

Annex 3

Responses to Gambling Policy Consultation

Response No.	Resident or Organisation?	Organisation – if applicable	Suggestions for amending policy	Other Comments
1	Resident	n/a	For me the key is to protect young people and vulnerable adults from gambling especially online as well as in shops.	Would the policy cover online gambling?

Licensing Authority Response 1:

It is agreed that it is a priority that children and vulnerable adults are protected from gambling. Licensees must produce and put into effect, policies and procedures intended to promote socially responsible gambling including the specific policies and procedures required by the provisions of Section 3 of the LCCP (referred to in the Policy). The Licensing Authority does not regulate online gambling, this is instead the responsibility of the Gambling Commission (www.gamblingcommission.gov.uk).

Licensing Authority Action 1:

No action required.

Response No.	Resident or Organisation?	Organisation – if applicable	Suggestions for amending policy	Other Comments
2	Resident	n/a	I agree with the policy of having no casinos in Enfield and to limit the number of betting shops available...	None

Licensing Authority Response 2:

Supporting “no casinos” comment noted.

The Gambling Act states that the Licensing Authority must “aim to permit” gambling that is not a source of crime and disorder, is conducted in a fair and open way and protects children and other vulnerable persons from being harmed or exploited. The guidance to the Act is clear that Licensing Authorities cannot take account of the number of gambling establishments in the borough when determining applications.

Licensing Authority Action 2:

To proceed with resolution of no casinos in Enfield.

Response No.	Resident or Organisation?	Organisation – if applicable	Suggestions for amending policy	Other Comments
3	Resident	n/a	See below	I am strongly in favour of the borough renewing the No Casino resolution for another 3 years. I believe that casinos have no place in Enfield, which is a predominantly residential area with a high population, social deprivation and large numbers of families with children.

Resident 3 Suggestions:

I have noticed that in recent years the betting shops in the area have changed their frontages. Previously, the windows and doors were covered so that it was not possible to see inside. Now the doors are often made of clear glass, so that it is possible to see the interior of the betting shop. I think that the previous aspect of betting shops was better, in line with the Council's policy of the protecting of children and vulnerable adults. If the premises appear inviting, gambling may become more attractive to the young. I noticed when I was a teacher that some children could easily become addicted to playing on slot machines, for example, and I think we should do our best to protect them.

Licensing Authority Response 3:

This view is noted.

LCCP code provision 3.2.12 refers to access to gambling by children and young persons and stipulates the control to prevent underage gambling. The Social responsibility code provision 9.1.1 refers to gaming machines in gambling premises and provides that facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times. It also

states that the external presentation of the premises must be recognisable that it is a premises licensed for the purposes of providing betting facilities.

Section 6.5.1 of the Council Policy highlights to licence holders that they should identify where external design means that children and young people can see into the premises, and see gambling taking place – particularly in areas which has a high number of children and young people present during the day. This should be taken into consideration and establish a design to reduce such visibility.

Licensing Authority Action 3:

To proceed with resolution of no casinos in Enfield.

Response No.	Resident or Organisation?	Organisation – if applicable	Suggestions for amending policy	Other Comments
4	Resident	n/a	None	Far too many gambling and betting shops in Palmers Green.

Licensing Authority Response 4:

Refer to Licensing Authority Response 2.

Overall since 2007, there has been a small decrease in the number of betting shops. In 2007 there were 78 licensed betting shops in the borough and currently there are 76. Specifically, in Palmers Green, there have been 7 betting shops open overall since 2007 (4 were open in 2007), but 2 of these have now closed. Since then 3 more shops have opened, but one has closed, which means there are 4 betting shops still open in Palmers Green. Looking at the hotspot areas in the maps in the Local Area Profile Document, there are other wards that have more shops in their area.

Licensing Authority Action 4:

No action required.

Response No.	Resident or Organisation?	Organisation – if applicable	Suggestions for amending policy	Other Comments
5	Organisation	Gamcare	See below.	None

Gamcare 5 Suggestions:

(a) The Local Area Plan contains a lot of detail on Betting shops but little on other forms of gambling.

