

Your ref:

Date:

31st March 21

Nigel Huddleston
Minister for Sport, Tourism and Heritage

Via email:
gamblingactreview@dcms.gov.uk

For a large print copy contact 020 8489 5639

Dear Mr Huddleston,

Re: DCMS Gambling Act Review – Call for Evidence

Haringey welcomes the opportunity to respond to this consultation on behalf of the Council and residents of Haringey.

We confirm that this response may be published in connection with this review.

Our experiences in Haringey demonstrate that the Act and associated guidance is failing to provide us as a Licensing Authority with sufficient powers to deal with the impact of gambling premises and the problems they bring. These problems include those we can see and record such as the increase in crime and disorder, and those problems where more study is required such as their impact on vulnerable communities in deprived areas.

In our experience the removal of the demand test that previously allowed magistrates to regulate clustering, and the introduction of the requirement that we must “aim to permit”, means that there is almost no restriction on how many gambling premises operate in an area.

Haringey has in recent months received a number of applications for Adult gaming Centres (AGC) and now for a Bingo premises in units that were previously betting shops. Once again, these applications are targeting the most deprived areas of the borough, West Green Road, High Road N22, High Road Tottenham and Green Lanes, all in the East of the borough.

From 1 April 2014 the maximum permitted number of B3 and B4 gaming machines (FOBTs) sited on an AGC or bingo premises licences granted after 13 July 2011 was limited to 20% of the total number of gaming machines made available for use. There is a risk that this 20% allowance maybe exploited by an operator to circumnavigate the restrictions introduced by Parliament on FOBTs in traditional gambling premises. For example, a recent application for a new bingo premises have advised that 11 B3 gaming machines will be onsite at the venue. This application is not about offering bingo in the traditional sense.

We therefore welcome this call for evidence and the opportunity to reiterate the same concerns that we have lobbied previous governments on in relation to the Gambling Act 2005.

Our response incorporates the Public Health perspective on gambling within Haringey also.

We have restricted our response to the questions we have experience on or have regulatory responsibility for, namely:

Advertising, sponsorship, and branding

Q11: What are the benefits or harms caused by allowing licensed gambling operators to advertise?

Restricting and regulating advertising is a part of prevention to reducing harms and it has worked in other areas of public health concerns such as obesity and smoking. Advertising is used to promote gambling in a population effectively and thus, this normalises gambling activity, particularly those groups at high risk.

According to the Annual Young People and Gambling Survey, conducted in 2020, 58% of 11–16-year-olds have seen or heard gambling adverts or sponsorship, of which 7% said this had prompted them to gamble when they had no intentions to gamble before. We suggest much stricter rules are applied around gambling advertising and eventually an end to all gambling advertising, sponsorship and promotion.

Age limits and verification

Q36: What, if any, is the evidence that extra protections are needed for the youngest adults (for instance those aged between 18 and 25)?

The public health approach to gambling strongly emphasises the need to protect children and young people from gambling-related harms to their health and wellbeing. This should not just be restricted to under 18s as we are seeing young adults aged between 18 and 25 experiencing the harms of gambling, through using their own money from student loan and full-time employment to take part in gambling activities. Many young adults struggle to find decent employment to make their means of living after they graduate as many job opportunities require extensive work experience and there is high competition in the job market. The presence of number of gambling outlets which is legally accessible for young adults is attractive albeit a misguided way to potentially earn income. Problem gambling being associated with suicidality in young men and women¹ and therefore, we recommend extra protection is given to this group from the harmful effects of gambling.

Q38: Is there any additional evidence in this area the government should consider?

There is a high visibility of gambling premises on young people's journey to school and online video games, Health Education curriculum should cover gambling harms which also includes gambling in video games, links between sports and gambling. According to the Annual Young People and Gambling Survey, conducted in 2020, 1.9% of 11-16 year olds in England and Scotland are classified as 'problem' gamblers and 2.7% are classified as 'at risk' according to the DSM-IV-MR-J screen.

Land based gambling

Q39: What, if any, changes in the rules on land based gambling would support the government's objectives as set out in the document? Please provide evidence to support this position, for instance how changes have worked in other countries.

Following the FOBT legislation changes, Haringey has seen an increase in number of adult gaming centres and a fall in the number of bookmakers. There needs to be more emphasis on adult gaming centres and any other gambling establishments in the current Gambling Act in relation to legislation, regulation and enforcement.

¹ [https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(20\)30232-2/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(20)30232-2/fulltext)

Q43: Is there evidence on whether licensing and local authorities have enough powers to fulfil their responsibilities in respect of premises licenses?

The Gambling Act should also include the Public Health principle in the licensing objectives. Haringey has seen a rise in the number of new gambling premises, especially in the most deprived areas, where there is already saturated levels of gambling premises. A Public Health objective will give more weight to the evidence presented in relation to gambling related harm and the negative impact this has on our communities. A public health licensing objective would also mention the density of venues and its proximity to vulnerable groups. The new changes will give the local authorities more autonomy to protect our communities from new gambling premises arising in deprived areas where vulnerable communities are most affected. Further to this, it gives our communities the confidence that there is more being done to tackle gambling related harm.

Haringey adopted the Schools Superzones Pilot Project in 2018. This project from the GLA and PHE was designed to protect children and young people's health in the more deprived communities. Schools were selected based on the areas with the highest health concerns e.g., high levels of gambling premises within 400m radius of schools. Focus groups were carried out in the Superzones area with parents and all parents mentioned the abundance of gambling venues on the high road and wanted to see fewer gambling premises as they are aware of the issues, with regards, Parents felt not much is being done to prevent gambling related harms in the community.

