

Report for: Overview and Scrutiny Committee – 20 June 2022

Title: Gambling Inquiry Day

Report

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Ward(s) affected: All

1. Describe the issue under consideration

- 1.1 The Overview and Scrutiny Committee held a Gambling Inquiry Day in March 2022 in order to gather evidence on gambling-related harms in Haringey and what action could be taken to address this. In particular, there were concerns that national legislation limited the ability of local authorities to refuse licensing applications leading to the proliferation of gambling establishments in Haringey. The Committee heard that research to gather additional evidence on local gambling harms could help to put the Council on a better legal footing in cases where the Licensing Committee was minded to refuse a licensing application.
- 1.2 After hearing the range of evidence submitted, the Committee recommended that a funding source should be sought for additional local research on gambling harms, the greater use of education/prevention on gambling as a priority and the establishment of a 'Gambling Harms Prevention Champion' to lead any lobbying activity aimed at the government on this issue.

2. Recommendations

- 2.1 To consider including gambling harms and the monitoring of progress against the Overview & Scrutiny Committee's previous recommendations on this issue as part of the 2022/23 Work Programme. For example, should additional local research be commissioned, the Committee could then choose to hold a further follow-up Inquiry Day to receive updates of the outcome of the research and what impact this was having on licensing applications in Haringey.
- 2.2 To consider taking steps to appoint a Haringey Councillor as a 'Gambling Harms Prevention Champion' to lead any lobbying activity aimed at the government in coordination with other London Boroughs.

3. Background to Gambling Inquiry Day

- 3.1 At a meeting of the Overview & Scrutiny Committee in July 2021, the Council's draft Statement on Gambling Policy was considered. The Committee expressed concerns about the proliferation of gambling establishments in Haringey. However, the Licensing Team leader explained that the legislation limited the ability of local authorities to refuse licenses simply on this basis. It was reported that Westminster City Council had undertaken their own research on gambling harms and that evidence gathered from this research was subsequently used as grounds to refuse a licensing application.
- 3.2 It was proposed at this meeting that Haringey Council should commission its own research in order to set the Council on a better footing to potentially refuse an application and provide evidence if a decision is challenged/tested in a court of law. The Committee recommended at this meeting *"That a piece of research be commissioned by the Council on the local impact of gambling establishments on the community and, in particular, any harm caused by them"*.
- 3.3 The Centre for Governance & Scrutiny provided scrutiny officers with advice on 'Gambling Inquiry Days' held by other local authorities which aim to bring together a range of witnesses who deal with gambling and the harms that it can cause. This would help to establish what local data is currently available on gambling harms, which people are particularly vulnerable and what is known about the impact of gambling on them.
- 3.4 Haringey's Gambling Inquiry Day was held by the Overview & Scrutiny Committee in March 2022. Expert witnesses included a leading academic expert with a research background on gambling policy, the CEO of a gambling support project, a person with lived experience of gambling harms, a local resident concerned about the impact of gambling establishments in Tottenham and Council officers from the Licensing Team and the Public Health Team.
- 3.5 The slides and notes from the evidence sessions held on the Gambling Inquiry Day are attached to this report. (see **APPENDICES A, B & C**)
- 3.6 After hearing the range of evidence submitted, the Committee recommended that:
- a funding source should be sought for additional local research on gambling harms to strengthen the evidence in Haringey's Local Area Profile.
 - the greater use of education/prevention on gambling as a priority.
 - the establishment of a 'gambling harms prevention champion' to lead any lobbying activity aimed at the government on this issue.

4. National legislation and guidance

- 4.1 The national legislation for gambling policy is covered by the Gambling Act 2005 which gives local authorities the powers to license gambling premises within their area. The Act also created the Gambling Commission as the national regulator for gambling.
- 4.2 At the Overview & Scrutiny Committee meeting in July 2021, the Council’s Licensing Team leader told the Committee that the legislation was ‘permissive’ and ‘designed to provide “light touch” legislation’. The Gambling Commission states that, as the regulator, its duties are to aim to permit gambling, provided that they satisfied that it is reasonably consistent with the licensing objectives set out in the Gambling Act 2005¹ to:
- Prevent gambling from being a source of crime or disorder;
 - Ensure that gambling is conducted in a fair and open way;
 - Protect children and vulnerable people from being harmed by gambling.
- 4.3 The Gambling Commission also provides guidance to local authorities on their statutory functions. The guidance makes clear that the Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives².
- 4.4 As fundamental principles of the Act, the licensing objectives are therefore crucial in defining the grounds on which a local authority may refuse a licensing application with the Act otherwise requiring a general presumption to grant licenses. However, the Gambling Commission’s guidance makes clear that this ‘aim to permit’ framework provides *“wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences where there is an inherent conflict with the relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives or the licensing authorities own policy statement.”*³

5. Local Authority Gambling Policy Statement and Local Area Profile

- 5.1 The Gambling Commission guidance notes that local authorities have the power to issue a statement of licensing policy to set expectations of how gambling will be regulated in a particular area. It states that this is *“a very important part of the architecture of local gambling regulation and it is expected that licensing authorities will use it to set out the local issues, priorities and risks that inform and underpin its approach to local regulation.”*⁴

¹ [Our strategy for the next three years - Gambling Commission](#)

² [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](#) – paragraph 1.20

³ [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](#) – paragraph 1.27

⁴ [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](#) – paragraph 1.25 & 1.32

- 5.2 It adds that the policy statement should set out *“what factors it is likely to take into account when considering applications for premises licences, permits and other permissions, and when determining whether to review a licence. This may be informed by the licensing authority’s local area profile and will include considerations such as the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be a high concentration of families with children.”*⁵
- 5.3 The Local Area Profile is described in the guidance as an assessment of *“the local environment as a means of mapping out local areas of concern, which can be reviewed and updated to reflect changes to the local landscape.”* It continues that *“good local area profiles will increase awareness of local risks and improved information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks”* and that they enable licensing authorities to make *“robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge.”*⁶
- 5.4 Haringey Council’s Gambling Policy Statement is reviewed and published every three years. The previous policy statement for 2019-22 is shortly due to be replaced by the new policy statement for 2022-25⁷, along with the Local Area Profile for Haringey, the latest version of which was published in January 2022⁸. Additional evidence gathered through any future local research could be built into the Local Area Profile for Haringey.

6. Use of Appendices

- 6.1 Appendix A – Slides from Gambling Inquiry Day
Appendix B – Notes from morning session of Gambling Inquiry Day
Appendix C – Notes from afternoon session of Gambling Inquiry Day

⁵ [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk) – paragraph 6.39

⁶ [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk) – paragraph 6.47, 6.49 & 6.53

⁷ [Draft Gambling Policy 2022-2025 consultation | Haringey Council](#)

⁸ [Gambling local area profile - January 2022 \(haringey.gov.uk\)](https://www.haringey.gov.uk)