(b) The Statement of Principles has some fields missing which refer to dates, e.g. 2.12.1 refers to a meeting to agree the 'No Casino' policy. It isn't clear whether this meeting has been held and whether the policy has been agreed or not.

(c) Para 1.1 mentions the latest LCCP update as January 2017 - this was also updated in April 2018.

Licensing Authority Response 5:

(a). The Local Area Plan maps include the plotting of betting shops, adult gaming centres and bingo.

(b). The Gambling Policy will be raised at the full council meeting which has been confirmed for 21 November 2018, and the outcome of the "No Casino" policy will be determined then.

(c). Comments noted.

Licensing Authority Action 5:

(a). To amend titles and references to encompass all gambling premises.

(b). To insert the correct date, as well as the outcome if confirmed "No Council" policy.

(c). To correct the LCCP reference to the most updated version.

Response No.	Resident or Organisation?	Organisation – if applicable	Suggestions for amending policy	Other Comments
6	Organisation	Association of British Bookmakers (ABB)	See ABB Comments (a) and (b) below (response via email rather than online survey)	None

ABB Comment 6(a):

Paragraph 2.8 explains the Licensing Authority’s approach to the imposition of conditions on premises licences. We welcome the acknowledgment that the mandatory and default conditions are usually sufficient to ensure operation which is reasonably consistent with the licensing objectives and that additional conditions will only be added if those mandatory default conditions need to be supplemented. This section would be assisted, however, if it was made clear that additional conditions would only be imposed where there is clear evidence to the risk to the licensing objectives in the circumstances of a particular case such that the mandatory and default conditions needed to be supplemented.

Licensing Authority Response 6(a):

Agree with comments.

Licensing Authority Action 6(a):

To amend para 2.8.1 accordingly.

ABB Comment 6(b):

Paragraph 6.2.1 should be re-drafted. This paragraph indicates that risk assessments are required from new applicants and from existing premises licensees seeking to vary a licence. This is incorrect. A risk assessment is required from all operators. Furthermore, paragraph 6.2.1 indicates that the LCCP “strongly encourages all operators” of gambling premises to assess local risks and to have policies, procedures and control measures in place to mitigate those risks. The requirement in SR Code Provision 10.1.1 is that all licensees must assess local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, have policies, procedures and control measures to mitigate those risks. This is a social responsibility code provision and compliance is mandatory. It is a condition of an operating licence that there is compliance with social responsibility code provisions.

Within this section, there is a list of bullet points that the Council expects to be considered by operators when preparing a risk assessment. This list of bullet points needs to be re-drafted as it contains irrelevant matters. For example, “gaming trends by may reflect benefit payments” is not a relevant consideration when assessing risk to the licensing objectives. Whether or not an individual is in receipt of benefits is not pertinent to an assessment of risk to the licensing objectives unless the Licensing Authority has predetermined that persons in receipt of benefits are automatically vulnerable or more likely to commit crimes as a result of gambling. We are certain that this predetermination has not taken place.

Similarly, the reference to “the ethnicity, age of economic make up of the local community” should be deleted as this is not a relevant consideration.

Licensing Authority Response 6(b):

Comments are noted and agreed with regards to Para 6.2.1. The Council deem all the bullet points relevant, and the Local Area Profile contains information on these areas.

Licensing Authority Action 6(b):

Update sections 6.2.1 to reflect comments.

Response No.	Resident or Organisation?	Organisation – if applicable	Suggestions for amending policy	Other Comments
7	Organisation	Enfield Council – Public Health (PH)	See PH points (a) to (q) below (response via email rather than online survey)	

PH Comment 7(a):

Insert as end bullet point to para 1.3.1 as follows:

Ensuring that there is no cumulative negative impact of multiple premises within an area.

Licensing Authority Response 7(a):

The three licensing objectives are set by the Gambling Act 2005, it is not possible to include locally set objectives in this section.

Licensing Authority Action 7(a):

No action required.

PH Comment 7(b):

Query as to whether we consulted with e.g. Gamcare, Betknowmore?

Licensing Authority Response 7(b):

Gamcare was included in the consultation.

Licensing Authority Action 7(b):

No action required.

