

**Report for:** Cabinet 9<sup>th</sup> November 2021

**Title:** London Borough of Haringey Gambling Act Policy

**Report authorised by :** Stephen McDonnell – Director Environment and Neighbourhoods

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**Ward(s) affected:** All

**Report for Key/  
Non Key Decision:** Non Key

**1. Describe the issue under consideration**

- 1.1 Under Section 349 of the Gambling Act 2005, a Licensing Policy statement must be produced and published every three years. The Licensing Authority is required to consult various specified authorities in revising its Gambling Policy Statement.
- 1.2 The Council's Statement of Gambling Policy for the Gambling Act 2005 for the years 2022-2025 needs to be adopted by full Council. This report advises of the outcome of the consultation and seeks Cabinet's approval for the revised policy in order that it can be recommended to Full Council for adoption.
- 1.3 The key finding of the consultation was that there was a strong support for taking into account gambling harm and clustering of betting facilities. Whilst there is restriction within law (particularly with the aim to permit requirement), Local Area Profiles are a useful tool for considering applications and we encourage their use by both residents and betting operators.
- 1.4 The review puts in place more background information for the Local Area Profiles. These profiles will provide a good evidence base of gambling in the local area and help identify any future risks, which will inform the decision making process.

**2. Cabinet Member Introduction**

- 2.1 The Gambling Policy is a policy framework document and is required to be revised, consulted and adopted every 3 years. Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of policy that they propose to apply in exercising their functions under the Act during the term to which the policy applies. Working together with partners, Haringey has developed this document with due regard to all available regulations, conditions, codes of practice, statutory guidance, practical experience of legislation and any consultee responses.
- 2.2 Haringey Council takes its responsibilities as a licensing authority very seriously and through our lobbying of Central Government we have raised our opposition to the proliferation of gambling establishments in our most deprived areas, we

will continue to do so to ensure the concerns of our communities are heard. This Statement of Gambling Policy however, sets out all of steps available to us to support our aspirations. We welcome the ability to consider the social, economic and demographic issues raised through the use of the Local Area Profiles. We consider this to be a valuable tool to enable Haringey to fully assess the impact of betting within our communities.

- 2.3 We appreciate that there is a lot of public concern and interest in this policy, and the public should be assured that we have built in the best safeguards that we are permitted to utilise within the government legislation.

### **3. Recommendations**

- 3.1 It is recommended that Cabinet:

- a. Approve the Statement of Gambling Policy in Appendix 1, taking into account the outcome of the consultation on the draft Statement of Gambling Policy set out in paragraph 8.3 of the report and the Equality Impact Assessment screening tool set out in Appendix 3; and
- b. Agree a no casino resolution.
- c. Recommend to Full Council that the Statement of Gambling Policy be adopted.
- d. Note the supplementary guidance containing the local area profile information at Appendix 2;

### **4. Reasons for decision**

- 4.1 The Council is obliged to review and adopt a Statement of Licensing Policy for Gambling every three years. The current policy is due to expire in January 2022. Therefore, a new policy has to be adopted.

### **5. Alternative options considered**

- 5.1 No alternatives were considered. It is a legislative requirement that the policy be reviewed at least every three years, and that a public consultation is carried out. Failure to review and adopt the Statement of Gambling Policy would result in the Council failing to comply with legislation.

### **6. Background information**

- 6.1 The revised policy statement 2022-2025 retains the vast majority of the current policy, but has been updated to reflect practical changes that have arisen since its publication including statutory guidance. The Met Police and Public Health as Responsible Authorities have been consulted and have contributed to the development of new policy.

- 6.2 Although changes have been made to the Licence Conditions and Codes of Practice (LCCP,) there have been no changes to the Gambling Act with respect to the three licensing objectives remaining the same. They 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; and

- Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 6.3 As a Licensing Authority we are required by the Licensing Act to aim to permit the use of premises for gambling in so far as the authority think it is:
- (a) in accordance with the LCCP;
  - (b) in accordance with the guidance issued by the Commission;
  - (c) reasonably consistent with the licensing objectives; and
  - (d) in accordance with the statement published by the authority under Section 349 of the Gambling Act 2005.
- 6.4 As part of the statutory requirements, the policy reflects the need for all applicants for gambling premises' licences to submit an accompanying risk assessment. This enables the Council to better capture equalities' considerations and mitigating actions, e.g. the risk assessment should consider whether the premises are located near to areas with high numbers of children and young people, include measures to reduce access for known vulnerable groups and consider local crime statistics, demography and deprivation levels as part of an application.
- 6.5 The draft revised policy and the Local Area Profile Supplementary document at Appendix 2 establishes that the Council has serious concerns of the impact from gambling premises particularly those in the most vulnerable and 'at risk' areas of the borough. The Council accepts that it may be difficult to control the number of facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk whilst balancing and considering the aim to permit gambling insofar as it is reasonably consistent with the pursuit of the licensing objectives.
- 6.6 Local area profiles which are generally considered to have a greater risk or harm to vulnerable people require operators to have consideration and mitigate these risks such as where to locate new premises or even relocating existing premises to ensure they are consistent with the licensing objectives.

