

WITNESS STATEMENT

(CJ Act 1967. s. 9, MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r70)

Statement of: Darrell John Butterworth

Age if under 18: Over 18

Occupation: Licensing and Security
Compliance Manager

(if over 18 insert "over 18")

This statement (consisting of 11 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 19th July 2022

Signature: D J Butterworth

1. My name is Darrell John Butterworth and I currently operate as a self-employed Licensing and Security Authority Compliance Consultant. I have conducted this business since creating a company, Edmund Locard Licensing and Security Solutions, on the 1st January 2011. I make this statement in relation to my previous and current experiences in respect of applications for Premises Licences under the Gambling Act 2005.

Experience

2. Prior to taking up this role with Edmund Locard Ltd I completed 30 years service with the Greater Manchester Police in a variety of uniform and non-uniformed roles. The longest period of attachment to a department was between 1998 and 2006 when I performed the role of Force Licensing Inspector. This role involved the supervision of 12 divisional licensing officers, tasking and management of a covert licensing unit comprising a sergeant and six constables, developing force policy and enforcement in relation to all licensed units and employment and briefing of a licensing solicitor to act on behalf of the force in more complex licensing hearings.
3. During the period as the Force Licensing Inspector I was responsible for the good conduct and compliance of premises operating under a variety of licences, including outlets involved in selling alcohol, but also those that provided gambling, betting and bingo facilities. I have represented Greater Manchester Police at Magistrates Court hearings, Crown Court Appeals, The High Court, The Court of Appeal and Council Licensing Committee hearings,

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to oppose unsuitable applications and to take enforcement action against those premises whose standards had fallen below an acceptable level.

4. Throughout my period in the central licensing role Assistant Chief Constable Robert Taylor, also from the Greater Manchester Police, was the Association of Chief Police officers (ACPO) lead spokesman on Alcohol and Licensing matters. As a result of this connection I became secretariat to the ACPO National Licensing officers' group and National Licensing Forum (NLF).
5. During my time in charge of the Licensing Unit I worked very closely with David Thornton, the local Gambling Commission Inspector, conducting joint operations on both legal and illegal gaming establishments.
6. In 2006 on leaving the Central Licensing Unit I received a Chief Officers Commendation, recognising the contribution I had made to licensing enforcement across Greater Manchester, particularly in relation to my leadership and commitment shown in developing force policy and training in response to the Licensing Act 2003 and Gambling Act 2005.
7. Between 2006 and my retirement from the Greater Manchester Police in December 2010 I took up the role of Neighbourhood Inspector for the town of Heywood on the Rochdale division. This involved the supervision of over 50 police officers, community support officers and civilian support staff. Within my role as a Neighbourhood Policing Team Inspector I was required to conduct analysis of crime and incident trends to ensure that resources and tactics were deployed appropriately. The outcome of this analysis ensured that resources were deployed in the right numbers, in the right areas at the right time. On a monthly basis I also presented these statistics to the town's multi agency tasking group to ensure all agencies had the relevant information on crime trends.
8. I have continued my professional development regarding licensing knowledge by taking and passing the National Licensees Certificate and National Door Supervisors course. This enabled me to successfully apply for a Personal Licence and become approved by the Security Industry Authority (SIA) as a front line operative. In September 2011 I successfully applied to become a nominated tutor with the BII enabling me to carry out training in the award for responsible alcohol retailing and award for personal licence holders. In October 2018 I attended a training course on Licensing Hearings and Appeals and in November 2019 I attended a seminar for Licensing Consultants.

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9. Between 2013 and the present date I have conducted investigations nationally on behalf of operators. I estimate that I have visited in excess of 1000 venues licensed under the Gambling Act 2005. A complete list of the dates and areas venues visited is attached to this report (Exhibit reference letter DJB 1 refers). I have also conducted observations nationally in relation to premises licensed under the Alcohol Licensing Act 2003, outlets often in areas close to gambling establishments and often the source of alcohol related crime and disorder. These visits often concluded in the early hours of the morning, a period when Betting Offices had been closed, but 24-hour Adult Gaming Centres and Bingo licensed continued to operate.
10. In addition to acting on behalf of operators I have also conducted observations on behalf of residents, and in September 2017 I conducted 2 days of investigations on behalf of the London Borough of Camden. In August 2021 I conducted independent observations on behalf of the Home Office in relation to asylum seekers and their impact on Crime and Disorder in the West Midland area.
11. I have previously conducted investigations in many City centre locations where Gambling premises are located as well as in town centre and suburban high street locations. In all of these different types of locations I did not observe anything that altered my previously held views, formed during my police service as outlined below, nor did I witness any of the current gambling premises contributing to social, criminal or disorderly issues.
12. It is important to stress that when conducting my observations, I act totally independently of those instructing me and record accurately what I observe. To ensure that my visits accurately reflect the true situation I always insist that local operators are not made aware of my visits taking place. I am informed by those instructing me that this was the case for the current investigation.

