

APPENDIX 3.

You'll love a bit of...

BETFRED

Application for betting premises licence

Done Brothers (Cash Betting) Limited t/a Betfred (Betfred)

11 Market Place Gainsborough DN21 2BP

Written submissions by Betfred in response to the representations lodged by Claire Hill from the Economic Growth Team at West Lindsey District Council (WLDC) dated 22 February 2023.

1. Introduction

- 1.1 The Licensing Authority's Statement of Principles 2022-2024 is clear on the point; paragraph 4.26 states that "The Licensing Authority will only take into account relevant representations related to gambling and the three licensing objectives". In other words, issues relating to planning permission and other planning matters shall not be taken into account; such matters are not to influence the Licensing Authority in the exercise of its discretion, when considering an application for the grant of a betting premises licence, such as this.
- 1.2 On the contrary, as the Statement of Principles makes clear in paragraph 3.8, "as per Section 153 (Gambling Act 2005) in making decisions about premises licences, it (the Licensing Authority) should aim to permit the use of premises for gambling, in so far as it thinks it is (1) in accordance with any relevant guidance issued by the Gambling Commission (2) reasonably consistent with the licensing objectives (3) in accordance with the authority's Statement of Principles and (4) in accordance with any relevant Code of Practice issued by the Gambling Commission".
- 1.3 Betfred's principal submission is that the Economic Growth Team at WLDC have, for reasons born out of ignorance, old-fashioned prejudice, or outdated perceptions, determined that for reasons of planning policy it would somehow be undesirable or inappropriate for the future flagship leisure/cinema complex in Market Place to be blighted by the presence of a betting shop in such a prominent location. That much is evident from the contents of the two paragraphs in their representation under the heading "Site Context". And for that reason, and in order to seek to block this development, a planning representation "dressed up" as a representation under the Gambling Act 2005 has been lodged.
- 1.4 In doing so, the Economic Growth Team has endeavoured to shoe-horn their planning concerns into concerns relating to two of the licensing objectives. Betfred therefore intends to address those concerns, with a view to demonstrating that the grant of this application would indeed be reasonably consistent with both licensing objectives, and that the fears and concerns of WLDC are unjustified, without merit or foundation, and would not warrant a refusal of this application.

1.5 The Licensing Authority are also reminded that none of the Responsible Authorities, tasked with the statutory role of monitoring applications of this nature, with a view to ensuring that they are reasonably consistent with the licensing objectives, have lodged an objection to this application.

2. The protection of children and other vulnerable persons from being harmed or exploited by gambling.

2.1 The representations from WLDC in this respect are well wide of the mark, not least because this is not an application for the grant of an additional betting premises licence in the town centre of Gainsborough. Betfred are not looking to increase the number of betting premises licences in the locality; it is an application merely to facilitate the relocation of their existing shop by some 75 metres (see the Goad map).

2.2 Indeed, WLDC have produced absolutely no evidence whatsoever to show that the presence of three betting premises licences in the heart of Gainsborough town centre (Betfred, William Hill, and Ladbrokes) is somehow inconsistent with this licensing objective: That children and vulnerable persons have been harmed and/or exploited by the presence of three betting shops in Gainsborough. There have been three betting premises licences trading alongside each other for many years, and that will continue to remain the case in the event that this application is granted.

2.3 Neither have any of the Responsible Authorities ever objected to the renewal of these licences (on the grounds that their continuation was not reasonably consistent with this licensing objective) and nor has any party ever sought to apply for their review (on the same ground).

2.4 Consequently, the statistics data and extracts referenced in their representation (and which have been lifted from the Licensing Authority's Statement of Principles) do not and cannot support the refusal of this application on this ground. Because it is not an application for an additional betting premises licence.

2.5 In support of this contention, Betfred is also able to point to the background data and information from its existing shop in Silver Street, in order to demonstrate that children and vulnerable persons are not being harmed or exploited by reason of the provision of their existing facilities, and would not therefore be harmed or exploited in the event that their shop were to be moved 75 metres. In particular

(1) Betfred has operated in Gainsborough since 1998

(2) Persons who attended the Magistrates Court to give evidence in support of the application (which was opposed by William Hill and Ladbrokes) are still customers to this day

(3) The Manager of the shop Helen has worked in the betting industry since 1977 and has been with Betfred for 25 years. She is vastly experienced and has been the Manager since 2012

