

## Annex 3

### Responses to Gambling Policy Consultation

#### **Key to Survey Questions asked:**

- A. To what extent do you agree or disagree that the Statement of Principles is strong enough to prevent gambling premises being a source of crime?
- B. To what extent do you agree or disagree that the Statement of Principles does enough to protect children and vulnerable persons from harm?
- C. To what extent do you agree or disagree that the Statement of Principles is strong enough to ensure gambling is open and fair?
- D. Despite these legal limitations, please tell us if there is anything you would like the Council to be able to do regarding gambling premises?
- E. Please tell us if there is anything you would like the Council to be able to do in relation to advertising applications?
- F. Do you think the Council should continue with a 'no casinos' resolution for a further 3 years?
- G. If you have any other comments you would like to make regarding the policy, please let us know.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
1	Resident	A – Strongly agree B - Strongly agree C – Strongly agree	Bring down the drugs and ASB around these premises.	N/A	N/A	N/A

### Licensing Authority Response 1:

In the Local Area Profile, ASB hotspots have been identified, which supports the licensing objective "Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime". The Policy outlines that LBE will use their powers where there is evidence of crime or disorder such as ASB or drugs that are associated with a gambling premises; such as imposition of licence conditions, to moderate the risks. The Council will not hesitate in dealing robustly where gambling premises do not meet any of the licensing objectives.

### Licensing Authority Action 1:

No action required.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
2	Organisation	A – Strongly agree B - Strongly agree C – Strongly agree	(1) To ensure that all premises are CCTV operated, if they are to be provided. (2) We know that premises are occupied daily and to prevent excessive use a set time to open and close between 9am and 6pm to ensure no late night gathering and noise nuisance to residents in the surrounding area. (3) The gambling licences should be limited to two/three per ward and or area within a three thousand mile radius.	N/A	Yes	N/A

### Licensing Authority Response 2:

- (1) By undertaking compliance checks, LBE are aware that the gambling premises in Enfield have got CCTV systems in operation. Where necessary, the Responsible Authorities, i.e. the Police, do request that a CCTV condition be applied to the licence.
- (2) Within the current legislation through default conditions, there are time restrictions for some gambling premises, for example, betting shops may only be open between 7am and 10pm, but there are not default hours for all types of gambling premises. If there

is evidence of ASB or crime associated with a gambling premises (usually late at night or early hours of the morning), the remedial action available would be a review application with a view to reducing the hours. The review could be brought by residents or Responsible Authorities.

(3) The Gambling Act 2005 prohibits the Council from adopting any gambling policy to address the cumulative impact of betting shops 'clustering' together. There is some ability under Planning legislation and policies to deal with the concentration of gambling premises.

**Licensing Authority Action 2:**

No action required.

<b>Response No.</b>	<b>Resident or Organisation?</b>	<b>To what extent do you agree to A – C above?</b>	<b>D - Comments on what you would like the Council to be able to do regarding gambling premises?</b>	<b>E – Comments on advertising applications</b>	<b>F – Agree to the “no casino” resolution?</b>	<b>G – Other comments regarding the policy</b>
3	Resident	A – Strongly agree B - Strongly agree C – Neither agree or disagree	N/A	N/A	Yes	N/A

**Licensing Authority Response 3:**

Comments noted.

**Licensing Authority Action 3:**

No action required.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
4	Resident	<p>A – Tend to disagree because there are too many loopholes and seemingly corruption which means these places get approved regardless of concerns or evidence.</p> <p>B - Tend to disagree because too many of these places are granted licences close to schools, colleges and MacDonald's.</p> <p>C – Tend to disagree because local residents concerns are ignored by the council, so they are unlikely to raise the concerns.</p>	Push to change the law so something can actually be done to reduce these damaging establishments.	They need to make sure people have time to see and object - the one locally was a tiny sign which went up just as we went into lock down so obviously no one saw it - if it had been posted on online forums etc it would have been seen and objections could be made in time - it was basically very underhand.	Yes	Casinos should be re defined to include the slot machine arcades.

