwell with a large dominant betting shop influencing & shaping its image and surroundings to the detriment of vulnerable adults - families and children.

Yours with anticipation of a well thought out decision reflecting wisdom, and understanding the fears and the needs of the people who use the High Street in Wombwell,

Alene Audrey Vppetline

J278TB/KMP/Wombwell Obj

E-mail : northdev@williamhill.co.uk
DIRECT LINE - T BAIN: 2338720 - FAX No.: 2338736

19 November 2007

Mr K Rowland
Principal Officer (Licensing)
Regulatory Services
Barnsley MBC
PO Box 602
BARNSELEY
South Yorkshire
S70 9PB

Dear Sirs

Re: **GAMBLING ACT 2005**
APPLICATION FOR A PROVISIONAL STATEMENT UNDER SECTION 204 of the
GAMBLING ACT 2005 by DONE BROTHERS (CASH BETTING) LTD -
PREMISES: BETFORD, 47-49 HIGH STREET, WOMBWELL, BARNSELEY, S73 8HA

I write on behalf of William Hill Organization Limited who trade from premises at 34 High Street, Wombwell, Barnsley. William Hill Organization has business interests which may be affected if this application were to be granted. As such, William Hill Organization is entitled, in accordance with S.158 of the 2005 Act, to make representations in relation to this application.

The first point to make is that this application does not comply with the regulations in relation to the display of the notice on the premises. It has been noted from visits to the site that the notice should have been displayed on the premises from Saturday 27th October 2007 albeit there was no notice displayed on Monday the 29th of October and the first evidence we have of the notice being displayed was on the 31st of October 2007. Evidence can be adduced to confirm this. I would refer you to The Gambling Act 2005 (Premises Licenses and provisional statements) Regulations 2007. Part 3 Notice of Application and period for representation Paragraph 12 (6) (b) (i) & (ii) which states:

- (b) by displaying a notice on the premises to which the application relates—
- (i) in a place at which it can conveniently be read by members of the public from the exterior of the premises;
 - (ii) for a period of no less than 28 consecutive days starting on the day on which the application is made to the licensing authority

The application premises are in Wombwell Town Centre, which is already adequately served by two existing betting offices, including a Ladbrokes premises, and an amusement arcade, all of these establishments are located within 150 metres of the application premises. The addition of a further betting office would amount to an over-proliferation of betting offices and gambling establishments within this vicinity.

Continued ...

An additional gambling facility in this already well-served area creates a risk to the licensing objectives. The Licensing Authority is entitled to consider whether it is proper to draw an inference that such a risk would arise and to take a precautionary approach on the matter given the importance of the licensing objectives themselves and the relevant provisions of the Gambling Commission guidance and code of practice issued to licensing authorities.

We have been made aware that there are significant objections to this application from local traders and residents. This would indicate that this application is neither in the public interest nor in accordance with the licensing objectives for further high staking gambling opportunities to be offered.

We presume that this application will be subject to a hearing and we would welcome the opportunity to attend such hearing to expand upon the contents of this letter.

We should be grateful if you would acknowledge receipt of this letter and contact us in order that we may advise you of our availability to attend said hearing.

We look forward to hearing from you.

Yours faithfully

TONY BAIN
Regional Development Manager

