


<b>LONDON BOROUGH OF CAMDEN</b>	<b>WARD:</b> All
<b>REPORT TITLE:</b> Draft Statement of Licensing Policy 2023 - 2026 (Gambling Act 2005)	
<b>REPORT OF:</b> Director of Community Services	
<b>FOR SUBMISSION TO:</b> Licensing Committee	<b>DATE:</b> 7 <sup>th</sup> December 2022
<p><b>SUMMARY OF REPORT</b></p> <p>This report sets out the purpose of Camden's Statement of Licensing Policy (the Policy) under the Gambling Act 2005 and explains the process the Council has followed to review and amend its current Policy. The report presents a revised draft Statement of Licensing Policy, setting out the key changes for the Licensing Committee to consider, comment on and recommend that the proposed Policy and draft local area profile be approved for a 12-week public statutory consultation.</p> <p><b>LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION</b></p> <p>The following documents were used in the preparation of this report:</p> <ol style="list-style-type: none"> <li>1. <a href="#">Gambling Act 2005</a></li> <li>2. <a href="#">Guidance to licensing authorities issued by the Gambling Commission under section 25 of Gambling Act 2005</a></li> <li>3. <a href="#">Camden's Statement of Licensing Policy 2018–2021</a></li> <li>4. <a href="#">Camden's Local Area Profile under the Gambling Act 2005</a></li> </ol> <p><b>Contact Officer:</b> William Sasu - Public Protection and Licensing Manager 5 Pancras Square N1C 4AG Tel: 020 7974 4733 <a href="mailto:william.sasu@camden.gov.uk">william.sasu@camden.gov.uk</a></p> <p><b>RECOMMENDATIONS</b></p> <p>That the Licensing Committee:</p> <ol style="list-style-type: none"> <li>i. Consider, note and comment on the draft revised Statement of Licensing Policy 2023-2026 under the Gambling Act 2005 (the Gambling Policy) at Appendix 1; and</li> <li>ii. Approve for the commencement of a 12-week statutory consultation on the draft revised Gambling Policy 2023-2026.</li> </ol>	

Signed: 

Dated: 11<sup>th</sup> November 2022

## **1. Purpose of Report**

- 1.1. This report provides the Licensing Committee with details of the draft Statement of Licensing Policy 2023 -2026 under the Gambling Act 2005 (the Gambling Policy).
- 1.2. Members are asked to provide any comments on the draft policy and to make any further amendments if deemed necessary.
- 1.3. Members are asked to approve the commencement of a 12-week statutory consultation on the draft Statement of Licensing Policy 2023 -2026 under the Gambling Act 2005.

## **2. Background**

- 2.1. The Council has powers under the Gambling Act 2005 (the Act) to regulate some gambling activities in Camden. The Act divides responsibility for regulation between the Gambling Commission (the Commission) and Local Authorities. The Commission is responsible for regulating commercial gambling and issues of national importance and Local Authorities are responsible for local regulation of premises licences and low-level gaming permits, and registrations.
- 2.2. The Council must carry out its licensing functions in accordance with the Act, the Gambling Commission's Guidance to Licensing Authorities (GLA) and its adopted Statement of Licensing Policy under the Gambling Act 2005 (the Gambling Policy) with a view to promoting the three statutory licensing objectives:
  - a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
  - b) ensuring that gambling is conducted in a fair and open way; and
  - c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.3. The Gambling Policy plays an important role in the Council's desire to manage the risk of gambling-related harm in Camden and to regulate gambling activity to mitigate the risk of such harm. It ensures that the Council has effective and appropriate licensing strategies that respond to the borough's unique characteristics while helping to deliver the Council's vision for the future of Camden and other local priorities.
- 2.4. The Council must determine and publish its Policy every three years, however during each three-year period, the Council must keep its Policy under review and make revisions, as it considers appropriate. The Council must consult on any proposed changes before determining and publishing an amended Policy.
- 2.5. A comprehensive review of the Policy has been undertaken and this report

details the proposed changes and requests that the Licensing Committee consider and comment on the draft revised Gambling Policy at Appendix 1 and agree the commencement of a public consultation for a period of 12 weeks.