## **7. Proposed changes**

- 7.1 There are limited changes made to the policy as a result of the consultation responses received, in particular we have added Haringay Ward to the list of 'vulnerable areas' and the section on 'Interested parties' at section 1.15 has been expanded to make clear what should and could be mentioned when making valid representation on gambling matters.
- 7.2 The Local Area Plan is a live document and comments submitted by Public Health have been inserted where relevant to provide background context. The direction or intent of the policy has not changed and it continues to set out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision-making. The revised policy and the Local Area Profile Supplementary document highlights the impact high street gambling premises has on the most vulnerable and 'at risk' areas of the borough. The Council seeks to regulate gambling activities under its control and provide a framework for consistent decision-making.

- 7.3 The proposed Gambling policy refers to Local Area Profiles as encouraged by the Gambling Commission (GC) guidance. It recommends improvement to the approach to gambling licensing and regulation by:
- Increased focus on risk and regulation.
  - Increased attention to local area risk.
  - Encourage partnership and collaboration between stakeholders to mitigate risks.
- 7.4 All industry operators have had to undertake local area risk assessments to explore what risks their gambling establishments pose to the licensing objectives, including the protection of young and vulnerable people. The Local Area Profile, acts as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments.
- 7.5 The Local Area Profile has been updated to include the 2011 Census data (the 2021 census data will not be available until after the policy is adopted). The latest data showing Indices of Deprivation 2019 has also been updated in the area profile.

## 8.0 Consultation Outcome

- 8.1 The Gambling Act 2005 contains details of the consultees that have been consulted as part of the review of the policy. These were:
- The Chief Officer of Police for the authority's area;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
  - One of more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

- 8.2 In addition the following were also included in the consultation:

- Holders of licences issued under the Gambling Act 2005;
- Trade Associations representing the gambling industry;
- Haringey Social Services;
- Haringey Public Health Directorate;
- Residents Associations; and
- Faith Groups.

The consultation was shared with the Citizens Panel, placed on the Council's website and a Members forum was offered for further discussion.

## 8.3 Responses

The consultation process took place between 9th July to 6<sup>th</sup> September 2021 and yielded 82 responses in total.

- a) Overall responses from residents was 78 and the comments submitted mainly came from residents in the east of borough, these are summarised in Table 1.

- b) Not all the 78 responded to each question. The majority of responses were not in favour of gambling in general.
  - c) Residents who responded to the questionnaire appear to have concentrated their views from the summary information for the consultation.
- 8.4 The responses received however give clear indication of the ongoing concerns that residents have about the impact of gambling in the community and supports the various concern that Haringey raised in its response to the Governments 'Call for Evidence' review earlier in the year. We do not at this stage know of the outcome from this review. However, the Government has developed a National Strategy to Reduce Gambling Harm. Part of the principle within this strategy for dealing with gambling harm is the need for Prevention and Education. We know that gambling-related harms take many forms, with negative impacts possible on peoples' resources, relationships and health and include those experienced by other people, not just the gambler – including families, children of gamblers, employers, communities and society more generally. As part of this process the Gambling Commission are developing a way to comprehensively measure the harms caused by gambling and their cost to society. This will then allow for measures to reduce harms, and more effectively target interventions in the future.
- 8.5 Many of the issues reflected within the consultation response have already been addressed within this new National Strategy and will be included in the Gambling Commission's future proposals for measuring harm. This may in turn lead to future legislative changes where harm from gambling is considered as part of the licensing objectives. The Council will continue to review the situation and where necessary will lobby for further change so that our residents' views regarding gambling premises are heard.
- 8.6 The results from the consultation will also help Haringey respond when there are further forums for feedback to Government.
- 8.7 Feedback was received from the Overview & Scrutiny Committee and is shown in Table 2 together with a short summary of the response received from the Ladder Safety Community Partnership, Gosschalks Solicitors and William Hill. Appendix 4 outlines the response from Public Health and seeks to add additional information to the Local Area Profile. The Local Area Plan already contains relevant maps and information about the borough but is a live document and will be kept updated on the website.