Overview

13. I have been requested by Chongie Entertainments Ltd. to formalise an overview of my experience in relation to how Gambling Act applications have developed under the Gambling Act 1968 and Gambling Act 2005 legislation, Although the Gambling Act and Planning applications are two entirely different processes, in my experience, many of the crime, disorder, noise and anti-social behaviour concerns which are raised in representations against a gaming application are also raised in regards to a planning application. As a result, the purpose of this report is to outline my experiences and how they reflect the true position on the high street in respect of AGC/Bingo venues which is relevant to both Gaming and Planning applications.

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14. As noise and public nuisance is not a licensing objective under the Gambling Act, it is often raised at planning hearings as a reason why such an application should be refused. This often-expressed fear of disturbance does not, in my experience materialise, following the grant of a licence or following a variation to a planning application once approved.
15. In my experience of conducting Gambling Act investigations and attending Gambling Sub-Committee hearings, no statistical or video evidence has ever been produced to show that the current betting shops and AGC premises in an area create any of the crime and disorder problems alluded to in the representations. When conducting observations at Alcohol licensed premises, often in the early hours of the morning and in areas where Gambling premises are also located I have had the opportunity to note any conduct by customers of both types of premises. My conclusion from these visits and observations is that the majority of crime, disorder and anti-social behaviour occurring in City Centres and Towns across the country is predominantly generated from late night alcohol licensed premises, to a lesser extent from betting shop premises and an even lower contribution from AGC type premises. My conclusions have remained unchanged since my service with Greater Manchester Police, despite the increase of the AGC/ Bingo premises on the high street, as well as in motorway service stations and airport lounges.
16. There are several reasons for the differences alluded to above, including the fact that people tend to go to high street bingo and AGC venues on their own or in small numbers. An adult gaming centre regardless of floor space attracting more than 10 customers at one time would be highly unusual. Other than playing bingo and the machines there is no event taking place for customers to engage with each other, nor use the venues as a social meeting place. The demographic profile of the customers attending Betting shops and AGC/Bingo venues tends to be older and more mature than those visiting alcohol led premises.
17. During my overnight observations on high street across the country I have not observe AGC/Bingo venues causing noise or disturbance issues in the early hours of the morning due to the age profile of the customer and the small number of clientele who use this type of premises during these hours. This is the opposite of what is found in large bar/ nightclub venues on the high street where large numbers of young customers attend events involving the playing of loud entertainment and alcohol.
18. A group of young people attempting to enter and remain inside gaming venues would immediately be identified by staff. I have never encountered a

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situation during any of my extensive observations at these types of venues where young people sought to enter or remain inside any AGC or bingo licensed venues. On entering this type of premises staff immediately engage with you and often offer soft drinks, refreshment or other forms of courtesy. Another subtle but pleasing aspect of AGC's and Bingo type premises is the standard of their toilet facilities. These are always clean, unlike toilets in betting offices and alcohol venues which are often out of order or if open are uncleaned, disrespected by clientele and unhygienic. I believe this reflects the standards of behaviour and expectations of customers.

19. The staff employed at a high street bingo or AGC premises are not engaged or distracted by taking or paying out on bets so they can spend more time on the "shop floor" observing customer behaviour and resolving any low level issues before they can escalate. This customer interaction allows the staff at these premises to be proactive in identifying vulnerable customers and intervene if necessary. The environment of a high street machine type premises is also generally cleaner and tidier than ordinary bookmakers as there is no need for betting slips, newspapers and pens which often get discarded on the floor.
20. As a result of this less intimidating environment many of the managers of high street machine premises are female and this was certainly the case in the high street premises I have visited. A further difference between high street machine premises and traditional betting offices is people tend to spend less time at a venue on each visit. They do not wait around the venue for an event to start or to finish. As a result of this, customers of high street machine premises do not tend to loiter at a premise other than when playing the machines and do not smoke at the front of the venue between events taking place. I have not observed any issues regarding customers congregating outside the high street machine premises observed during these periods of observations
21. I have previously visited the Rochdale town centre area where a 24 hour machine type premises currently operates as a police officer and more lately as a licensing consultant. The premises has operated at this location continuously for over 30 years, without creating concerns to the local police or licensing authority. The Rochdale town centre is consistently in the top 50 most deprived areas in the country.