#### **Licensing Authority Response 4:**

A – The Policy can only set out what is permitted within the Gambling Act legislation and guidance. The Gambling Act requires councils to ‘aim to permit’ licences for gambling premises unless they do not meet the licensing objectives, codes of practice or the Council’s Gambling Policy. This means that in practice there is little that Councils can do to address the concerns of residents. The Leader of Enfield Council has responded to the government’s review of the Gambling Act and written to the relevant Minister, proposing more ability for Councils to moderate gambling premises in their boroughs.

B – The Local Area Profile identifies locations of educational premises in relation to gambling premises (Fig 4), and gaming operators must reference these in their risk assessments for their premises. Responsible Authorities need to be satisfied that the risk assessments address the additional risks that such close proximity premises may involve. Section 3.1.2 of the Local Area Profile stipulates that any premises where children congregate including bus stops, cafés (which would include for example, Macdonald’s), shops, and any other place where children are attracted must be identified and considered in the risk assessment, especially within 400 metres of the proposed gambling premises (also see Section 3.1.7).

C – The Licensing Authority consider all residents’ concerns and complaints and are investigated accordingly. Residents will be advised of the current legal legislation if it prohibits the outcome that residents seek, so understand it is not always possible to give the outcome required. The Licensing Authority are mindful of the resident frustrations. This is addressed in the Leader’s response to the review of the Gambling Act and letter to the Minister as mentioned above.

D – Comments noted. Refer to response to A and C above.

E – Comments noted. The Licensing Authority ensure applications comply with existing advertising legislation and also comply with the legal consultations. The Licensing Authority will await the outcome of the review of the Gambling Act to see if the changes allows local authorities to extend the consultation requirements. Without these formal changes, the Licensing Authority would be acting beyond their powers to request/conduct additional advertising requirements. We will however look to set up email notifications of persons interested in receiving notifications of gambling licence applications.

G – Comments noted. The Gambling Act 2005 defines the legal definition of Casinos and Adult Gaming Centres gambling activity. Casinos are designed for larger capacity venues and have separate rules that apply. The Licensing Authority are permitted by the Gambling Act to pass a resolution not to allow casinos but are not authorised by the Act to pass a resolution to prohibit slot machines arcades.

**Licensing Authority Action 4:**

Review changes to the Gambling Act once published. No action required to the Policy.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
5	Resident	<p>A – Strongly agree</p> <p>B - Strongly agree</p> <p>C – Strongly agree</p>	<p>(1) The Merkur Slots situation has clearly shown that public consultation has been minimal. The majority of local residents and businesses were unaware that the site would be used to establish a large, 24- hour gambling site. Whilst local authorities are in a position where they cannot refuse the establishment of a gambling premises, I wonder if there is scope to have: the process delayed, questioned, local people consulted, and their views considered - rather than just saying there is a direction of inevitability about the matter. Individuals seeking planning permission for changes to their properties can face years of delay by local authorities - gambling companies do not.</p> <p>(2) It is also unclear to me as to what grounds a gambling premises licence can be withdrawn. Nightclubs regularly lose their licences in other boroughs where there is evidence of noise, affray and anti-social behaviour caused by nightclub customers.</p>	<p>People do not read local newspapers anymore. So, legally we are collectively sleepwalking into a tick box exercise. People do not tend to read A4 size notices on empty shops. Is there a restriction as to the size of the notice that the council are expected to display on the premises? The Council can engage in and make better use of social media to alert residents. Most local residents found out about the Merkur slots development through the social media sites that they have set up between themselves. Time for the Council to join the 21st century in the promulgation of information. The Council has adopted a passive 'we do things this way and people can look at our website to find out' Most people with jobs and families do not have the time to</p>	Yes	<p>I wonder why the Council can implement a 'no casino' resolution, but cannot take local people's consideration when it comes to a proliferation of slot gambling premises?</p>

				trawl through council notices looking out for the possibility that there will be an adverse development amongst hundreds of yearly notices. Clearly gambling premises are not welcome by local people in Enfield and clearly there is the opportunity for the Council to be less passive in how it communicates such matters.		
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**Licensing Authority Response 5:**

D - (1) Comments noted. See response to Licensing Authority Response 4 (E).

