

Response ID ANON-53YQ-ST2W-2

Submitted to **Camden's draft Gambling Policy 2018-2022**
Submitted on **2017-08-18 10:33:33**

Your details

1 What is your name?

Name:
DH Biesterfeld

2 What is your email address?

Email:
[REDACTED]

3 Please tell us in what capacity you are responding

other (not listed above)

If you answered 'other' please tell us in what capacity you are responding:

I am a solicitor with over 30 years experience of the operation, development and regulation of gambling and specifically 'machine-gaming' premises and an academic interesting the development of local area profiles and their use in the ongoing licensing and regulation of, in particular, Betting, AGC and Bingo premises.

General layout of the draft Policy

4 Do you have any comments on the general layout of the draft Policy

No

Please give your comments below:

Chapter one: Introduction

5 Do you have any comments on chapter one?

Yes

Please give your comments below:

While those listed as required and voluntarily to be consulted are most the obvious, the consultation should also take into account the advice and views of those with experience of relevant matters even if not categorised within the lists set out in chapter one.

Chapter two: principles

6 Do you have any comments on chapter two?

No

Please give your comments below:

Chapter three: Camden's local area profile

7 Do you have any comments on chapter three?

Yes

Please give your comments below:

I agree that because the 'Local Area Profile' may well change over time, it makes sense for it to remain a separate document.

However, while I support the 'Profile's' use of the 'Geofutures Model', so far as it goes, I draw your attention to a document relied on by neighbouring Brent Council in its 'Statement of Gambling Policy': 'The Safer Brent Partnership Community Safety Strategic Assessment 2015-17'. A copy is attached.

I urge you to review that document and to expand the Camden Area Profile to take into account two vitally important omissions:

1. Its failure to 'profile' crime and disorder in Camden and, in particular, the incidence of criminal activity associated with or related to gambling premises (whether, for instance, in the form of attacks by distressed gamblers on gaming machines or suggestive of money-laundering associated with drug or gang-related behaviour in the area); and

2. The extent to which, as I know to be the case in areas such as Kilburn High Road, 'vulnerable' people may be in the vicinity of gambling premises (e.g. begging; loitering; shop-lifting or street-drinking etc.) despite the absence of, for instance, drug or alcohol treatment centres or shelters for those in need of particular care.

These issues are essential components of any Local Area Profile; they may relate to either or both of the first and third licensing objectives; and omitting them from the 'Profile' risks not only undermining the 'Profile' from the outset but downgrading those issues in importance when considering licensing reviews or applications.

Chapter four: the licensing objectives

8 Do you have any comments on chapter four?

Yes

Please give your comments below:

As presaged by my comments on chapter three, chapter four, in dealing with the first licensing objective, is deficient in failing to cross-reference the 'Profile', save in relation to 'the vulnerable'.

Issues, relating to the first licensing objective, arising from the potential impact of premises (whose licence may be under review or for which a new application is made) for instance in relation to drug-dealing; other drug-related crime; money-laundering; gang activity; serious nuisance amounting to disorder; and criminal damage (for instance to gaming machines, shop-fronts or nearby cash-points) may be overlooked, underplayed or would at least be more readily understood were they to be referenced in the 'Profile'.

One important advantage of 'crime and disorder' being covered by the 'Profile' (as in the case of Brent's 'Community Safety Strategic Assessment') is that the background data relating to those issues is available without the need for hard-pressed police licensing officers to assemble it for each review or new application.

Without that background data, it may be unrealistic to expect officers to assemble their concerns in relation to particular premises within the short timescales applying in specific cases.

In addition, while an operator's Operating Licence implies that he is regarded by the Gambling Commission as generally suitable to operate gambling premises of the sort covered by the Operating Licence, that does not mean that, as a matter of course, the operator will have the particular skills, experience or ability to operate that type of premises in the specific circumstances of Camden.

Finally, paragraph 4.22 implies that issues relating to 'the vulnerable' may only arise in the context of the grant or review of a licence near to, for instance, a treatment centre, shelter or similar establishment. That is not the case (again, some areas within neighbouring Brent bear this out - for instance, in Neasden Lane where significant numbers of 'the vulnerable' are 'on the streets' despite the absence of such facilities. Those people include those begging, loitering, shop-lifting and street-drinking.

