

## London Borough of Enfield

### Council

**Meeting Date**      **17 November 2021**

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**Subject:**      **GAMBLING ACT 2005 - GAMBLING POLICY & CASINO  
RESOLUTION**

**Licensing Committee Chair:**      Cllr Doug Taylor  
**Cabinet Member:**                      Cllr George Savva  
**Executive Director:**                      Sarah Cary

**Key Decision:**      **KD 5369**

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### Purpose of Report

1. The Council has a statutory duty, following public consultation, to publish its gambling policy under the Gambling Act 2005 every three years.
2. The existing policy and Local Area Profile was last approved by Council on 30 January 2019.
3. The Council may also, every three years, resolve not to issue casino premises licences under the Gambling Act 2005.
4. On 30 January 2019 Council resolved not to issue casino premises licences under the Gambling Act 2005.
5. The main changes to this policy (Annex 1) and Local Area Profile (Annex 2) reflect the changes to data and statistics. As the Local Area Profile is a separate document to the policy, it could be updated without the need for consultation i.e. to update statistics.
6. The Local Area Profile is a key document that highlights the areas of deprivation and inequality within the borough. The local area profile shows the location of facilities associated with children and vulnerable persons as well as some socio-economic indicators of potential vulnerability such as deprivation and unemployment. We expect the operators of gambling premises in Enfield to demonstrate they have had regard to our local area profile in preparing their own risk assessment of their premises and when they make licence applications.
7. The public consultation was undertaken on the proposed gambling policy and 'no casinos' resolution between 13 August and 8 October 2021 and the feedback is detailed below and in Annex 3.

## **Proposal(s)**

8. To agree the changes to the Sixth Edition Gambling Policy.
9. To agree to continue the resolution to prevent casino operators from locating within the borough.

## **Reason for Proposal(s)**

10. It is a statutory requirement to produce a review of the policy and to consult on it every 3 years.

## **Relevance to the Council Plan**

11. The Gambling Policy directly contributes to two of the three priorities identified in, "A lifetime of opportunities for everyone – Enfield Council Plan 2020-2022."

- **Safe, healthy and confident communities**

12. The Gambling Policy and Local Area Plan provide guidance and statistics which highlights risks that gambling operators may face for new and existing premises. Those risks must be addressed in the operator's local risk assessment, with a view to supporting two of the licensing objectives, namely:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

13. Raising this awareness for licensing officers whose role it is to consider applications internally and externally (i.e. police licensing) and for operators means we can work together with a view to not increasing existing crime levels within communities.

## **An economy that works for everyone**

14. The Gambling Policy reiterates the requirement of the Gambling Act 2005, that local authorities shall "aim to permit", whilst being mindful that the third licensing objective is met, namely:

- Ensuring that gambling is conducted in a fair and open way;

15. The Gambling Policy supports licence holders in creating a fair and equitable environment by advising on the council's view of advice and targeted enforcement. Enforcement action is always taken with regard to the council's enforcement policy. Legally compliant businesses will grow, develop and provide economic benefits that will hopefully result in increased employment of local residents.