Gambling Act 1968

22. Under the Gambling Act 1968 application for a new premises licence would be submitted to the Magistrates Court for the area in which the premises would operate. Any person wishing to object to an application could present

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evidence and the Gambling Committee, guided by the local Gaming Board Inspector would consider the application and grant or refuse the application. Due to the restrictions on the published number of gambling premises in a location, the majority of objections to the new applications came from local operators who sought to prevent new businesses operating in their area. Any party who were not content with the Committees decision could appeal the matter to the Crown Court, decisions of which were used to formulate the licensing framework and afforded a consistency of approach which applicants and objectors could follow.

Gambling Act 2005

23. With the introduction of the Gambling Act 2005 jurisdiction on the grant or refusal of a new application for a premises licence came under the scope of the local authority with any appeal made to the Magistrates Court whose decisions were not binding. In my experience one of the detriments of the new act was the removal of this evidence tested approach to the decision-making process. A further consequence of the new legislation was a reduction in the role of the local gaming inspector.
24. Section 153 of the Act requires the Gambling Commission and Licensing Authorities to aim to permit the granting of a licence so far as is in keeping with the legislation and gambling commission guidance. Had Licensing Authorities adopted this section the onus on proving that a licence should not be granted would rest on those making representations against an application. In my experience the majority of Licensing Authorities adopt the opposite position as that outlined in the legislation and aim to refuse an application unless the applicant is able to satisfy the committee that they will not undermine the licensing objectives.
25. Between 2010 and 2018 I attended licensing applications at local authority gambling act licensing sub committees and on rare occasions on appeals to Magistrates Court. During this period the main grounds of the representations made were predominantly made under the Crime and Disorder licensing objective, and to a lesser extent the protection of vulnerable people and protection of Children from harm objectives. The main evidence in support of such objections was the crime and disorder currently occurring in an area generally, and not the crime and disorder that is currently occurring at betting shops and AGC/Bingo premises. Nor what crime and disorder is likely to occur should a new application be granted in these areas.
26. As stated above during my 30 years police experience and 12 years as an independent licensing consultant I have never seen any evidence that AGC's/ Bingo type premises undermine the Crime and Disorder licensing objective. It is therefore unsurprising that when challenged to provide evidence to support their position, those making representations, have been unable to do so.

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27. This lack of evidence that AGC/Bingo venues create Crime and Disorder was illustrated in a recent case in Newcastle when a freedom of information request identified that the three AGC/ Bingo type premises in Clayton Street had only been the creator of 4 incidents in the previous 12-month period despite one of the units having a 24-hour licence to operate.

Jan-Dec 2001

Venue 1 (24-hour licence)	2 crimes recorded. 2 incidents
Venue 2 (Not 24-hour licence)	No crimes. 2 incidents
Venue 3 (Not 24-hour licence)	No crimes or incidents

It is unsurprising that requests for Freedom of Information relating to the number of incidents and crimes occurring at gambling premises are now being refused by police forces stating that it is a breach of data protection legislation. As a result, the only public access records that are available to operators and consultants is the police crime websites. A review of these websites can show the number and nature of crimes and incidents occurring in a location but are not venue identifiable, nor can the information be extracted to obtain causal factors.

28. In recent years, perhaps as a result of the number of cases being approved by Licensing Committees or overturned on appeal, those local authorities who seek to refuse applications and those who wish to make representations against new AGC/ Bingo licences have sought to prevent the application via the planning application stage. However, often the grounds of the representation against the application still relies on the mis held belief that these types of premises create crime and disorder in an area. That beggars, street drinkers and other vulnerable members of society will be attracted to them and that children will try to gain entry to a premises.

29. As outlined above I have never observed any of these occurring in the numerous area I have taken observations and given evidence to committees on what I have witnessed. Also, restrictions have been placed via the planning regime on the opening hours that venues can operate based on the same evidence that the premises will undermine the crime and disorder licensing objectives. In my experience of visiting 24-hour AGC/Bingo venues the premises become even quieter in the early hours of the morning and do not have a negative impact on the high street at peak times as an alcohol licensed venue may do around 2300 hours on a Friday and Saturday night.

30. In a number of cases where an application has been granted and representations feared the impact of the opening of an AGC/ Bingo premises I have offered to return to the area on behalf of residents, local businesses

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and the local licensing department to conduct an investigation free of charge, should an area not continue in the same manner following the opening of a venue. At no time has any individual or group contacted me following the granting of an application requesting me to revisit an area.

31. I am also unaware of any licence that was granted despite representations being made that the Crime and Disorder, vulnerability or the children's Licensing Objectives would be breached, having had their licence reviewed having failed to operate in the manner which I expected or consider to be the norm.

32. A further issue often raised in representations is the harm that is caused by irresponsible gambling in general. As this usually manifest itself away from the premises, I am not able to quantify this in regards to individual premises or the different operators that engage my services.

Incidents at Chongie Leisure Ltd.

33. In order to assess the impact that a 24-hour licence may have on the licensing objectives in comparison with a venue that only operates for part of the day I have requested from Chongie Leisure a list of their venues (see appendix 2), their opening times and the incidents recorded (see appendix 3).

