

William Hill's Consultation Response to Harrow Council's Consultation on its Statement of Principles

William Hill is one of the UK's largest betting operators with an estate of over 2300 shops.

We are a business which values being in the regulated sector and we devote significant resources to regulatory compliance. Equally regulation should follow both the letter and spirit of the Gambling Act 2005.

We believe that both operators and licensing authorities should work collaboratively to promote the Licensing Objectives.

We believe that any preamble in the statement should stress the overriding obligation of local authorities to aim to permit regulated gambling provided it is consistent with the Licensing Objectives

Whilst we accept that MPs and Councillors qualify as "interested parties" we do believe that these individuals should have to produce specific evidence of being asked to represent constituents or specific evidence of constituency complaints. Otherwise there is a danger of a legal process becoming over politicised.

We welcome the distinction made between disorder and nuisance, but police are often called to support staff carrying out their regulatory obligations and therefore police calls do not automatically qualify nuisance as disorder.

The Authority is respectfully reminded that it is not the role of an Authority to raise the licensing bar above that set by the framework of the Gambling Act 2005. Neither can the construction of the Statement of Principles seek to reverse the burden of proof set for the licensing process. There is a clear process for interested parties or responsible authorities making representations and mere statements of theoretical risk should, in our view, be given little weight. such statements should be removed from the Statement of Principles.

Whilst we accept that bodies such as Children's Safeguarding Boards should be consulted on gambling licensing issues, it is unlikely that many organisations are experts in gambling related harm and caution should be exercised before treating them as experts in this area.

It needs to be remembered that operators can only (in general) apply for a premises licence after they have been granted an Operating Licence. This process means that operators are already deemed "suitable" to run a gambling business. Therefore the Authority should concentrate on clearly evidenced factors which demonstrate association with gambling related harm.

As indicated, any exposition of risk in a Statement of Principles (or local area profile) should not be based on anything less than empirical evidence and proportionality needs to be applied to all licensing decisions. For example successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Although we will be implementing risk assessment at a local premises level, we do not believe that it is for the Authority to prescribe the form of that risk assessment. We believe that would be against better regulation principles with operators being allowed to gear risk assessment to their own operational processes; informed by Statements of Principle and the local area profile.

Therefore we do not believe that the co-location of educational establishments, children's play areas or locations in which there may be other potential vulnerabilities are necessarily matters for heightened risk; unless it can be demonstrated (on the basis of clear evidence by someone making representations that additional controls needs to be imposed in relation to clearly identified gambling related harm. Each case needs to be considered on its merits and there should not be general statements made that gambling premises are automatically faced with a higher burden of proof in these areas.

We do not believe that "deprivation" in a ward area is a prima facie reason for restricting gambling supply in that area. For example an operator may wish to relocate an existing premises or cater for a rising population. It is important, particularly in densely populated area for there to be sufficient regulated gambling supply. Operators do not target deprived communities, but they do base their business models inter alia on dense populations and high footfall.

In addition only a small percentage of the population use licensed gambling premises. Therefore the presence of such premises is unlikely to affect whole communities. In most locations betting premises constitute less than 2% of total retail frontage.

Whilst the National Lottery tickets and scratch cards can be accessed by 16 year olds through a wide network of retail outlets, the majority of licensed gambling premises do not allow access by children or young persons.

Therefore properly managed and controlled premises do not present a risk to those children and young people. Matters should only be considered relating to children and young persons in relation to their protection from the potential harmful effects of gambling (not wider social issues). The fact that a business only admits adults should carry strong weight.

In fact it is important in any area that gambling is catered for by regulated operators not illegal suppliers. Therefore if an operator considers there is demand in area then authorities should be wary not to undermine the fundamental principles of good gambling regulation regarding the preference for regulated gambling over illegal supply.

We believe that as part of their Statement of Principles, the Authority should consider the prevalence of illegal gambling; particularly in densely populated areas.

It should also be noted that the Secretary of State already has the power under regulation to issue and does issue mandatory and default premise licensing conditions. Operating licence conditions made by the Gambling Commission also dictate that operators are already obliged to uphold social responsibility.

Therefore the Authority should not seek to usurp the functions of the Secretary of State by seeking to impose a standard list of additional conditions on licencees.

The Authority should start from the position that the Gambling regulatory regime is fit for purpose and it should not engage in artificial constructs to prevent or limit gambling.

The Authority has recognised itself that it cannot consider demand for gambling (in terms of imposing its own views of the desirability of premises numbers or concentrations of premises). The Gambling Act imposed additional social regulation as a quid pro quo for market liberalisation.

Therefore we do not believe that any Statement of Principles should make reference to areas nearing "stress" or "saturation". An authority who does this is, in our view, exposing itself to allegations of circumventing the restriction on them regarding demand. Whilst the regimes are separate, we would remind the Authority that betting shops are now in their own sui generis use class. The vibrancy and vitality of an area are planning not licensing issues,

Finally it is not the responsibility of an applicant or existing licence holder to have to actively engage in a search for unique localised risk factors. Neither should the Authority just articulate a non exhaustive list of potential theoretical risks on a "just in case" basis. The applicant or licensee can only carry out risk assessment where there is apparent or crystallised risk which has been identified in local profiles or publicly available statistics.

For example statements like "the possible impact of a gambling premises may have on residential areas where there are concentrations of families with young children" is meaningless in the context of gambling related harm. In fact this is on the cusp of suggesting that the Authority is making moral or social judgments about what is accepted as a bona fide leisure activity.

We do not agree with aspects of the current Gambling Commission draft on Guidance to Licensing Authorities and have also reserved the right to challenge aspects of this advice.

Andrew Lyman

Director of Group Regulatory Affairs