## Background

16. Under the Gambling Act 2005, the Local Authority must prepare a written Statement of Principles ('policy') which must be reviewed and adopted every 3 years. It sets out how the council will carry out its licensing functions whilst having regard to the guidance issued by the Gambling Commission and the promotion of the licensing objectives.
17. We are aware of frequent dissatisfaction from the public, businesses and Cllrs about the ability of Councils to moderate gambling premises or their licences in the borough despite them raising concerns about potential harm and impact from gambling premises. This has been expressed through recent representations to gambling premises applications, reviews of licences, the public consultation feedback on Enfield's Gambling Act policy and also in response to the Government's review of the Gambling Act. This stems from the overriding principle in the Gambling Act that Councils must 'aim to permit' gambling premises licence applications meaning they must be granted if they satisfy the licensing legislation and objectives, Gambling Commission Codes of Practice and the Council's statement of principles. Therefore, the Council is unable to take account in the Gambling Policy and in making decisions about licence applications of matters such as:
  - Moral Objections: we cannot take into account comments based on a dislike of gambling, or a general view that it is undesirable to allow gambling premises in the borough
  - Demand: we cannot take into account issues around the demand or need for gambling premises in the borough
  - Clustering of Premises: we cannot take into account views that there is already a high concentration of gambling premises in an area
18. Since January 2019 we have received 176 gambling applications, however only 6 (3.6%) of these were applications for new licences or for variation of existing licences which *could* have been subject to objections and *could* have been referred to the Licensing Sub-Committee.
19. The Licensing Team have for the first time this year, received objections against grant of a new adult gaming centre licence application and at Licensing Sub-Committee, that licence was refused. Also for the first time, we received two review applications to revoke bingo premises licences which were submitted by Interested Parties. Upon receipt of external expert gambling legal advice, those review applications were subsequently rejected. Additionally, the licence for the refused adult gaming centre was subsequently issued through an agreed consent order via the appeal process.
20. Since January 2019 we have not received any applications for casino licences in Enfield. We believe that our partner agencies (as well as local residents and businesses) are generally satisfied with the existing gambling policy relating to the no casino resolution.
21. The following information shows the number of licence applications made and current number of licences for gambling between January 2019 to 16 July 2021:

	<b>No. of new Applications received since January 2019</b>	<b>No. of Closed Licences since January 2019</b>	<b>No. of Current Licences</b>
<b>Betting Premises Licence</b>	0	8	71
<b>Bingo Premises Licence</b>	3	0	5
<b>Adult Gaming Centre Licence</b>	3	0	3
<b>Family Entertainment Licence</b>	0	0	0

22. It is noted that the new bingo and adult gaming centre licence applications are for premises which previously held betting premises licences. These gambling applications are notably on the increase, and this is common nationwide.
23. Since January 2019, every gambling premises has been inspected on a yearly basis and in general, overall compliance has been achieved, which includes operators producing independent local risk assessments to a satisfactory level. We have not received any complaints about open licensed premises in that time.
24. The licence holders have a duty to undertake in house test purchasing and notify us of the results: only successful refusals have been made.
25. The Gambling Act 2005 prohibits the Council from adopting any gambling policy to address the cumulative impact of betting shops 'clustering' together.
26. There has been a remarkable increase of community feeling towards current and new applications within the borough from both members and residents. The strength of feeling is averse to allowing such premises in the borough on moral grounds as well as crime and disorder concerns. Unless specific evidence can be directly related to a gambling premises, and the issues arising can be verified to be as a result of the licensed gambling activity, it is very difficult to refuse an application or review a licence.
27. The Council's Public Health Team have advised that the data they hold in relation to gambling is limited, so have recently embarked on a piece of work with the Safeguarding team and Kings College to pilot a gambling identification questionnaire, which aims to identify if a person has gambling issues and then getting them referred to the right support.
28. The Gambling Act 2005 and the Gambling Commission's statutory Guidance to licensing authorities have not made any significant changes since 2019,

therefore it is extremely limiting as to what changes can be made to the policy in this review.

29. A review of the Gambling Act was launched by the Government earlier this year which included a public consultation to which Enfield Council responded. We understand that the outcome of the review is not expected before 2023 at the earliest.

### **Local Area Profile**

30. The Local Area Profile has been amended with updated statistics, including the removal of any referencing to wards, pending the ward boundary changes next May.
31. There has not been any significant changes to the hot spot areas previously identified as those potentially at higher risk of being exposed to gambling premises.
32. The updated Local Area Profile is produced in Annex 2.

### **Benchmarking/Review of other Council's Gambling Policies**

33. A review was carried out with a number of London/neighbouring authorities to compare the proposed revision of Enfield's Policy with their policies. The purpose was to see if there were any approaches in their policies we could consider to strengthen our policy even further. From the responses received, authorities have been consistent and in line with the policy approach that Enfield are proposing.