- (4) Dee and Nell who also work in the shop have both been there for over five years
 - (5) They have a very loyal and longstanding customer base; they know all of their regular customers by name
 - (6) They also enjoy very good relationships with all of their customers; it has the feel of a community centre; it is very 'old school'
 - (7) Helen runs a very tight ship; the shop is always spotless; even the toilets
 - (8) The majority of her racing customers are over 50 years of age but customer ages range from 20 to 80
 - (9) The makeup of the customers is broadly 75% men and 25% ladies.
- 2.6 Betfred operates with an anonymous third-party testing regime in place, designed to carry out random test purchases focused on the age of customers seeking to use its shop facilities, having regard to the 'Think 21' policy that is in place. A company called Serve Legal is responsible for carrying out these random unannounced test purchases. Since 2017 the shop in Gainsborough has had seven visits. They passed on each occasion. On 6 occasions, the 'customer' was challenged on entry; on the sixth occasion, the 'customer' was challenged at the counter.
- 2.7 Given the length of service of the staff and their combined experience, they have all been properly and sufficiently trained on, and are well aware of, all of Betfred's in-shop safer gambling policies and procedures, designed to ensure that this licensing objective in particular is upheld; alongside the LCCP and guidance from the Gambling Commission. Should it prove necessary, representatives from Betfred who will be present at the hearing, can fully brief the Licensing Authority on the safer gambling policies and procedures in place at Silver Street, and which will be in place at these new premises.
- 2.8 Betfred however wishes to remind the Licensing Authority that entry into betting premises is restricted to over 18s only, and that a betting shop environment is tightly regulated and controlled. Unlike other leisure businesses who are permitted to admit children, such as pubs (who have gaming machines) and newsagents and 'corner shops' (who promote the lottery and scratch cards). In this locality for example, the Canute Pub permits families in all areas and they operate with three gaming machines each with a £100 jackpot. And the same can be said of the Wetherspoons. Moreover, B & M Bargains and Bell Newsagents both allow children into their respective shops and both promote the lottery and scratch cards.
- 2.9 Notwithstanding that WLDC have failed to cite any relevant and cogent evidence in support of their representation, they assert that children in particular will be 'harmed' and/or 'exploited' by betting and gambling if Betfred is permitted to relocate its shop 75 metres into Market Place. Why? Because, they are hoping that the cinema development will help create, in this particular location, a family destination. And that they fear that the increased volume and dwell time of children and young adults within the direct vicinity of the new Betfred shop will,

- by virtue of its very presence, result in them being somehow corrupted, harmed or exploited.
- 2.10 Betfred respectfully submits that such fears are groundless, without merit, and are born out of prejudice and/or ignorance regarding betting shops and their customers. Particularly having regard to the points made at paragraphs 2.5 to 2.8 above.
- 2.11 It is also to be noted that Betfred already trades in very close proximity (a matter of some 75 metres) without any evidence of such impact on children and young adults who are already in this locality using the town centre shops and facilities.
- 2.12 Betfred also submits that there are countless examples in town and city centres across the country, where betting shops trade alongside other high street businesses and other leisure uses that attract families without any evidence of concern, and without risking this licensing objective. For example
- (1) Don Noble operates a betting shop at 22 Market Place Market Rasen where a weekly market is held on Tuesdays and Saturdays
 - (2) In Louth, Coral and Don Noble operate either side of a charity shop which has a dedicated children's department
 - (3) In Lincoln, there are three betting shops in the city centre, one of which, Ladbrokes on Guildhall St, traded directly next door to Cheeky Monkey, a children's boutique clothes shop which opened in 2019
 - (4) There are eight betting shops in Sheffield City Centre, one of which, Coral on St Paul's Parade, faces onto Peace Gardens which is used extensively for various family focused events throughout the year.
- 2.13 Betfred's point is that there is most certainly nothing unique or unusual in having a betting shop in close proximity to other retail and leisure family focused uses in town and city centres, and that such a juxtaposition would not in any way undermine, hinder, or imperil Betfred's ability to adhere to this licensing objective. Indeed, in their own representations, when quoting from data sources, WLDC use a table that confirms that betting shops form part of the 'leisure supply'.
- 2.14 The Licensing Authority should also be aware, that as far as Betfred understands it, the entrance into the new cinema will not be directly off Market Place adjacent to Betfred's new shop. Rather, the entrance to the cinema will be at the rear/side of the development facing onto/close to the rear car park, with a new passageway fronting Market Place below a new archway giving access. The new retail units mentioned will have a frontage onto Market place and this new walkway to the entrance of the cinema will be adjacent to Betfred's new premises.
- 2.15 In support of its representation, WLDC also contends that the grant of this application (involving a move of 75 metres) would "effectively create a cluster of betting shops". And that as a consequence, the move "will create or risk cumulative impact"; without actually specifying or identifying what precisely the cumulative impact (presumably on this licensing objective) would be, and in what

way such a cumulative impact would not be reasonably consistent with this licensing objective.

2.16 Betfred respectfully contends that this is nonsense. A glance at the Goad map will show that this proposed move of 75 metres will not create a cluster nor an overconcentration of betting shops, any more than it can be said that there is already such a cluster (with no adverse cumulative impact).

