

Power Leisure Bookmakers Limited response to Stevenage Borough Council's consultation on its draft Statement of Gambling Principles 2022-2025

Paddy Power is Ireland's biggest Bookmaker and operate both as retail business through licensed betting offices and an online/telephone business. Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives. Operators of premises licences have full authority to provide their services by the provision of an Operator's Licence granted by the Gambling Commission. The UK's gambling regulator has therefore approved the measures implemented and those 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 obligations and requirements now placed upon operators under the social responsibility provisions of the LCCP, introduced by the Gambling Commission.

Foreward

We strongly disagree with the commentary included in the draft policy. Comments relating to child sexual exploitation and the imposition of additional obligations on operators fail to consider the extensive social responsibility provisions now contained in the governing legislation.

The Authority's policy, as per section 349 of the Gambling Act 2005, should contain the principles that it proposes to apply in exercising its functions under the Act, it is therefore not an appropriate document to contain additional commentary, which is beyond the scope of the policy's function, and it should be removed.

Part B – B.12-B3.20 Protecting children and other vulnerable persons

Whilst we acknowledge that safeguarding against child sexual exploitation is a commendable aim, and all operators should be aware of this issue, this has no direct relevance to the gambling Licensing Objectives. Of particular concern, is the inclusion of the statement: *"The Council expects applicants to demonstrate the measures they will take to safeguard CSE in the local risk assessment."* This is not only stretching an operator's responsibility beyond the scope of the licensing objectives but has no relevance when considering children are not permitted to enter a betting premises.

The Authority should recognize that the principal duty is to protect children and other persons from the potentially harmful effects of gambling, as opposed to wider societal harm. Whilst we agree that licence holders and all businesses throughout society should be aware of the risks of child sexual exploitation, commentary in this regard is not relevant to the objectives of the Gambling Act 2005.

We also oppose the inclusion of the control measure: *'regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable persons'*. This not only extends an operator's responsibility away from gambling, but now outside their premises which is far beyond their obligations under the licensing objective and policing of the high streets are not within the powers of a licensee. Whilst we acknowledge that all businesses should have familiarity with any activity occurring in close proximity to their premises, the inclusion of this as a control measure within the policy overreaches an operator's liability.

Paddy Power is a responsible operator and implements measures to address local risks that relate to activities which would take place within betting premises.

Part C – C4.6 Public Health and Gambling

Although the policy recognises that public health teams are not a responsible authority under the Act, we would like to ensure that any collaboration and publication of findings are based on local, up-to-date, evidence and do not merely reflect macro-societal trends. As the policy expresses, any local area profile must be tailored to their area of authority and national trends do not provide qualitative assessments of local risks. We understand that local analysis is an invaluable tool to direct local resources and assist with the identification of potential risks. Local profiles assist operators in the development of local training and the implementation of appropriate operational controls.

Part C – C6.2 Premises ‘ready for gambling’

Paragraph C6.2 states: *‘If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.’* This statement requires updating following the case of *R (on the application of) Betting Shops Services Limited-v-Southend-on-Sea Borough Council [2008] EWHC 105 (admin)*. Other than the right to occupy, there is no legal reason preventing someone from applying for a premises licence and we therefore suggest that this section is amended to reflect this.

See also the guidance issued within the Guidance to Licensing Authorities 5th edition at paragraph 7.64: *“If faced with an application in respect of uncompleted premises which it appears are not going to be ready to be used for gambling for a considerable period of time, a licensing authority ought to consider whether – applying the two-stage approach advocated above – it should grant a licence or whether the circumstances are more appropriate to a provisional statement application. For example, the latter would be the case if there was significant potential for circumstances to change before the premises opens for business. In such cases, the provisional statement route would ensure that the limited rights of responsible authorities and interested parties to make representations about matters arising from such changes of circumstance are protected. Licensing authorities may choose to discuss with individual applicants which route is appropriate, to avoid them having to pay a fee for an application that the licensing authority did not think was grantable.”*

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. We look forward to discussion on the proposed Statement of Principles with you.