

Please reply to: Cllr Nesil Caliskan
Leader of the Council

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Phone: 020 8379 4116

Date: 11 August 2021

Rt Hon Oliver Dowden MP
Secretary of State
Digital, Culture, Media and Sport
100 Parliament Street
London

Dear Oliver Dowden,

Re: Gambling Act 2005 - Review

In March 2021, I wrote to Nigel Huddleston MP; Minister at DCMS, in response to the Government's call for evidence in the Gambling Act Review.

I understand that it will be some considerable time before the outcome of the Gambling Act review is published.

I wish to re-iterate the urgent need to review the Gambling Act to remove the 'aim to permit' requirement which stifles local decision making. Councils need greater ability to control proliferation and clustering of gambling premises in their local areas.

The constraints in the Gambling Act to exercise local decision making also means that there is very little discretion that can be exercised in our Gambling Policy ('Statement of Principles') despite Council's having to review and re-consult on these policies every 3 years. This means that we are unable to act on the legitimate concerns of our residents when determining applications.

Background

My overarching concern is that we have minimal ability through the Gambling Act or planning legislation to limit gambling premises and to support our residents in their concerns about clustering, proliferation and impact of gambling premises. This is of particular concern as Enfield borough experiences some of the highest levels of deprivation and poverty. Despite the Covid-19 pandemic, over the last year we have seen more applications for gambling premises than we have received for some time. This is of grave concern to us particularly as the borough seeks to support the vitality of our high streets and their recovery from the pandemic.

We support the aim to make gambling safer for both the players and the general public, especially of the most vulnerable, and to strengthen powers available to the local authority in decision making.

Stifled ability in decision making

The London Borough of Enfield has a large, diverse and growing population. Too many of our residents face significant economic and social challenges in their lives. They experience some of the highest levels of unemployment, lowest levels of income, deprivation and child poverty.

Enfield is within the top 25% of the most deprived local authorities in England, with many wards being in the top 10-20% most deprived wards nationally. Deprivation in the borough is worsening with Enfield now the 9th most deprived London Borough (2020), rising from 14th in 2010 and 12th in 2015. Most of the wards in Enfield have a child poverty score worse than the London and England average.

As our [Local Area Profile](#) in our Gambling Policy shows, many of the premises licensed for gambling are concentrated in the areas of our borough with the worst deprivation, poorest mental health, highest unemployment rates and highest number of working age benefit claimants. These are potentially our poorest and most vulnerable residents. 63% of Enfield's betting shops are located in the most deprived wards in the borough.

Whilst as a Council we continue to endeavour to 'place make', regenerate our borough and improve the quality of our residents' lives, we are practically powerless to restrict gambling premises under the Gambling Act (or planning legislation). The Gambling Act requires Councils to 'aim to permit' gambling such that it is extremely difficult to refuse a licence despite objections and high levels of community concern. Unlike alcohol control, where the harms are readily apparent in drunken behaviour and nuisance, problem gambling is less visible and have devastating impacts on the person, their relationships, their family, their health and cause significant debt. There is no 'aim to permit' requirement in the Licensing Act regime.

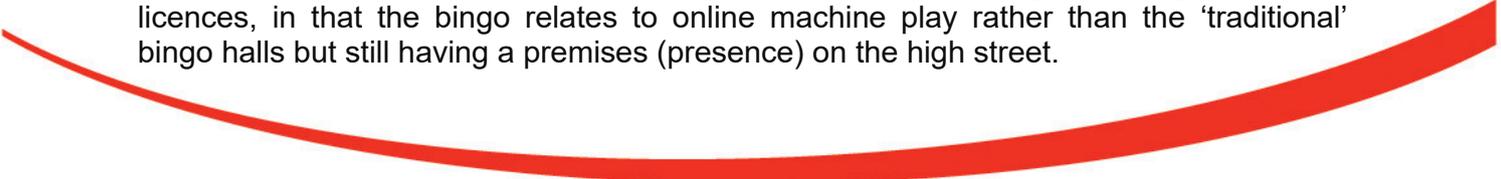
There is also no ability under the Gambling Act to control the concentration of gambling premises (ie 'clustering' of betting shops) like there is with a 'cumulative impact' policy for alcohol licensed premises under the Licensing Act in which we can take into account the impact of nearby pubs etc on the local neighbourhood (such as nuisance, crime and antisocial behaviour).