2.17 In addition, Betfred can point to countless examples where three (or more) betting shops trade in "close proximity" in town and city centres without impacting on either licensing objective. Worksop, Doncaster, Scunthorpe, Rotherham, and Sheffield, to name but a few. There are many more. This is not a reason to refuse this application.

3. The prevention of gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime and disorder.

3.1 The high-water mark for the prejudice and ignorance that characterises this ground of objection, can best be found in the following sentence from WLDC's representation; "it should be recognised that allowing the licensing of a premises in this location is encouraging a use which could attract criminal activity into the heart of the Market Place". When absolutely no evidence of criminality associated with Betfred's existing shop (save for passing reference to a robbery) has been either documented or disclosed by WLDC. It is quite frankly insulting. Particularly when the Licensing Authority are reminded that the Police do not object to this application.

3.2 As for data from the existing shop, which Betfred is of course privy to and able to disclose (unlike WLDC) Betfred can confirm that there are no logs, that staff are obliged to maintain in the shop, that detail or record past or historic incidents or crime or disorder in the shop. Neither are there any instances of any recorded ASB either inside or outside of the shop.

3.3 The Manager of Cashino, the AGC in the locality, has also confirmed that similarly, they have never had any instances of crime and disorder in their shop.

3.4 And as for the robbery; details have been obtained. It took place in 2013, during an evening when the shop was quiet. It involved one individual who staff thought was a teenager. He demanded that the member of staff hand over the contents of the cash till. They did so. He was not armed. He dropped some notes when fleeing the shop. £400 was taken. It was reported to the police but no arrests were made. CCTV was installed after the incident.

3.5 Having regard to the existing shop's track record on crime and disorder (or the absence thereof) and in the light of the points made at paragraphs 2.5 to 2.8 above, Betfred submits that the grant of this application would also be reasonably consistent with this licensing objective.

3.6 Betfred is perfectly willing to provide to the Licensing Authority, at the hearing, 'chapter and verse' on all of the security measures other arrangements that will form part of the new shop's operation, in order to meet this licensing objective,

many of which were referenced in the LARA that was submitted with the application.

4. Further submissions in support of the application

- 4.1 Betfred has traded from its present location in Silver Street since 1998. The unit is on the small size and is therefore compromised. This application is designed to enable Betfred to provide to its customers, the very best of facilities in a larger more modern unit, with an up-to-date shop fit. Betfred can walk the Licensing Authority through the proposed layout of the new shop, and answer any questions or issues that may arise, at the hearing.
- 4.2 Even though the relocation is only a matter of some 75 metres, 11 Market Place is undoubtedly a more vibrant and busier location within the same locality than the existing unit at Silver Street. It is a stronger business location. Indeed, Cooplands the bakers formerly traded two doors down from Betfred on Silver Street and according to Jayne their shop Manager, who has worked for Cooplands for 14 years, they have certainly benefited from the move to a busier location. Their new unit is next door to 11 Market Place and they do not object to this application; they would welcome it.
- 4.3 Betfred has agreed a new 10 year lease at an annual rent of £23,000 in respect of these new premises; premises that have remained vacant since Superdrug vacated in February 2022. They will also spend £120,000 on a complete refurbishment and refit of the premises. Planning permission has been applied for. If both applications are granted, Betfred hopes to be open early Summer; when they are ready to open the existing licence will then be surrendered.
- 4.4 The proposed opening hours for the new shop will be the same as at Silver Street; 9am to 10pm Sunday to Friday, and 8am to 10pm on Saturday. These are shorter opening hours than other leisure uses in the vicinity such as the Canute Pub, Wetherspoons and the White Horse.
- 4.5 Betfred will ensure that the design of the new shop frontage is sympathetic and appropriate having regard to the premises location in Market Place, especially in the light of the redevelopment that is planned and given that this is a conservation area. Betfred are able to point to extensive experience elsewhere where sympathetic shop frontages have been approved following consultation with the relevant local planning authority. In order to enhance supervision into Market Place from the inside of the shop, it is likely that the shop door will be left entirely clear and open (with no frosted glass and a minimum of signage), with then a window wall across the main window. Consequently, natural surveillance from the shop into Market Place, particularly during the evening hours when retail shops are generally closed, will be improved, in the event of Betfred being allowed to trade from this unit.
- 4.6 It is also to be noted that in October 2022 the Committee for Advertising Practice introduced tough new rules for gambling adverts as part of its commitment to safeguard young people and the vulnerable. Betfred is obligated to adhere to this new regime and it will be observed in the way in which its facilities are marketed through window displays and the like at this new shop.

4.7 Representatives from Betfred will be present at the hearing in order to amplify the various points raised in these submissions, and to answer any questions that the Licensing Authority may have.

Betfred

8 March 2023