"On Tottenham High Road, which we pass a lot there's like 10 betting shops, and there's 5 shops in between, so there are about 5 shops you get to a betting shop and another 5 you get to a betting shop" – Parent of Earlsmead Primary School.

Our main concerns regarding local authority powers is our ability through the Gambling Act to limit gambling premises and to support our residents in their concerns about clustering, proliferation and the impact of gambling premises, alongside limited powers to deal with illegal underage gambling in the community. This is of particular concern as the borough experiences some of the highest levels of deprivation and poverty in the UK.

The legislation does not address the underlying damage caused by problem gambling and in particular the disproportionate impact that gambling harm has on the most vulnerable in society and their families. Haringey carried out a Scrutiny review of gambling in 2011 to understand the scale of the problem in the borough. We work across all agencies to deal with matters that arise on gambling premises but the wider effects and impacts that these facilities offer and the normalisation of gambling in our everyday lives puts Councils at a real disadvantage in being able to effectively protect the vulnerable and children in our community.

There is very limited local data available as to how many problem or harmful gamblers there are in Haringey. However, it is clear from our Local Area Assessment and the recent spate of new applications for Adult gaming centres and bingo premises that our most deprived areas are being targeted for further betting facilities at every opportunity.

There appears to be a link between the deprivation and communities where addictive gambling behaviours can be cultivated. We hear from local residents and elected members that the installation of Fixed Odds Betting Terminals (FOBTs) in these locations is a specific approach taken to draw in and retain those customers likely to display addictive gambling behaviours. This is due to the fact that it appears to be the industry norm to cluster, the effect is that communities in these locations suffer disproportionately from associated crime or disorder.

Whilst a good local area profile can help increase awareness of local risks and improve information sharing, it does not help to support an authority to impose specific restrictions to new betting premises in a given area. The local area profile will help to inform specific risks that operators will need to address in their risk assessment.

It is accepted that there is difficulty in piecing together evidence of gambling harm, but this is also perpetuated by the Act that enables or places the onus of the individual to self exclude themselves from

accessing betting facilities and then leaves it up to the business themselves to keep these records and interact with the individual who is already at harm/risk from gambling.

Haringey has been vocal in the past of the shortcomings of the gambling legislation, particularly Section 153 of the Gambling Act 2005 which requires local authorities to “aim to permit” applications.

Aim to Permit

S153 of the Act states that in exercising its functions relating to premises licenses the Licensing Authority *must aim to permit* the use of premises for gambling in so far as it thinks it is in accordance with relevant code of practice, guidance and policy. In addition, a Licensing Authority may not have regard to the expected demand for the facilities and may not consider the likelihood of obtaining planning or building permission.

As the Act grants only a very narrow discretion, a policy which supports a wider discretion is likely to be held unlawful. Section 153 of the Gambling Act currently creates a presumption in favour of granting a licence unless one or more of the criteria under sub-section 1 is not met. Those conditions are:

- In accordance with any relevant code of practice issued by the Commission
- In accordance with any relevant guidance issued by the Commission
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement of Principles ("Policy").

The starting position therefore favours the applicant rather than starting from a neutral position.

Although the Act on the surface allows the licensing process to create a route for consulting with local communities, presumption in favour of the applicant hinders the Local Authority's ability to effectively listen to and act upon local concerns raised by residents and partner agencies alike.

Although the licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The aim to permit presumption often prevents the local authority when faced with evidence of harm (in the third objective) from being able to refuse the application.

Haringey's Licensing Sub committees has had reason to refuse three applications in the Harringay Green Lanes area because of the proliferation of betting shops in this very deprived area. These applications received a substantial number of representations from local residents, as well as from the police, health practitioners and ward councilors. It was clearly evidenced that the area had high levels of crime and disorder.

They all appealed and on the first appeal the appellant argued that there is no evidence that one extra betting shop would in any way impact on the area in a way which is contrary to the licensing policy objectives. This position was supported by evidence of proposed management controls, socially responsible policies and expert evidence. As a consequence, the Magistrates ruled that the Licensing Authority had acted improperly and upheld the appeal. The other two appeals had to be compromised. The ability to devise cumulative impact policies would assist in protecting the most deprived areas being saturated with gambling premises.

Haringey has continued to lobby the Government for a change to the Act and guidance that will redress the balance in favor of the protection of areas which may be harmed by gambling.

What would help Authorities:

We believe the legislation should be altered and the Act could be strengthened by the following changes:

- That Licensing Authorities should be permitted to determine saturation policies based on impact and have the ability to create cumulative impact policies written into the legislation.
- Inserting a 'need test' into the Gambling Act 2005, similar to the previous Gaming Act 1968 that is based on community need would also support and provide councils dealing with applications in deprived areas the powers to tackle problems and respond to their residents concerns and fears.
- That Licensing Authorities should have discretion to refuse where there is a proliferation of gambling premises and the "aim to permit" requirement should be repealed and the emphasis placed on the applicant as to both the need and any control measures that are required to be put in place.

Q45: Is there any additional evidence in this area the government should consider?

We need to ensure the concerns of residents are effectively considered when a new gambling premises arises in the area, especially highlighting how a new gambling premises may negatively impact their health and wellbeing. We recommend a future legislation around planning and licensing allows the voice of the residents to be considered including education and health establishments and community groups.

Yours sincerely,

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2 <https://www.haringey.gov.uk/social-care-and-health/health/public-health/schools-superzones>

3 <https://www.rsph.org.uk/about-us/news/how-to-challenge-a-license-application.html>

