

## Statement of Gambling Principles – Consultation – Review

### London Borough of Sutton – consultation ends 3 August 2015

Number of Paddy Power premises: 1

#### **General 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 along with the avoidance of duplication with other regulatory regimes, such as planning. However, the statement of principles suggests that all applications will raise issues relating the licensing objectives and provides that applicants must seek to mitigate all perceived risks without the provision of evidence to enable an effective assessment of those risks identified and methods to address them.*

#### **4.1 Sutton Standards**

Applications to grant, transfer or vary a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote all the licensing objectives in the form of written operating schedule. The level of detail to be provided will be advised by the Council and will be proportional to the nature and scale of the application made.

*This is a clear reference to the regime under the Licensing Act 2003 whereby applications are submitted along with an operating schedule, which highlights how the operator seeks to address and promote the licensing objectives. Whilst such information can be requested, care should be taken so that such information is not readily used to impose conditions under section 169 of the Gambling Act 2005. This provision also suggests that variation applications should include an assessment of how the applicant will promote the licensing objectives without effective consideration of the existing operation at the premises, which may already effectively address any perceived risks at the location identified.*

#### **4.7 Local Area Profiles**

A series of local area maps are to be provided as appendices to the Statement of Licensing Principles, which will contain the location of all current gambling premises in relation to areas of deprivation, schools, hostels and homes for vulnerable people, needle exchanges, and centres for people with gambling addictions.

*As area maps have not been provided with the draft policy, it is impossible to assess the validity of the local area profiling completed by the Licensing Authority and the evidence utilised to determine theoretical risk in any area identified. Without a direct correlation with actual risk, it remains difficult for both the licensing authority and operators to implement detailed policies to address perceived risks without an assessment of any detrimental impact that any proposed gaming provision may have. As the location of existing premises is to be included on the area plans it is suggested that the relative density of gaming providers has a direct impact upon the vulnerability status of individuals in any defined area. Should the authority wish to include such details, an effective analysis should be completed to ensure that figures correlate with harms caused by gaming related activities within those locations identified.*

#### **4.8 Risk Assessments**

Applicants are to fully explain in their applications how their proposals will not exacerbate any problems to individuals living in the vicinity, or exacerbate any problems within the vicinity generally. Applications should be tailored and include policies, procedures and control measures to mitigate any potential risks. Staff should be appropriately trained to cater for the local area in which they propose to run their business.

Applicants are to consider those areas where concentrations of hostels and other types of accommodation for vulnerable people are in existence. Risk assessments should include full details as to how any risks associated with the operation of the gambling premises in close proximity to concentrations of housing for vulnerable people will be mitigated.

*The policy raises the presumption that all applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Operators are being asked to mitigate a perceived risk without the provision of sufficient parameters identifying the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application*

Full details should be contained in risk assessments in compliance with Social Responsibility Code 10.1.1 and Ordinary Code Provision 10.1.2.

The Licensing Authority is to attach example measures contained in an appendix, which may be considered in the formulation of risk assessments. Although not an exhaustive list, all risk assessments should be based on individual premises and particular local issues identified.

*Once again the example measures have not been included in the draft proposals, preventing effective assessment of the proposed conditions that may be imposed and limiting an informed response to the policy consultation.*

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