PH Comment 7(c):

In para 1.6.1 to insert: protection of children “and vulnerable persons” from harm, the following...

Licensing Authority Response 7(c):

The existing wording is direct from section 157 (h) of the Gambling Act 2005, so cannot amend.

Licensing Authority Action 7(c):

No action required.

PH Comment 7(d):

In relation to para 1.6.1 - Who else is answerable to Councillors other than Council workers?

Licensing Authority Response 7(d):

To be dealt with outside the remit of the Gambling Policy consultation.

Licensing Authority Action 7(d):

No action required.

PH Comment 7(e):

Propose to implement additional para 1.6.5 as follows:

1.6.5 Following LGA and PH England Guidance the Council will also take advice from the following:

- organisations working with people who are problem gamblers, such as Gamcare and family support groups
- advocacy organisations, such as the Citizen’s Advice Bureau
- homelessness and housing services / associations
- local public and mental health teams and safeguarding boards
- local businesses
- other tiers of local government, if applicable.

Licensing Authority Response 7(e):

It is agreed that partnership work with the groups mentioned above is important, however this would stem from the Council’s Public Health team.

Licensing Authority Action 7(e):

No action required.

PH Comment 7(f):

Request to amend para 1.7.2 (b) so that “The 'saturation' of gambling premises unless there is evidence that the premises poses a risk to the licensing objectives in that locality” so that it is a valid reason to reject applications for premises licences, by considering the vitality of the area and the normalisation of gambling.

Licensing Authority Response 7(f):

This is not in line with the intention of the Gambling Act.

Licensing Authority Action 7(f):

No action required.

PH Comment 7(g):

Query on para 1.7.6: what happens when the Councillor/MP represents Interested Parties are “over the border”?

Licensing Authority Response 7(g):

Representations can come from anyone who meet the criteria, even those beyond the borders of Enfield. Those councillors/MPS would be representing their local residents. The Licensing Authority would not specifically notify the councillors outside of the borough, however a notice advertising the application would be displayed outside the premises. Potentially affected residents, even those over the border, would see the notice.

Licensing Authority Action 7(g):

No action required.

PH Comment 7(h):

Para 1.8.3 needs updating to reflect GDPR.

Licensing Authority Response 7(h):

Agree.

Licensing Authority Action 7(h):

To update relevant paragraphs.

PH Comment 7(i):

Para 1.9.5 suggested amending as follows:

1.9.5 High-risk premises are those premises that have a history of complaints, a history of non-compliance or are located in an area where vulnerable people are likely to be affected and require greater attention. ~~The Council will operate a lighter touch in respect of low risk premises so that resources are more effectively targeted to problem premises.~~ We will also target enforcement towards illegal gambling as it is potentially higher risk/harm due to the lack of regulation and oversight that legitimate licensed gambling is subject to.



Glenn Stewart
Don't need to say this

Licensing Authority Response 7(i):

Premises which are situated in an area where vulnerable people are likely to be affected does not automatically make premises high-risk. The risk assessment is based on how the licence holder addresses the risks around them within their in-house risk assessment which identifies local issues, as well as how the premises is to deal with those issues. To sentence about low risk premises is still applicable.

Licensing Authority Action 7(i):

No action required.

PH Comment 7(j):

Para 1.10.1 suggested amending as follows:

1.10.1 Under the terms of the Act any individual/company may apply for a variety of permissions and have their applications considered on their individual merits and taking into account the cumulative impact of premises. Equally, any Interested Party or Responsible Authority has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

Licensing Authority Response 7(j):

Cumulative impact does not apply to gambling premises. Refer to Licensing Authority Response 2.

Licensing Authority Action 7(j):

No action required.

PH Comment 7(k):

Query regarding wording of “near to” in para 2.4.2 and recommend insertion of additional bullet point.

- 2.4.2 The Council will give careful consideration to premises located near to:
- Schools
 - Youth clubs
 - Recreational areas, particularly those catering for young persons
 - Establishments providing care for children and young adults
 - Establishments providing care for persons with learning difficulties or mental health issues
 - Establishments used or occupied by gambling addicts
 - Establishments likely to attract or house population groups likely to be vulnerable to risk of problematic gambling.