I therefore suggest: (1) The 'Profile' be extended as described, above; (2) The script dealing with the 'suitability' of the operator be inflected to leave the Licensing Authority to take directly into account (i.e. not just through the Commission) matters particular to Camden and relating to that suitability, on both new applications and reviews; and (3) The inflection of paragraph 4.22 to make clear that if 'the vulnerable' are present in the vicinity of gambling premises, concern for the impact of gambling on those individuals will not be any the less because there are no nearby 'centres' or 'shelters' etc.

Chapter five: premises licences

9 Do you have any comments on chapter five?

Yes

Please give your views below:

This section suggests that the Camden Licensing Authority's has misinterpreted or misread important parts of the Gambling Act 2005 and the Gambling Commission's Guidance to Licensing Authorities:

1. Paragraphs 5.21; 5.22; and 5.25 are wrong in law. They do not accurately reflect the type and number of gaming machines permitted in respectively Bingo, Betting and AGC Premises. Rather than set these out, here, I refer to Appendix A of the Gambling Commission's current Guidance to Licensing Authorities. A copy of this is attached.

2. Also, in the sections dealing with 'The application and decision making process' and 'Representations and Hearings', the text fails to make clear that wherever there is a valid 'representation' in response to an application, a hearing is mandatory (S162 of the Gambling Act 2005 - 'the Act').

3. Most worryingly, paragraph 5.1 makes no reference to the licensing authority's entitlement to refuse an application for a Premises Licence (but only to its grant, revocation or review). This may be an oversight but also reflects an inaccurate reference in the 'Profile' to the 'aim to permit' being subject only to reasonable consistency with the three licensing objectives. My experience suggests that many licensing authorities, including it seems, Camden, are blind to the heavily qualified nature of the 'aim to permit' referred to in S153 of the Act.

That perspective is legally and in regulatory terms incorrect:

1. S153 of the Act makes plain that the 'aim to permit' operates ONLY "in so far as the authority think it - (a) in accordance with any relevant code of practice under section 24, (b) in accordance with any relevant guidance issued by the Commission under section 25, (c) reasonably consistent with the licensing

Appendix 3

objectives (subject to paragraphs (a) and (b), and (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c))."

2. Thus, reasonable consistency with the licensing objectives is only one of the hurdles to the application of the 'aim to permit'. It is critical to give due weight to the others, too. The harder test of something being 'in accordance' rather than merely 'reasonably consistent' with the matter or document concerned is also noteworthy.

3. For instance, the Commission's Guidance to Licensing Authorities, in its latest articulation, states at paragraph 1.35: "Therefore a licensing authority has no discretion to grant a premises licence where that would mean taking a course which it did not think accorded with the Guidance contained in this document, any relevant Commission code of practice, the licensing objectives or the licensing authority's own statement of policy".

4. Camden's draft 'Statement' reflects the Commission's Guidance at paragraphs 1.23 etc. without going on to apply the qualifications at paragraphs 1.34 etc. It also fails to note the word "think" in both S153(1) and in paragraph 1.35 of the Guidance.

5. The use of that word, "think", imports the essential subjectivity of the licensing authority's discretion. If it subjectively considers that the grant of a further Premises Licence would be harmful, for instance having regard to matters identified by the 'Area Profile' (or, say in Brent's case, its 'Community Safety Strategy'), then, if it considers that the imposition of one or more conditions would not fully address a particular concern, it has not just the ability but an obligation to refuse it.

In this context, the difference between the subjective and the objective is critical but accurately reflects legislative purpose: decisions, for instance as to whether to grant another gambling premises licence, should be based on local circumstances as evaluated by local people. This involves not a consideration of 'demand' but of potential harm.

I urge the Council to reconsider the draft Statement to make sure that it properly reflects the law on the provision of gaming machines; the need for hearings; and, most importantly that the 'aim to permit' is only a starting point such that the authority may and indeed must refuse an application in the circumstances described above.

Chapter five: resolution not to issue casino licences

10 Having considered the information above, do you think it is necessary for the Council to make a resolution not to issue casino premises licences?