(2) Section 5.6 of the Policy provides information on the Review process, which could result in revocation of a licence.

E - See Response to D (1) above.

F – As mentioned in the responses above, Section 166(1) of the Gambling Act 2005 states that a licensing authority may resolve not to issue casino premises licences. The policy statement must reflect the ‘aim to permit’ principle (s.153 of the Act) and should not comment on whether there is demand for gambling premises.

**Licensing Authority Action 5:**

Review changes to the Gambling Act once published. No action required to the Policy.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
6	Resident	A – Strongly disagree because there are hardly any restrictions prohibiting companies from being granted a licence.  B - Strongly disagree  C – Strongly disagree	(1) Inform the local residents so they are able to object. (2) Put in place more Cctv in the surrounding area so that locals feel safer.	N/A	Yes	N/A

### Licensing Authority Response 6:

A – See response Licensing Authority Response 4 (A).

D - (1) Comments noted. See response to Licensing Authority Response 4 (E).

(2) There is a comprehensive network of public CCTV cameras in the borough. Requests for ad-hoc mobile street cameras (dome hawks) can be considered by the Police/LBE Community Safety Team, and requests are successful if sufficient evidence is submitted.

### Licensing Authority Action 6:

No action required to the Policy.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
7	Ward Councillor	N/A	N/A	N/A	N/A	<p>(1) "I cannot understand 4.1.8. The final sentence reads, ""With the exception of Enfield Town, there are no more than two betting shops in the western commercial areas, but significantly more in the eastern commercial areas." This sentence is clearly untrue, and it doesn't seem to relate the earlier part of the paragraph. I hope that item can be clarified.</p> <p>(2) I also have a couple of questions which relate to our policies and the recent application in Green Lanes (Palmer's Green ward). 2.4.2. - says that the council will give careful consideration to premises at a list of locations which include Recreational areas, particularly those catering for young persons. Also 3.1.2. refers to Any premises where children congregate including bus stops, cafés, shops, and any other place where children are attracted; I know that the proximity of a bus stop was considered material but recall no mention of the nearby MacDonald's restaurant which attracts large numbers of young people. Was the MacDonald's also considered?"</p>

**Licensing Authority Response 7:**

- (1) Agree to amend 4.1.8 (now Section 4.1.7 in the Local Area Profile document) as there is no obvious correlation between the highest levels of mental health with locations of gambling premises in the updated data.
- (2) The policy does set out that businesses must reference premises in their risk assessments for their premises, as per the examples in Section 3.1.2 of the Local Area Profile document. Responsible Authorities need to be satisfied that the risk assessments address the additional risks that introducing a gambling premises in close proximity to such premises may involve. In the premises review that was mentioned, the bus stop and McDonalds were raised and considered.

**Licensing Authority Action 7:**

Amended 4.1.8 (now 4.1.7) text.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
8	Organisation	N/A	N/A	N/A	N/A	Within the last paragraph of the LA Profile (4.1.11), the following quote is factually incorrect: "The majority of betting shops were victims of Criminal Damage (45%), followed by Violence against the Person (36%)". Clearly, the majority of betting shops (55%) did not suffer criminal damage, so the wording should be changed, possibly along the lines of "the most common crime was criminal damage against the premises (45%)".

**Licensing Authority Response 8:**

The Police data has now been updated with new statistics therefore the former section 4.1.11 of the Local Area Profile has been removed.

**Licensing Authority Action 8:**

No action required.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
9	Organisation - Betting and Gaming Council (BGC)	N/A	N/A	N/A	N/A	See below.