Removing the 'aim to permit' requirement in the Gambling Act and introducing powers for Councils to limit the number of gambling premises within a defined area are needed to address local concerns more effectively.

Worrying recent trends in Enfield

Enfield currently licences 71 betting shops, 5 bingo premises and 3 adult gaming centres. Since March 2020 (i.e. the first Covid lockdown), one betting shop licence has been surrendered, yet three new bingo premises licences and two new adult gaming centres have applied for licences. Prior to Covid, there were relatively few new applications. It is of great concern to us that gambling premises intensifies further at a time when the Council is seeking to support the recovery of our high streets which have been hit hard by the pandemic.

In addition, we have noticed a worrying new trend developing with bingo premises licences, in that the bingo relates to online machine play rather than the 'traditional' bingo halls but still having a premises (presence) on the high street.



The default position in the Gambling Act is that bingo may be provided (online or in house) between 9am and midnight, however there is no restriction on times for general gaming machines, therefore this activity is permitted 24 hours per day. Furthermore, the number of Category B (£2 stakes) that may be made available machines must not exceed 20% of the total gaming machines available for use on the bingo premises, in addition to any number of category C (£1 stakes) and D (10p stakes) machines. Category B attracts a maximum prize of £500, which is a big attraction to the use of such gaming machines. There are no restrictions in the Gambling Act on the opening hours of these premises. Our communities find it incomprehensible that a Council have to 'allow' 24-hour gambling machines.

GamCare is the leading provider of information, advice and support for anyone affected by gambling harms. [GamCare's annual review in 2019/20](#) reported that 69% of problem gamblers use online gambling and 38% use bookmakers. Gamcare also reported receiving more calls to their helpline and treating more clients with gambling problems than the previous year. The greatest number of calls from problem gamblers to their national helpline came from London. GamCare also reported that within bookmakers, gaming machines were the most common form of gambling (53%).

We recognise that problem gambling can affect all genders, all age groups and ethnicities. Enfield has a very diverse population of 22 different ethnic groups. It is noteworthy that the GamCare report (2019/20) identified that compared to White gamblers, those who identified as Black or Black British were more likely to use betting shops (54% compared to 37%), and those that identified as Asian or Asian British were also more likely to use betting shops (49%) than White clients.

All these Gamcare findings are directly relevant to Enfield's population:

- Greater use of online gambling,
- Higher numbers of problem gamblers seeking help from London,
- The greater use of betting shops by persons identifying as Black/Black British or Asian/Asian British

Conclusion

The current gambling and planning legislation provide Councils with insufficient powers to respond to the concerns raised by local residents, which appear to be greater in voice and numbers than those who appear to benefit from the gambling premises. The Government should remove the 'aim to permit' requirement in the Gambling Act which stifles local decision making. Councils need greater powers to control clustering and proliferation of gambling premises (such as a cumulative impact policy in the Licensing Act 2003). Councils also need to be able to restrict the general gaming machines in bingo premises as currently this activity is permitted 24 hours per day.

I look forward to receiving your response.

Yours sincerely,



Cllr Nesil Caliskan
Leader of the Council

Please reply to: Cllr Nesil Caliskan
Leader of the Council
Email: cllr.nesil.caliskan@enfield.gov.uk

Phone: 020 8379 4116

Date: Wednesday 31 March 2021

Nigel Huddleston
Minister for Sport, Tourism and Heritage

Sent via email to:
gamblingactreview@dcms.gov.uk

Dear Mr Huddleston

Re: DCMS Gambling Act Review – Call for Evidence

Thankyou for inviting a review of the Gambling Act which is much needed. We are responding to this consultation on behalf of the Council and residents of Enfield.