### **3. The Policy Review**

- 3.1. The Policy is the primary document for setting out the Council's approach to gambling regulation in relation to local circumstances. It ensures operators have sufficient awareness and understanding of local issues, priorities and risks, and sets out the local approach to gambling regulation.
- 3.2. The Policy is supported by Camden's Local Area Profile (LAP) which provides an assessment of the key characteristics of Camden in the context of gambling-related harm. The LAP is not included within the body of the Policy and is published as a separate document. This allows it to be kept under review and updated as circumstances change. [Camden's Local Area Profile under the Gambling Act 2005](#)
- 3.3. The information obtained for the LAP assessment helps to provide a better understanding of the types of people that are at risk of being vulnerable to gambling-related harm, where they are located and any current or emerging problems that may increase that risk. Camden's local area profile helps the Council to develop its Gambling Policy and set out expectations of operators of gambling premises.
- 3.4. The majority of information used in the assessment, is obtained from Census data provided by the Office for National Statistics (ONS). The information obtained in the Census 2021 is not yet available and officers have been unable to update the LAP as part of the Policy review process.
- 3.5. In addition, the last two years, have been unprecedented times as a result of the global pandemic, with particular hardship hitting the 'high street' gambling premises. These businesses were subject to extended mandatory closures and restrictions.
- 3.6. There is therefore no available data for the period of the pandemic and therefore cannot accurately inform the LAP and Policy review process. This is specifically pertinent to this policy review as there is a requirement to review policy when available data suggests so.
- 3.7. For these reasons, this policy review has focussed on removing and updating out of date information and references in the current policy and strengthening safeguarding measures to protect children and vulnerable persons from being harmed or exploited by gambling. A summary of the proposed changes is at **Appendix 2**.

#### 4. The Local Area Profile (LAP)

4.1. The LAP has been produced with three main aims:

- a) to consider in the Camden context, the types of people who may be at greater risk of harm from gambling and where they might be located
- b) using those identified datasets, to create local risk tables showing areas with greater concentrations of people who are more likely to be vulnerable to harm
- c) provide the basis for an evidence-based approach to decision making

Gambling-related harm is not defined in the Act and for the purposes of the LAP Officers have used the following definition:

*“the adverse financial, personal and social consequences from gambling activity upon individuals, their families, their social networks or the community”*

4.2. The LAP therefore identifies the key characteristics of people who may be vulnerable to gambling-related harm in Camden. The research identified the following groups of people:

- a) young people between 10 and 24 years
- b) ethnic groups
- c) unemployed people
- d) people resident in deprived areas
- e) people with financial difficulties or debt
- f) people who are homeless or experience housing instability.
- g) people with poor mental health
- h) problem gamblers who are seeking treatment
- i) people with substance abuse or misuse difficulties
- j) people with learning disabilities

4.3. The location of people with each characteristic at their normal place of residence and those areas that they may visit has then been displayed on maps. For example, one of the groups is residents aged 10 to 24 years and the maps show their normal place of residence and those areas that children and young people may visit when away from their normal place of residence such as schools, colleges and youth groups.

4.4. The same method was applied to all groups and displayed on individual maps as set out in the LAP. Each map was then overlaid to create a combined visual representation of the location of people who may be vulnerable to gambling-related harm in Camden.

4.5. The information available during the assessment did not identify any specific evidence of problem gambling within each group or issues at existing gambling premises associated with these groups.

- 4.6. The assessment concluded that people in all Camden's wards have an elevated risk of vulnerability to gambling-related harm. Some areas in Camden are at greater risk and some locations within those wards present the highest risk of vulnerability to gambling-related harm.
- 4.7. Members are asked to note that the assessment is based on the possible risk to gambling-related harm and does not mean that just because an area is seen as being at higher risk that all people in that area will suffer harm or be at risk of suffering harm.
- 4.8. The LAP is a dynamic document in which factual information can be quickly updated. This allows the Council to quickly assess new or emerging areas of risk and ensure Members can use up-to-date information to make evidence-based decisions when carrying out the Council's licensing functions.
- 4.9. As mentioned above, we will update the LAP over the next 12 months as we see life returning to 'normal' following the pandemic, and to update the datasets from the National Census in 2021. This data will also take into account the cost-of-living crisis.