### **Public Consultation**

34. The public consultation took place between 13 August and 8 October 2021 (8 weeks).
35. Nine responses were received during the consultation period. The responses comprised the following:
- 5 were received from residents,
  - 1 was received from a ward councillor,
  - 3 were received from an organisations, one known to be from the Betting & Gaming Council (BGC), the new standards body for the UK's regulated betting and gaming industry.
36. A summary of the responses to the consultation is provided in Annex 3 and includes a summary of the amendments made to the proposed Gambling Act policy as a result of feedback received during the public consultation.
37. Public Health agreed with the "no casino" resolution and wanted to restrict the number of betting shops within an area.

38. The proposed policy was amended as considered necessary in the light of the feedback received and is detailed in Annex 1 and Annex 2 (the Local Area Profile document).

### **Main Considerations for the Council**

39. To implement a policy within the remit of the gambling law and statutory guidance, and for officers and the Licensing Sub-Committee to adhere to that policy.

### **Safeguarding Implications**

40. One of the Licensing Objectives in the Gambling Act is to protect children and vulnerable persons. The policy seeks to support this objective through identifying areas of vulnerability in the local area profile and expect gambling operators to have regard to this when they prepare their own risk assessments for their premises.

### **Public Health Implications**

#### **Covid**

41. Gambling premises have been required by law to close throughout certain times during the Covid pandemic. This will impact on the outcome of the statistics gathered in relation to crime and disorder for example, compared to previous years.

#### **Other**

42. Whilst many people enjoy gambling without any adverse consequences it is estimated that 0.5% of the population are 'problematic gamblers' with 3.5% of the population adversely affected by its consequences. UK gamblers lose £13.8 billion per year and although local data is unavailable Enfield is unlikely to be an exception to this.

### **Equalities Impact of the Proposal**

43. An equalities impact assessment has been undertaken and is attached in Annex 4.

### **Environmental and Climate Change Considerations**

44. There are no discernible direct impacts on carbon emissions arising from the proposals in this report. In term of wider environmental impacts, these will most likely be related to the local issues which arise from the operation of certain types of premises.

### **Risks that may arise if the proposed decision and related work is not taken**

45. The key risk is that the policy (statement of principles) and 'no casino' resolution are not approved and published by 30 January 2022 as required by the Gambling Act 2005. If not, the 'no casino' resolution will lapse and the Council will be non-compliant by not having a revised statement of principles in place.
46. Failure to approve the Policy and 'no casino' resolution would also pose a risk to the Council's reputation.

**Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

47. None.

**Financial Implications**

48. Through the issuing of licences in line with the Gambling Act the Council receives circa. £50k per annum which contributes towards the operation of the licensing service. The recommended updates to the Gambling Act policy proposed in this report will not impact on the level of income that the Council currently receives.

**Legal Implications**

49. Under section 349 of the Gambling Act 2005 the council are required to review their Gambling Policy every 3 years.
50. It is possible for any person or organisation to challenge the policy adopted by judicial review.
51. Under section 166 of the Gambling Act 2005 the Council can adopt a "no casinos" resolution. If this is not renewed every 3 years it automatically lapses. Since the Gambling Act 2005 came into force the council has always chosen to adopt such a resolution. It is also possible for any person or organisation to challenge the "no casinos" resolution adopted by judicial review

**Workforce Implications**

52. There are no workforce implications.

**Property Implications**

53. There are no property implications.

**Other Implications**

54. None

**Options Considered**

55. There is no suitable alternative option. It is a legal requirement to consult on, and approve, a policy under the Gambling Act 2005 every 3 years.

## **Conclusions**

56. To note the results of the public consultation.

57. To approve the Gambling Policy as per the draft in Annex 1.

58. To approve the 'no casino' resolution for a further 3 years.

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**Date of report 18 October 2021**

## **Appendices**

- Annex 1: Draft Revision of Gambling Policy (6<sup>th</sup> Edition)
- Annex 2: Draft Revision of Local Area Profile (6<sup>th</sup> Edition)
- Annex 3: Results of the public consultation
- Annex 4: Equalities Impact Assessment

## **Background Papers**

**The following documents have been relied on in the preparation of this report:**

None.