We can confirm that this response may be published in connection with this review.

Overall comments

Our overarching concern is that we have minimal ability through the Gambling Act or planning legislation to limit gambling premises and to support our residents in their concerns about clustering, proliferation and impact of gambling premises. This is of particular concern as the borough experiences some of the highest levels of deprivation and poverty. Despite the covid pandemic, over the last year we have seen more applications for gambling premises than we have received for some time. This is of grave concern to us particularly as the borough seeks to support the vitality of our high streets and their recovery from the pandemic.

We support the aim to make gambling safer for both the players and the general public, especially of the most vulnerable, and to strengthen powers available to the local authority in decision making.

Stifled ability in decision making

The London Borough of Enfield has a large, diverse and growing population. Too many of our residents face significant economic and social challenges in their lives. They experience some of the highest levels of unemployment, lowest levels of income, deprivation and child poverty.

Enfield is within the top 25% of the most deprived local authorities in England, with many wards being in the top 10-20% most deprived wards nationally. Deprivation in the borough is worsening with Enfield now the 9th most deprived London Borough (2020), rising from

14th in 2010 and 12th in 2015. Most of the wards in Enfield have a child poverty score worse than the London and England average.

As our [Local Area Profile](#) in our Gambling Policy shows, many of the premises licensed for gambling are concentrated in the areas of our borough with the worst deprivation, poorest mental health, highest unemployment rates and highest number of working age benefit claimants. These are potentially our poorest and most vulnerable residents.

Whilst as a Council we continue to endeavour to 'place make', regenerate our borough and improve the quality of our residents' lives, we are practically powerless to restrict gambling premises under the Gambling Act (or planning legislation). The Gambling Act requires Councils to 'aim to permit' gambling such that it is extremely difficult to refuse a licence despite objections and high levels of community concern. Unlike alcohol control, where the harms are readily apparent in drunken behaviour and nuisance, problem gambling is less visible and have devastating impacts on the person, their relationships, their family, their health and cause significant debt. There is no 'aim to permit' requirement in the Licensing Act regime.

There is also no ability under the Gambling Act to control the concentration of gambling premises (ie 'clustering' of betting shops) like there is with a 'cumulative impact' policy for alcohol licensed premises under the Licensing Act in which we can take into account the impact of nearby pubs etc on the local neighbourhood (such as nuisance, crime and antisocial behaviour).

Looking holistically at town planning, the new [London Plan 2021](#) highlights concerns around betting shops and suggests that the concentration and proliferation of these uses should be carefully managed through development plans and decisions to supporting the vitality and viability of the borough's centres. The ability to adopt a restrictive approach to harmful uses can help to achieve these objectives.

Worrying recent trend

Enfield currently licences 71 betting shops, 5 bingo premises and 3 adult gaming centres. Since March 2020 (i.e. the first covid lockdown), one betting shop licence has been surrendered, yet three new bingo premises licences and two new adult gaming centres have applied for licences. Prior to covid, there were relatively few new applications. It is of great concern to us that gambling premises intensifies further at a time when the Council is seeking to support the recovery of our high streets which have been hit hard by the pandemic.

In addition, we have noticed a worrying new trend developing with bingo premises licences, in that the bingo relates to online machine play rather than the 'traditional' bingo halls but still having a premises (presence) on the high street. The default position in the Gambling Act for online machine play for bingo is to permit this activity 24 hours per day. This means that whilst bingo on the premises is required to cease at midnight, in reality

the premises can continue to be open to allow bingo machine play online 24/7. There are no restrictions in the Gambling Act on the opening hours of these premises. Our communities find it incomprehensible that a Council have to 'allow' 24 hour online bingo machines.

GamCare is the leading provider of information, advice and support for anyone affected by gambling harms. [GamCare's annual review in 2019/20](#) reported that 69% of problem gamblers use online gambling and 38% use bookmakers. Gamcare also reported receiving more calls to their helpline and treating more clients with gambling problems than the previous year. The greatest number of calls from problem gamblers to their national helpline came from London. GamCare also reported that within bookmakers, gaming machines were the most common form of gambling (53%).