## **5. The Draft Policy**

- 5.1. Following assessment of the existing Policy and LAP, and in view of the limited relevant information to inform a comprehensive review, it was concluded that it would be appropriate to make only minor changes to the current Policy.
- 5.2. The draft Policy at Appendix 1 has been updated to make it easier for readers to reference whilst continuing to comply with the Act and GLA. For this reason, a direct comparison between the Policies is possible and the key differences are set out in the summary of changes at Appendix 2.
- 5.3. The ONS will publish all main Census 2021 data within two years and the remaining unpublished data will become available in phases during 2023. Following the release of the data, officers will update the LAP and consider whether a further review of the policy is required.

## **6. Statutory Consultation**

- 6.1. The Act requires the Council to keep its Policy under review and make revisions, as it considers appropriate. If it makes revisions, the Council must consult on any changes before determining and publishing an amended Policy.
- 6.2. The same statutory requirement does not apply to the LAP.
- 6.3. If the Members agree the draft revised Policy for consultation for a period of 12 weeks, Officers will write to the statutory consultees and other relevant

stakeholders and make the consultation available on the Council's website.

## **7. Options**

7.1. There are two options to consider:

Option 1: Do nothing. The current Policy will expire, and the council will be in breach of its statutory duty.

Option 2: Approve the revised draft Policy and Local Area Profile for consultation. The Council has completed the review of the Policy and creation of the Local Area Profile and statutory consultation will inform the Council on additional areas for development or inclusion.

7.2. The recommended option is Option 2.

7.3. The existing Policy has proven to be a robust tool in the decision-making process, but it needs updating to reflect changes in legislation and national guidance and to address local risks of gambling-related harm. Approving the revised Policy for consultation will enable a thorough review of the existing policy to be continued.

7.4. Option 1 is not viable, as the Council would fail to have an up to date and appropriate Policy on which it can rely to carry out its statutory functions under the Act.

## **8. Key Impact and Risks**

8.1. If the Council does not approve the review of its Policy and make appropriate changes, the key risk is that the Council would base its decisions on outdated information when carrying out any of its legal functions under the Act. The Council can eliminate this risk by reviewing its current Policy and consulting on its proposed changes.

8.2. The absence of an up-to-date policy would hinder the way that the licensing trade operates, with potential negative impacts on the residents and business.

8.3. Due regard to the Council's Equality Duty has been taken when developing the Policy and having assessed the proposed changes to the draft Policy in terms of its impact upon those duties. The equalities impact assessment (EIA) did not highlight any areas where the introduction of the Policy would raise issues of inequalities or place anyone with a protected characteristic at a disadvantage.

8.4. Consideration has also been taken as to whether the Policy could be a vehicle to advance opportunity and foster good relations between those with protected characteristics. In this instance, they were unable to find ways to use the Policy in this way however this will be kept under review.

## **9. Legal Comments of the Borough Solicitor**

- 9.1. The Borough Solicitor has been consulted and legal comments have been incorporated in this report
- 9.2. Before it approves and adopts its Policy, the Council must consult those persons listed in section 349(3) of the Act. These are:
  - a) the chief officer of police for the area
  - b) persons or bodies who represent the interests of local gambling businesses in the area
  - c) persons or bodies who represent businesses and residents in its area who are likely to be affected by the Council exercising its functions under the Act.
- 9.3. The views of all these persons or bodies should be given appropriate weight when the policy is determined.
- 9.4. The Equalities Act 2010 requires the Council when exercising its functions, to have due regard to the need to:
  - a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - b) advance equality of opportunity between people who share a protected characteristic and those who do not.
  - c) foster good relations between people who share a protected characteristic and those who do not.
- 9.5. Officers have had these requirements in mind when developing the Policy and details are contained within the attached EIA at Appendix 3 to which members should have regard.

## **10. Finance Comments of the Executive Director Corporate Services**

- 10.1. There is no material financial implication concerning this report.

## **11. Environmental Implications**

There are no environmental implications arising from this report.

## **12. Appendices**

- Appendix 1: Camden's draft revised Statement of Licensing Policy 2023-26 under the Gambling Act 2005
- Appendix 2: Summary of proposed key changes to the Policy
- Appendix 3: Equalities Impact Assessment (EIA)

**REPORT ENDS**