### Comments, Licensing Authority Responses and Licensing Authority Actions 9:

**Comment 1:** Paragraph 1.12 is headed “Gambling Prevalence and Problem Gambling.” This section should be removed from the draft statement of principles. The purpose of the statement of principles is to *“set out the principles the council proposes to apply in exercising its licensing functions when dealing with applications for Premises Licences, as required by the Act”* as stated in paragraph 1.1. It is not to give a commentary on research and certainly not to cherry pick statistics which are given out of context.

The entire section 1.12 should therefore be removed. Its inclusion is pejorative and is inconsistent with both the purpose of the statement of principles and the “aim to permit” principle contained within s153 Gambling Act 2005.

If the section is to remain then the figures given must be given context. Whilst this section repeats the executive summary of the report (Natcen – Gambling Behaviour in Great Britain in 2015) and quotes the DSM-IV and PGSI as measurement instruments, it does not repeat the caveats in the same research that, *“The PGSI has been validated on a Canadian population. It has not been validated in Britain. The DSM-IV criterion was developed as a diagnostic tool and has not been validated for use with the general population.”*

**Response 1:** Comments noted. The Licensing Authority are mindful of the Gambling Commission’s Guidance to Local Authorities which on the National Strategy to Reduce Gambling Harms and are of the view that this information should still be signposted but acknowledge the statistics can be removed.

**Action 1:** Statistics in 1.12 removed and alternatively signposted to Natcen and Gamcare websites.

**Comment 2:** Similarly, paragraph 2.6.7 which refers to research in Manchester and Westminster that “*identified the following groups as more vulnerable*” should give more context. The paragraph lists “vulnerable” groups. People within those groups may be vulnerable where they do engage in gambling but context is all important. Otherwise, a misleading impression is given.

In Geofutures’ publication, “Exploring area-based vulnerability to gambling harm; Who is vulnerable?” the author, Heather Wardle states, “*where both adults and children of Asian backgrounds were far less likely to gamble than their White British counterparts, yet those that did were more likely to experience problems.*” The same research piece stated, “*The evidence relating to household income and gambling harms is mixed, showing that generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This was highlighted as a concern given the (likely) lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011). However, as stakeholders noted, there is some unease about labelling all low income households as vulnerable as income, gambling, debt and money management are likely to interact to shape outcomes.*”

**Response 2:** Comments noted.

**Action 2:** Amended paragraph 2.6.7 to reflect the comments made.

**Comment 3:** Paragraph 6.2.3 (under the heading “Risk Assessments”) gives a list of examples of matters that the council expects operators to take into account when making their risk assessment. This list should be redrafted to exclude matters that are not relevant to an assessment of risk to the licensing objectives. For example, “*Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc*” should be removed as none of these issues have any relevance to an assessment of risk to the licensing objectives.

Similarly, “*gaming trends that may reflect benefit payments*” should be removed unless it is the council’s view that any person in receipt of benefits is either vulnerable or their gambling is likely to be a source of crime and disorder, associated with crime or disorder or being used to support crime.

**Response 3:** Comments noted. The Licensing Authority are satisfied that the above examples should be included in the risk assessments.

**Action 3:** No action required.

**Comment 4:** The Gambling Local Area Profile appended to the draft statement of principles should also be redrafted to remove matters that have no relevance to an assessment of risk to the licensing objectives. Paragraphs 3.1.2 and 3.1.2 both contain lists of bullet points detailing matters that the council expects to be considered in the context of a risk assessment. Once again, these lists contain issues with no relevance at all such as youths participating in ASB, graffiti/tagging, underage drinking etc. The gaming trends that may reflect benefit payments has been expanded in paragraph 3.1.2 to include “pay days”. This should be removed for the reasons given above.

**Response 4:** Comments noted. The Licensing Authority are satisfied that the above examples should be included in the risk assessments.

**Action 4:** No action required.

**Comment 5:** Finally, whilst it is accepted that buildings used for religious purposes may cater for people who may be vulnerable, “matters of faith” are certainly not relevant to an assessment of risk to the licensing objectives and should be removed from the list of bullet points.

**Response 5:** Comments noted.

**Action 5:** Places of worship have been removed from the Local Area Profile document.