GS Glenn Stewart
What does 'near to' mean?

Licensing Authority Response 7(k):

Like para 1.7.3, the Council will not specify a distance. Comments noted about additional suggestion.

Licensing Authority Action 7(k):

Replace “near to” with “close to”. Insert new bullet point.

PH Comment 7(l):

Suggest inserting additional points under 2.6.4:

- Ensuring that there is no cumulative negative impact of multiple premises within an area.
- The Council is aware that multiple premises within an area may have a negative cumulative impact and will seek to avoid this at all times.

Licensing Authority Response 7(l):

Refer to Licensing Authority Response 2 relating to the cumulative impact of premises not being a consideration under the Gambling Act.

Licensing Authority Action 7(l):

No action required.

PH Comment 7(m):

Suggest additional criteria as follows:

2.6.6 As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs”. The Council will consider this licensing objective on a case by case basis. [Geofutures Gambling and Place research for Westminster and Manchester City Councils identified the following groups as more vulnerable:](#)

- [children, adolescents and young adults \(including students\)](#)
- [people with mental health issues, including those experiencing substance abuse issues \(problem gambling is often ‘co-morbid’ with these substance addictions\)](#)
- [individuals from certain minority ethnic groups, such as Asian/Asian British, Black/Black British and Chinese/other ethnicity](#)
- [the unemployed](#)
- [the homeless](#)
- [those with low intellectual functioning](#)
- [problem gamblers seeking treatment](#)
- [people with financially constrained circumstances](#)
- [those living in deprived areas.](#)

Licensing Authority Response 7(m):

Agree with suggestion.

Licensing Authority Action 7(m):

To include in para 2.6.6.

PH Comment 7(n):

Suggest amending para 2.6.7 to include reference to vulnerable persons as follows:

- i. Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children, young people and vulnerable persons from accessing gambling premises.

Licensing Authority Response 7(n):

Agree

Licensing Authority Action 7(n):

Insert as above.

PH Comment 7(o):

To amend para 2.6.8 as follows:

2.6.8 The Licence Conditions and Codes of Practice (LCCP, Code 3.2) issued in 2017 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed. The LGA notes that under the Social Responsibility Code the requirements on gambling premises are:

Provision of information on gambling responsibly – for example, the availability of time or monetary limits for players and information on where to get help and advice about gambling.

Customer interaction – licensees are required to have policies and procedures in place governing customer interaction where there are concerns that a customer is displaying signs of problem gambling. These will include staff training and the types of behaviour that may trigger an intervention or where staff may consider refusing services to customers.

Layout of premises - operators must ensure that the layout of a gambling premises supports the effective supervision of the premises.

Self-exclusion – licensees must have procedures for self-exclusion that ensure that individuals who wish to self-exclude from gambling are prevented from participating in gambling.

Licensing Authority Response 7(o):

It is not the aim of the policy to replicate the LCCP codes, but operators are signposted to the relevant LCCP section where appropriate.

Licensing Authority Action 7(o):

Update LCCP reference to the issue published in January 2018, with effect from 4 April 2018.

PH Comment 7(p):

Insert the wording “or vulnerable people” to para 6.5.1 as below:

- Premises which are located within an area which has a high number of children and young people or vulnerable people present throughout the day, may identify that their standard external design means that children and young people can see into the premises and see gambling taking place

Licensing Authority Response 7(p):

Agree.

Licensing Authority Action 7(p):

Insert as above.

PH Comment 7(q):

To add definition of vulnerable person to Appendix A Definitions, as follows:

Vulnerable person means:

children, adolescents and young adults

(including students)

- people with mental health issues, including those experiencing substance abuse issues (problem gambling is often ‘co-morbid’ with these substance addictions⁸)
- individuals from certain minority ethnic groups, such as Asian/Asian British, Black/Black British and Chinese/other ethnicity
- the unemployed
- the homeless
- those with low intellectual functioning
- problem gamblers seeking treatment
- people with financially constrained circumstances
- those living in deprived areas.

Licensing Authority Response 7(q):

Agree

Licensing Authority Action 7(q):

Insert as above.