

Power Leisure Bookmakers Limited response to Gloucester City Council's Consultation on its draft Statement of Gambling Principles

Paddy Power is Ireland's biggest Bookmaker and operates both a retail business through licensed betting offices and an online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.

Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives.

We respectfully remind the Licensing Authority that operators of premises licences have full authority to provide their services by the provision of an Operators' Licence granted by the Gambling Commission. The UK's gambling regulator has therefore approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are the extensive obligations and requirements now placed upon operators under social responsibility provisions introduced by the Gambling Commission earlier this year within the LCCP.

We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 that provides the code to which the Authority must have regard. Specifically, Regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and have mechanisms in place for consultation. The Code provides that before any changes in policy are implemented the effect that any proposed amendments may have on businesses should be considered and stakeholders should be engaged. Where local risks are to be addressed, an evidenced based approach should be taken.

General Policy Commentary

Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives and in accordance with its own statement of principles. Authorities can request additional information in support of an application to assist with the determination in consideration of the above criteria. The draft statement of principles correctly identifies that unmet demand is not a criterion that can be considered although as the Gambling Commission's Guidance to Licensing Authorities states, policy statements should include a firm commitment to avoid duplication with other regulatory regimes.

Location and local area risk assessment

Under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. We respectfully refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, Regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility. We propose that to ensure that better regulation principles are followed that operators should be allowed to assess their existing operational processes, informed by Statements of Principle, which highlight potential areas of particular sensitivity and known vulnerability. High risk areas should only be included in the policy where robust evidence is adduced that clear gambling related harm would be caused by the presence of gambling related premises. Any proposed measures to mitigate risks identified should be proportionate, effective and tailored to specific concerns identified.

The draft policy confirms that the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling and the location of proposed premises in particularly sensitive locations, as well as areas with known high levels of crime and disorder. In order to fully address any potential concerns, all risk profiles should be based upon empirical evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed and controlled premises should not pose a gambling related risk to children and young people and additional measures or controls considered should not be imposed to address wider social issues. Any reference to vulnerability should specifically address evidence based risks of gambling related harm caused to individuals and populations identified. Any proposed measures to mitigate those risks may only be appropriate where they cannot be addressed by operators existing measures and compliance with governing legislation.

When considering crime and disorder, the policy should identify that there is a clear distinction between disorder and nuisance and highlight that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority may wish to consider the prevalence of illegal gambling and ensure that any measures proposed to address crime are proportionate to the existing operational procedures implemented and will effectively address any concerns identified.

Should the Licensing Authority contemplate introducing detailed policies regarding the location of specific gambling premises, thorough details should be provided for consultation with stakeholders. Such consultation would permit the thorough assessment of the validity of any potential local area

profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.

Any finalised policy should not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.

Conditions

Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.

Conclusion

We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the licensing objectives.