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Licensing and Enforcement Team
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Please ask for:
Direct Tel:
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Our ref: RJT / LHK / 097505.00004
#GS606618
Your ref:
Date: 11 February 2016

Dear Sir/Madam,

**Re: Consultation on Revisions to Gambling Act 2005 Statement of Principles
Guidance on Undertaking Local Gambling Risk Assessments and Local Area Profile**

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to your consultation on the council's revisions to the Gambling Act 2005 Statement of Principles.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power as well as almost 100 smaller independent bookmakers.

On behalf of our client, we have reviewed the documents, "Guidance on Undertaking Local Gambling Risk Assessments", "Gambling Act 2005 – Local Area Profile – April 2016" and "Local Area Profile Gambling Risk Assessment Document".

Local Area Profile

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the "aim to permit" principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

The local area profile document produced indicates that *“the local area profiles will help to inform the local risk assessment process.”* This sentence should be expanded in accordance with paragraph 6.49 of the Gambling Commission Guidance to Licensing Authorities (5th Edition) which indicates that *“the local area profile will help to inform specific risks that operators will need to address in their risk assessment...”* The document needs to be clear that the purpose of the local area profile is to assist with the risk assessment. The local area profile, therefore, needs to highlight matters which are relevant to the licensing objectives. The local area profile should not include matters that can have no bearing on whether or not the operation of a premise is reasonably consistent with the licensing objectives.

Section 6 of the Local Area Profile Document lists factors taken into account when compiling the local area profile. This list indicates that the City Council has had regard to places of worship and religious buildings, job centres, pawnbrokers, payday loan businesses in the area, parking facilities, banks and/or ATM facilities nearby, the economic make-up of the area and the surrounding night time economy when comparing its local area profile. The proximity of such places to Gambling Act 2005 premises will have no bearing on whether the operation of such premises is reasonably consistent with the licensing objectives and these should not, therefore, be taken into account.

It is not clear why places of worship and religious buildings are taken into account when compiling the local area profile. The Gambling Commission Guidance (5th Edition) is clear at paragraph 5.34 that licensing authorities should be aware that considerations such as moral or ethical objections to gambling, a dislike of gambling or a general notion that is undesirable to allow gambling premises in an area, are not valid reasons to reject a premises licence application and therefore cannot be relevant in these circumstances.

Another factor included is the economic make-up of the area. It is impossible to see how the relevant affluence of an area could be relevant. The only way that the relative affluence of an area could be relevant is if the council has determined that people in certain income brackets are more or less likely to be involved with crime or are vulnerable. We doubt that this is the case.

In the circumstances, we respectfully submit that the list of factors to be taken into account when compiling the local area profile needs to be reviewed with the list being redrafted to ensure that only relevant factors (such as hostels or shelters for vulnerable people, addiction support facilities, mental health centres) are included.

The Local Area Profile Document refers to the British Gambling Prevalence Survey of 2010. The data upon which this is based is well over six years old and we respectfully submit that more relevant figures from subsequent reports should be produced. For example, “Gambling Behaviour in England and Scotland” was published in June 2014 and details the findings of the health survey for England and Scotland in 2012. These more recent surveys indicate that problem gambling among adults is around 0.4% (less than the British Gambling Prevalence Survey 2010) and the number of problem gamblers is stable.

The local area profile produces details (pages 15 -17) of the educational facilities, places of worship and licensed premises for each ward. It is not clear why these are produced. The proximity of premises licensed under Licensing Act 2003 is not a relevant consideration and the comments

above relating to places of worship are similarly irrelevant considerations. This section of the local area profile seems to offer nothing.

The local area profile document should concentrate on matters that are relevant. To be of assistance in producing a local area profile, then it should list instances of gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

Guidance on Undertaking Local Gambling Risk Assessments/Pro Forma for Gambling Risk Assessments

The pro forma gambling risk assessment form indicates in its guidance notes that “this risk assessment must be completed for all new premises or when the premises licence is varied.” This makes completion of the Cambridge City Council pro forma mandatory. The ABB believes that it is not for a licensing authority to prescribe a form of risk assessment. If a risk assessment document is to be produced, it should be clear that it may be used although it must be made clear that operators may use their own forms of documentation. There is no power to require use of any prescribed form. The documentation should be amended to make this very clear.

The guidance on completing the risk assessments needs to be amended. The examples of risk assessment triggers given take into account matters that can have no bearing on whether the operation of a premise is consistent with the licensing objectives. For example the opening of a new payday loan or pawnbrokers in an area is not relevant to whether or not a premise operates in accordance with the licensing objectives. The ethnicity, age and economic make-up of the community is similarly irrelevant unless the council has determined that certain ethnic groups are more likely to commit crime arising out of gambling or are automatically vulnerable. The statement of principles does not suggest this.

The lists of triggers for risk assessments and local area risks need to be reviewed and redrafted to ensure that only matters that are relevant to the licensing objectives are included.

Within the section headed “Control Measures” there is reference to a “Challenge 21 scheme”. This scheme is relevant to Licensing Act 2003 premises. The industry standard age verification scheme operated by most betting office operators is called Think 21 and is similar. The document should be amended to reflect this.

We trust that the comments above are useful to you and look forward to receiving confirmation that the documentation will be reviewed as outlined above.

Yours faithfully