34. It is important to note that because an incident is recorded it does not necessarily follow that the operator was undermining the licensing objectives or that the incident recorded would merit the police being notified or requested to attend to assist the manager. An example of this from the incident list would be a barred customer attempting to enter a venue which was notified 21 times in the 114 incidents.

35. Chongie Entertainment Ltd currently operate 9 Adult Gaming Centres across the South East of the country. From appendix 2 it can be seen that the venues have operated since 8th November 2021 with the most recent opening in Croydon on the 30th May 2022.

The table below shows each venue, its opening date, hours of operation, total number of incidents recorded and the average number of incidents per week.

Venue	Opened	Hours	Incidents	Average incidents/week
Croydon	30/05/2022	24 hours	7/114	1/week
Peterborough	14/04/2022	24 hours	22/114	1.5/week
Hammersmith	29/03/2022	2200	3/114	0.2 /week
Reading	11/01/2022	24 hours	52/114	2.4/week
Aldershot	17/03/2022	24 hours	10/114	0.6/week

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Luton	02/02/2022	24 hours	12/114	0.5/week
Woodgreen	08/11/2021	2300	1/114	1 in 8 month period
Crawley	25/11/2021	2300	6/114	Less than 1/month
Wardour Street	11/12/2021	0200	1/114	1 in 7 month period

36. From the statistical figures above it can be seen that few incidents occur at any of the venues regardless of where they are located and what hours the licence is granted for. These instances, recorded by the shop managers supports the fact that AGC's generally, and those with 24 hour licences, do not create crime and disorder in a location.

37. I have visited the Wood Green area especially in relation to both gambling and alcohol licence applications on numerous occasions and I am aware of the crime and social challenges in the area. Having only recorded 1 incident at the venue in such an area clearly demonstrates the fact that Chongie and other AGC operators do not create crime, disorder or nuisance in the areas which they seek to operate.

38. I have conducted investigations in respect of applications for Gambling Premises Licences since October 2013. Since that time I have conducted observations in several London Boroughs, Acocks Green Birmingham, Blackpool, Doncaster, Droylsden Manchester, Hareshills Leeds, Newbury, Newcastle, Rochdale, Spalding, Walsall (x2), and Worcester. These visits were conducted following similar concerns that have been raised in respect of the majority of applications I have investigated.

Summary

39. In my experience AGC/ Bingo venues are now common sights in airport lounges, motorway service areas and local high streets. Having visited a large number of these sites in different locations I have never seen any evidence of them creating crime and disorder or being an attractive location to vulnerable individuals or young people. My experience leads me to believe that Gambling in locations where trained staff are available to respond and observe customer behaviour can only be safer than gambling on machines at unstaffed venues or on line where 52% of all gambling now takes place.

40. In many of these areas machine companies already operated sites successfully and without criticism from the local enforcement authorities. I have been able to visit operational sites in these other areas and confirm that their operation did not lead to issues of crime and disorder nor did they attract street drinkers, beggars or other vulnerable individuals. I am unaware

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of any concerns being raised in respect of any of these areas since the licences were approved.

Conclusion

41. There are many social issues, criminality and disorderly conduct visible on most high streets in the country. In my experience the granting or a refusal of an AGC/ Bingo licence into these areas does not increase the likelihood of such instances occurring. It is also unlikely to reduce the number of the occurrences in an area that were previously taking place.
42. Applications by Chongie Entertainment Ltd to open premises in a location does not normally introduce anything new into a location that is not already available to the local community. I have never seen any evidence produced at Gambling Committee or planning hearings that would lead me to believe that the granting of a 24-hour AGC into most areas would undermine the licensing objectives.
43. At paragraph 16, 17,18 and 19 above I outlined what I consider to be major differences between a betting office premises and a AGC/Bingo premises. What I have observed nationally reinforces my experiences outlined above. Although the main cause for concern appears to be the fear of crime and disorder and protection of vulnerable people, This view is not supported by the record of incidents at their venues collated by Chongie. I have not observed any conduct or received other conflicting evidence which would cause me to reconsider my position. In my experience the change of a premises from an often empty high street unit to an AGC premises will improve the area for local residents and businesses and reduce the likelihood of crime, disorder and anti-social behaviour in an area.

Darrell Butterworth

19th July 2022

Appendix

Exhibit reference letter DJB1 - Areas and dates previously visited to conduct gaming investigations

Exhibit reference letter DJB 2 - Photograph of service area gaming area

Exhibit reference letter DJB 3 – Photograph of airport lounge gaming area

Exhibit reference letter DJB 4- List of venues and opening dates

Exhibit reference letter DJB 5 – Incidents at Chongie Leisure venues

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