**TABLE 1 – Results of the consultation from residents**

Consultation Question	Number of responses/ Totals	Response/Impact on policy if any.
<b>Q – Policy strong enough to prevent crime in gambling shops</b>	77	No change to policy. Context of the policy is compliant with the legislative requirements to aim to permit gambling. Operators have mandatory conditions set by the legislation and Gambling Commission that they are required to comply with in this regard. LA has no powers to override these. Betting shop crime centres around damage to machines in the main. LAs are unable to impose any conditions to deter this from happening.
Yes	16	
No	48	
Not Stated	13	
<b>Q - Do you think that the draft Gambling Policy will be effective in encouraging fairness and openness in gambling premises</b>	77	No changes required to policy. The Gambling Commission carries out checks to ensure that gambling processes are being operated in a fair and open way.
Yes	15	
No	46	
Not Stated	16	
<b>Q - Policy does enough to help protect children and vulnerable people from harm</b>	77	No changes required to policy. Betting premises are age restricted premises in the aim. The Codes of practice require operators to engage with customers and to intervene if they believe a customer to be vulnerable. The Licensing Authority discuss and check on the procedures in place during inspections at gambling premises.
Yes	14	
No	55	
Not Stated	8	



<b>Q - The Council expects operators of these to consider impact on the protection of children and vulnerable persons by, for example, limiting the amount of money that can be spent by users. What do you think of the policy in this respect</b>	71	No changes required to policy. We cannot condition the business operation to such a level. Suggestion has been made in the Local Area profile document around operators being mindful that some people may be betting above their means. We can make general conditions such as Challenge 25 (Challenge 25 is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to enter certain betting facilities) being the favourable condition that the Council wish operators to use. The Policy reflects this position.
Too Restrictive	0	
Needs to be more effective	50	
Effective	9	
Not Sure	12	
Not Stated	6	

<b>Q - Do you agree that gambling premises should operate in shopping and business areas only, and should not be located near schools or in residential neighbourhoods?</b>	77	No changes required to policy. We have looked at school zones and asked for additional measures to be considered by operators if they are in a 400 metre zone of a school. Where a betting premises are in a 400m zone of a school we would expect their risk assessment to reflect any additional measures highlighted and therefore put forward specific mitigation to overcome any risks identified.
Agree	58	

Disagree	4	
Agree but will gamble online	9	
Not Stated	6	

<b>Q - The Council will help vulnerable people by providing information on support services available for 'problem gamblers' and by checks on premises to ensure that necessary information is on display. What is your view of this approach by the Council?</b>	77	No changes required to policy. We will display information on the Councils website relating to gambling arm and links whereby help or guidance can be sought. The law requires that betting operators have details on gambling harm facilities onsite within venues. The Council will check that this is being complied with when inspections are undertaken.. The legislation still requires the problem gamblers themselves to recognise they have a problem and ask to be excluded.
Too Restrictive	0	
About Right	22	
Not Very Effective	48	
Not Stated	7	

<b>Q - Please tell us anything else that you feel should be included in the new Gambling policy</b>	35	No changes required to policy. The law does not allow us to limit betting shop numbers, there is no cumulative impact within the legislation to assist us to limit numbers. There should be more education around gambling and its potential harm but that is not the remit of the policy. GC are currently carrying out a piece of work that is looking at the effects of problem gambling and its impact and will publicise their findings in due course.
No betting shops	7	
Limit numbers of gambling shops	21	
More education around gambling	5	
Planning restrictions on bright and illuminated signage for gambling shops	2	Matters relating to signage and illumination



		are all under Planning and the information will be fed back to the Planning Team.
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**TABLE 2 – Response from LCSP, Gosschalks Solicitors, William Hill & Public Health**

<b>Body or Organisation</b>	<b>Summary of issues</b>	<b>Responses (where relevant)</b>
<b>Overview and Scrutiny Committee</b>	<ul style="list-style-type: none"> <li>Member Forward not strongly word enough to indicate betting not welcomed in the borough.</li> <li>Option to consider commissioning research in gambling harm in the borough.</li> </ul>	<p><b>Member Forward -no changes required to the policy as it is not a restrictive policy and LAs are required to ‘aim to permit gambling’ Applications have to be considered on their merits and we cannot be seen to be fettering our discretion or having a predetermined view.</b></p> <p><b>Commissioning research into gambling harm is being explored.</b></p>
<b>Ladder Community Safety Partnership</b>	<p><u>Areas of vulnerability:</u> adding Harringay Ward to the list of vulnerable areas.</p> <p><u>Interested Parties:</u> offer some wording to show anti social behaviour or children walking by betting facilities can be offered as valid reasons in representations.</p>	<p>Harringay ward now included in list of areas of vulnerability in the Local Area Profile &amp; Policy.</p> <p><b>Interested Parties:</b> The section has been altered to make clear that low level ASB cannot be taken into account. No change required to policy.</p>
<b>Gosschalks - Solicitors</b>	Paragraph 1.15 is headed“ areas of vulnerability”. This is then followed by three paragraphs all of which should be redrafted. It is not entire areas that are potentially vulnerable but	Para 1.15- the section states that it is dealing with vulnerable areas that are then linked to the Local Area Profile

