

Formal Response to the letter from the Betting and Gaming Council

Considerations specific to the statement of licensing policy – 2022 to 2024 consultation draft

Part B is headed “Promotion of the licensing objectives”. On the basis that applications and the operation of premises needs to be “reasonably consistent” with the licensing objectives and to avoid any confusion with Licensing Act 2003 requirements, this heading should be changed to delete the reference to “promotion”. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission.

Response: Agreed

Paragraph 13.10 onwards refer to research in relation to problem gambling. It is important that any review of problem gambling is put into context. Problem gambling rates in the UK are static at around 0.5% of the population. This should be made clear prior to a discussion of the research.

Response: The reported rate of problem gambling nationally varies depending on the source used (Sturgis and Kuha, 2021) for example;

- according to the Health Survey for England in 2016 was 0.7% of the adult population
- telephone surveys undertaken by Yonder Consulting between 2020 and 2021 show the rates varying between 0.3% and 0.6% of the population.
- An online YouGov survey in 2019 for GambleAware estimated that up to 2.7% of adults in Great Britain were problem gamblers.

The research referred to in section 13.10 onwards was undertaken specifically for the city of Leeds in order to provide an evidence base to further knowledge and understanding of the issue. In order to make this clearer we will amend the wording of 13.10 from;

“In 2016 Leeds City Council commissioned Leeds Beckett University to undertake research into Problem Gambling in Leeds (*Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016*). This research looked specifically at identifying groups of the society that could be considered vulnerable to problem gambling”

To the following;

“In 2016 Leeds City Council commissioned Leeds Beckett University to undertake research into Problem Gambling in Leeds (*Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016*). This research which focussed specifically on gambling harm in Leeds, established that Leeds and areas like Leeds are broadly likely to have problem gambling rates at double the national average. The research also looked specifically at identifying groups in society that could be considered vulnerable to, or at higher risk of, problem gambling, these groups are identified in following points 13.11 to 13.24.”

Paragraph 13.11 is misleading and needs to be amended if not deleted. The last two prevalence surveys have shown that rates of problem gambling in 16-17 year olds is zero.

Response: The sentence in bold should be added to clarify paragraph 13.11. Research undertaken by Ipsos Mori for the Gambling Commission has consistently shown that 1.7% of 11-16 year olds are classified as problem gamblers and 2.7% at risk using the DSM-IV-MR.

“Young people – the research found that that there is strong evidence that children, adolescents and young adults are vulnerable to the experience of gambling problems or are at risk of experiencing problems. Rates of problem gambling among young people who gamble are higher than older adults and youth gambling behaviours are consistent with the harm paradox, whereby these age groups are less likely to gamble generally but those that do are more likely to experience difficulties with their behaviour (Wardle, 2015).”

Paragraph 13.12 refers to a research document from 2018 and indicates that 24% of secondary aged pupils and 32% of post 16 age pupils had taken part in gambling activity. Whilst the paragraph distinguishes between illegal drugs and otherwise it makes no such distinction with gambling, seemingly suggesting that this gambling is illegal. This is not the case. The Gambling Commission engages Ipsos Mori to report on the gambling habits of young people each year. These reports show that the vast majority of gambling undertaken by those under 18 is playing cards/betting between friends, machine gaming in seaside arcades and participation in the National Lottery. (When this research was undertaken, the national lottery could be played by those over 16.) It is not clear what the purpose of this paragraph is. It is pejorative and should be removed.

Response We do not believe that the information in this paragraph implies the activity illegal. The term ‘illegal drugs’ is used as it the wording referred to in the survey referenced.

The purpose of the Statement of Principles is to set out the principles that the Licensing Authority will apply when exercising its functions under Gambling Act 2005. It is not intended to be a discussion document on research undertaken into problem gambling or the vulnerability or otherwise of certain groups in society which exist in all urban areas.

Paragraphs 13.13 to 13.24 should therefore be removed from the draft Statement of Principles. These paragraphs contain excerpts from various research documents, none of which are taken in context. For example, paragraph 13.13 is a single sentence which has been reproduced from a 2015 report that runs to 107 pages.

The purpose of including paragraphs 13.13 to 13.24 is not clear. Paragraph 13.13 is headed “Minority ethnic groups” and paragraph 13.16, “Area deprivation” but thereafter, it is not clear whether the principles to be applied by the authority when exercising its functions are that an investment in new premises in an area largely populated by those from an Asian or Black background is discouraged or will be refused. These paragraphs and those on homelessness, mental ill health, substance abuse and personality traits/cognitive distortions should all be removed.

The issues highlighted within the paragraphs to be removed are all issues that an operator must recognise in its risk assessment and if they are present, that operator must have policies and procedures to mitigate those risks.

Response: In response to the four paragraphs above; The purpose of including the information referred to in paragraphs 13.10 to 13.24 is to ensure that applicants are aware of information and research which may be relevant to include with local area risk assessments. The research referred to was undertaken specifically for the city of Leeds, in order to provide an evidence base to further knowledge and understanding of the issue within the city and beyond. There is a very little if any studies undertaken on gambling harms at local area level. The information has been provided within the Statement of Licensing Policy to assist applicants in undertaking thorough locally relevant and informed risk assessments, as it is information they may not readily have access to otherwise.

Specifically in reference to 13.13 in order to provide more clarity it is recommended that the paragraph is reword from;

“Minority ethnic groups – There is consistent evidence that those from Asian or Black backgrounds are more vulnerable to gambling problems and there is clear evidence of the harm paradox (Wardle, 2015).”

To;

“Minority ethnic groups – Reviews of national British survey data including the Health Survey for England and GambleAware’s Treatment and Support study have consistently shown that those from Asian or Black backgrounds are more vulnerable to gambling problems and there is clear evidence of the harm paradox (Wardle, 2015) (Gunstone and Gosschalk, 2020).”

Paragraph 13.28 should also be deleted. This refers both to a health matrix developed by the city council and an “operating plan”. Neither of these documents are creations of the Gambling Act 2005 or its associated regulations and whilst documentation produced by the authority to help assess risk in an area will be useful it cannot be a prerequisite of the consideration of any application. The authority must not create additional requirements, it must aim to permit the use of premises for gambling.

Response: Agreed – wording to be altered to reflect that use of the Matrix is optional.

Paragraph 13.29 should also be deleted. Whilst the notion of “offering” conditions such as reduced opening hours is common within Licensing Act 2003 applications and suggested by the s182 Guidance issued to Licensing Authorities, the LCCP require applicants to conduct a risk assessment of risks to the licensing objectives and have policies and procedures to mitigate those risks. The mandatory and default conditions then apply to a licence granted. These are usually sufficient to ensure operation that is consistent with the licensing objectives. If there is evidence of a risk to the licensing objectives, then a default condition (e.g.hours) may be amended by the authority or an additional condition imposed.

Response: It remains within the Licensing Authority’ remit to impose local authority conditions which are relevant and proportionate, and not duplicate or contradict other requirements under the Gambling Act 2005 and therefore this paragraph is relevant.