

## **Appendix 3: Response from Power Leisure Bookmakers Limited**

### **Power Leisure Bookmakers Limited response to Wiltshire 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. Therefore, the Gambling Commission will have 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.

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 should have mechanisms in place for consultation.

#### **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. Although the current draft policy does not address the requirement for local area profiling, 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.

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 (paras 2.1, 3.3 and 4.0), as well as areas with known high levels of crime and disorder (para. 3.1). 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.

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 is proportionate to the existing operational procedures implemented by operators to address crime and disorder associated with any gambling provision.

Whilst local area risk profiling has not been addressed in the current draft policy, the authority must consider that should any specific policies be contemplated in the future 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 considered 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.