	<p>individuals . It is not the areas that are potentially vulnerable but a limited number of people within those areas. As drafted, the inference is that everyone within the areas specified are deemed vulnerable.</p> <p>Removal of the word “clusters” of gambling premises.</p> <p>Paragraphs 2.3 and 2.4 or under the heading“ Licensing objective one: preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.” Paragraph 2.3 also refers to “ anti-social behaviour related complaints”. This paragraph needs to be clear that issues of nuisance and low level anti-social behaviour that is not associated with gambling is not a relevant consideration . This is acknowledged in paragraph 2.6</p> <p>Paragraphs 2.19 to 2.23 explain the licensing authority’s approach to the imposition of conditions on premises licences. This section should be clear that additional conditions will only be imposed where there is a clear evidence of risk to the licensing objectives in the circumstances of a particular case that require that the mandatory and default conditions be supplemented.</p> <p>Paragraph 2.23 should be clear that the licensing authority will only deviate from the default hours where there is clear evidence that the operation of gambling premises outside of those default hours in the area has been inconsistent with the licensing objectives.</p>	<p>document. We have inserted the word ‘people likely to be affected’ Areas of vulnerability remains.</p> <p>No Change to policy.</p> <p>No change required as the wording is not presenting an alternative methodology to what is stated in the Act or the GC guidance.</p> <p>.</p> <p>No change to the policy the wording reflects the GC Guidance. Conditions can be added where there is a clear need and the risk assessment clarify any additional matters.</p> <p>Hours may be considered in line with risk assessments and the need to mitigate for any issues identified. No change to policy.</p>
<b>William Hill – Betting Operator</b>	<p>Forward by Cllr Bevan (Cabinet Member)</p> <p>Suggestion that this section be re-considered. it is not something that would be expected in a Local Authority Policy, due to the personal</p>	<p>No change to policy- the forward is balanced and the Leader Member does not make decisions on Gambling matters.</p>

	<p>views expressed, with little or no evidence offered to support these opinions.</p> <p>2.25 includes a suggestion of possible “opening times to be set so that the premises are not open during school start and finish times”</p>	<p>This paragraph is removed from the policy as it is not a reasonable proposal.</p>
<b>Public Health</b>	<p>Specific wording for inclusion in Local Area Profile document:</p> <ul style="list-style-type: none"> <li>• Use of tablets in premises</li> <li>• Data on problem gambling by age, data relating to suicide due to problem gambling, data relating to mental health issues.</li> </ul>	<p>Not relevant to the LAP document but Public Health as an RA can make comments /recommendations on applications for Bingo premises should any be submitted in the future- No change.</p> <p>Wording does not state the forms of gambling that the data is in respect of but section can be inserted in Local Area Profile for context.</p> <p>Data on suicide from gambling is US based and not relevant to Haringey Local Area Profile.</p> <p>Additional information on mental health issues is incorporated in the Local area profile document.</p>

## **9 Contribution to strategic outcomes**

- 9.1 The Statement of Gambling Policy 2022-2025 will contribute to our priorities in The Borough Plan 2019-23 which sets out a four-year vision to make Haringey one of London’s greatest boroughs where families can thrive and succeed.
- 9.2 Priority-2 People – ‘Our vision is a Haringey where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential.’ The protection of children and the vulnerable from harm within the licensing objective will contribute to this priority.