No opinion

Please give your views below:

Chapter six: permits and notices

11 Do you have any comments on chapter six?

No

Please give your comments below:

Chapter seven: inspection, compliance and enforcement

12 Do you have any comments on chapter seven?

No

Please give your comments below:

Appendices

13 Do you have any comments on the appendices?

No

Please give your comments below:

Camden's local area profile

14 Do you agree that the local area profile should be a separate document to the Policy?

Yes

Please say why:

Because it can thereby be more easily adjusted if the 'Profile' changes.

Problem areas

15 Are there any areas in your community in which you experience problems that are specifically related to gambling?

Yes

16 Please identify the area and describe the gambling related problems you experience in that area

Please give your comments below:

On numerous high streets within the borough and: (1) In terms of the first licensing objective: (a) gang-related activity and general concerns regarding money-laundering; (b) criminal damage to gaming machines, shop-fronts, cash-point machines etc.; (c) shop-lifting and serious incidences of public disorder beyond ordinary nuisance; and (2) In terms of the third licensing objective, the presence on the streets of 'the vulnerable' despite there being no identifiable reason for their presence (e.g. hostels, treatment centres, shelters etc.).

General comments on Camden's local area profile

17 Do you have any other comments on Camden's local area profile?

Yes

Please give your comments below:

See earlier answers - the 'Profile' should be extended to cover those matters covered by neighbouring Brent's 'Community Safety Strategic Assessment'.

Supporting documents

18 If you would like to submit a document to support your comments, please select and upload your document below

Upload file:

Appendix A GC Guidance to LA's.pdf was uploaded

Response ID ANON-53YQ-ST2J-N

Submitted to **Camden's draft Gambling Policy 2018-2022**
Submitted on **2017-06-21 09:10:14**

Your details

1 What is your name?

Name:
Jean-Baptiste RANCON

2 What is your email address?

Email:
[REDACTED]

3 Please tell us in what capacity you are responding

Camden resident

If you answered 'other' please tell us in what capacity you are responding:

Chapter one: Introduction

5 Do you have any comments on chapter one?

No

Please give your comments below:

Chapter two: principles

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Chapter three: Camden's local area profile

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Chapter four: the licensing objectives

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No

Please give your comments below:

Chapter five: premises licences

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Please give your views below:

Chapter five: resolution not to issue casino licences

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Yes

Please give your views below:

Chapter six: permits and notices

11 Do you have any comments on chapter six?

No

Please give your comments below:

Chapter seven: inspection, compliance and enforcement

12 Do you have any comments on chapter seven?

No

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Appendices

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Camden's local area profile

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Please give your comments below:

Some violence and drunkenness observed at times around the William Hill on 195 Haversack Hill, by frustrated customers.

I generally believe gambling should be much more restricted than it is today in an area like Camden which is riven by poverty and where the population of at risk people is significant.

What social purpose does gambling serve in such an area ?

General comments on Camden's local area profile

17 Do you have any other comments on Camden's local area profile?

No

Please give your comments below:

Supporting documents

18 If you would like to submit a document to support your comments, please select and upload your document below

Upload file:

No file was uploaded

From: John Hartley [REDACTED]
Sent: 08 August 2017 11:20
To: Curtis, David
Cc: [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Subject: Consultation on Gambling

Follow Up Flag: Follow up
Flag Status: Flagged

Dear David

As vice-chair of Friends of Argyle Square, I write to encourage Camden to do all it can to reduce the opportunities for gambling. It causes hardship, both financial and emotional and can result in people losing their homes and livelihood.

Here in the Argyle Square area, we suffer from a lot of anti-social behaviour, including drug-dealing, as well as seeing a marked increase in rough sleeping at least some of which is probably due to gambling habits becoming out of control.

On Euston Road, just round the corner, we have a large "slot-machine" gambling outlet sandwiched between a William Hill and a Ladbrokes. It is not unusual to see some of the regular unfortunate people who frequent Argyle Square hanging around outside these gambling shops.

Hence, we feel that the number of gambling joints should be reduced and the Council should refuse permission for new premises and rescind permission when licences come to an end.

Thank you

John A Hartley
[REDACTED]
[REDACTED] [REDACTED]

London Remembers
Brussels Remembers