9. Priority-3 Place – ‘Our vision is for a place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green. As the borough continues to grow, becomes better connected and continues to be a destination for many Londoners, we will need to ensure Haringey remains a safe and pleasant environment for all. We want to work with partners and the local community to achieve this and to define and shape how the borough looks and feels, both now and in the future.’ Residents engaging in the licensing process will contribute to this priority and allow them to have a say in how premises operate. The expectations set out the Policy will inform applicants for licences of the kind of best practice and responsible management expected for well-run premises in the borough.
- 9.4 Health & Wellbeing Strategy – Poor mental health has been shown to play a significant part in people’s gambling habits. People with gambling problems often experience a range of negative effects, including health issues, relationship breakdown, and difficulties with debt. In more severe cases gambling problems can lead to crime, thoughts of suicide or suicide itself. Haringey has the sixth highest rate of domestic abuse with injury in London, money problems within the home may be a contributing factor to this. Because of this, there are increasing calls for gambling to be recognised as a public health issue, where the enjoyment of the many should be balanced against the protection of the few. The gambling industry is increasingly being called upon to do more to protect participants and prevent problem gambling from occurring, and the National Responsible Gambling Strategy emphasises the need for joint action between industry, government, healthcare providers and other public bodies to tackle gambling-related harm.
- 9.5 Community Safety Strategy – The Community Safety Strategy presents Haringey’s approach and priorities to achieving a reduction in crime and anti-social behaviour in Haringey up to 2023. The strategy is supported by a comprehensive strategic assessment that draws on data from across the partnership to identify trends, patterns, and drivers relating to crime and anti-social behaviour. The Local Area Profile within the Gambling policy will draw on data from this Strategy. Crime data in relation to gambling premises and the operation of Betwatch will feed into the Strategy.
- 9.6 The above priorities and objectives are underpinned by a number of cross – cutting principles namely:
- Prevention and early intervention – preventing poor outcomes for young people and intervening early when help and support is needed.
  - A fair and equal borough – tackling the barriers facing the most disadvantaged and enabling them to reach their potential;
  - Working together with our communities – building resilient communities where people are able to help themselves and support each other.
  - Customer focus – placing our customers’ needs at the centre of what we do.
- 9.7 Licensing is about regulating the carrying on of licensable activities within the terms of the Act. The Statement of Gambling Policy (SGP) should make it clear that licensing law is not the primary mechanism for the general control of

nuisance and anti-social behaviour by individuals at these locations. The operators risk assessment and management of the Licensing Codes of Practice will be a key aspect of such control and should always be part of a holistic approach to the management of the premises. It is therefore desirable that the SGP is in line with the Council's wider objectives and consistent with other policies.

## **10 Statutory Officers comments**

### **10.1 Finance –**

10.1.1 This report seeks Cabinet approval to accept the Statement of Gambling Policy in Appendix 1 and recommend to Full Council to approve and adopt the Policy.

10.1.2 The Council are required to produce and publish a Licensing Policy statement every three years with the current policy expiring in January 2022.

10.1.3 The Council have completed a 10-week Consultation on the draft Statement of Gambling Policy and the results are set out in paragraph 8.3.

10.1.4 The acceptance of the recommendation of this report does not give rise to any new financial commitment on the Council and the revised policy will be operated within existing revenue budgets.

### **10.2 Procurement**

N/A

### **10.3 Legal**

10.3.1 The Head of Legal and Governance has been consulted in the preparation of this report and comments as follows.

10.3.2 In accordance with Regulations 4(1) (a) and (2) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Cabinet must be involved in the formulation/ preparation of the Council's Gambling Policy. This Policy is part of the Policy Framework and has to be adopted by Full Council. The Gambling Policy therefore has to be reviewed by Cabinet first, before recommendation to Full Council for adoption.

10.3.3 Section 349 of the Gambling Act 2005 requires the Council, as licensing Authority to prepare and publish its Statement of Gambling Policy at least every 3 years. In preparing its Policy Statement the Council is required to consult and in accordance with the so called "Sedley Principles" the outcome of any consultation must be conscientiously taken into account in arriving at a decision to recommend the Policy for adoption.

10.3.4 The appended Gambling Policy Statement complies with the revised Gambling Commission Guidance and there is no reason why it should not be adopted.

### **10.4 Equality**

10.4.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

10.4.2 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

10.4.5 The decision is to approve the Council's draft Statement of Gambling Policy for the years 2022-2025 in order that it can be recommended to Full Council for adoption.

10.4.6 Officers consider that the implementation of the Policy as it stands will not have a disproportionate impact on groups or individuals with protected characteristics. The updated Local Area Profiles will help operators to mitigate against harm to residents and the community more broadly. The EQiA Screening Tool is shown at Appendix 3.

## 11. **Use of Appendices**

Statement of Gambling Policy in Appendix 1

Local Area Profile Appendix 2

EQiA Screening – Appendix 3

Public Health response for Local Area Profile – Appendix 4

## 12. **Local Government (Access to Information) Act 1985**

a. Gambling Act 2005

b. Gambling Commission Guidance to Local Authorities