We recognise that problem gambling can affect all genders, all age groups and ethnicities. Enfield has a very diverse population of 22 different ethnic groups. It is noteworthy that the GamCare report (2019/20) identified that compared to White gamblers, those who identified as Black or Black British were more likely to use betting shops (54% compared to 37%), and those that identified as Asian or Asian British were also more likely to use betting shops (49%) than White clients.

All these Gamcare findings are directly relevant to Enfield's population:

- Greater use of online gambling,
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Response to some of the specific questions in the Review:

The Gambling Commission's powers and resources

Q19: Is there evidence on whether the Gambling Commission has sufficient investigation, enforcement and sanctioning powers to effect change in operator behaviour and raise standards?

A19: During the last 2 years, when enforcement officers share intelligence with the Gambling Commission, the response has been that there are insufficient resources to pursue matters. Up until 2019, this authority conducted regular successful joint operations with the Gambling Commission. Without this support and expertise, the licensing authority have not been able to maintain the same level of operations.

Q21: What evidence is there on the potential benefits of changing the fee system to give the Gambling Commission more flexibility to adjust its fees, or potentially create financial incentives to compliance for operators?

A21: This question relates to Gambling Commission fees, but it is important to comment here that the fees set by Licensing Authorities for Gambling Act applications are also capped and have not changed since 2005. The Gambling Act fees should also be reviewed to allow licensing authorities the ability to set fees to reflect local costs, or at the very least be increased nationally.

Land based gambling

Q43: Is there evidence on whether licensing and local authorities have enough powers to fulfil their responsibilities in respect of premises licenses?

A43: No - licensing and local authorities do not have sufficient powers to control gambling in their boroughs. Please see all the comments earlier in this response.

63% of Enfield's betting shops are located in the most deprived wards in the borough where the highest number of incidences of crime associated with betting shops occur. 20% of the betting shops within the borough are located in the three of wards (Edmonton Green, Upper and Lower Edmonton), that are amongst the 10% of most deprived wards nationally.

Neither the licensing nor the planning framework provides Councils with effective powers to limit the number of gambling premises in their areas, and many gambling premises, particularly betting shops were established long before the Gambling Act 2005.

The Gambling regime in particular legally requires Councils to 'aim to permit' gambling premises, and so is a fundamental obstacle in refusing applications where gambling is not welcomed, and/or does not meet wider regeneration plans for local areas.

There is also no ability under the Gambling Act to control the concentration of gambling premises (i.e. 'clustering' of betting shops) as there is with a 'cumulative impact' policy for alcohol licensed premises under the Licensing Act in which you can take into account the impact of nearby pubs etc on the local neighbourhood (such as nuisance, crime and antisocial behaviour).

Introducing powers to limit the number of gambling premises within a defined area would be a very welcomed tool to address local concerns more effectively.

All the new applications we have received during the Covid-19 pandemic (mentioned above) have been granted, four by delegated authorisation due to no outstanding representations, and one application was determined at a hearing by the Licensing Sub-Committee due to objections from a local resident group.

Following the grant of these new applications, residents have since become aware of the applications and reported their concerns and object to the application process and the

licence being granted. Residents comment that they have been complying with Government guidelines to “stay at home”, therefore the opportunity for residents to observe the application site notice displayed on a premises was severely reduced, and the newspaper article advertising requirement cannot guarantee it reaches the potentially affected audience.

The licensing authority can confirm that the advertising requirements were met for these applications but can also understand the public perception that the process is unfair as a result of no amendment to the legislation covering advertising during lockdowns and the pandemic. A Government direction regarding advertising of licence applications to reflect the lockdown and pandemic circumstances would have been welcomed to ensure fairness and openness was achieved.

Conclusion

The current gambling and planning legislation provide Councils with insufficient powers to respond to the concerns raised by local residents, which appear to be greater in voice and numbers than those who appear to benefit from the gambling premises.

Councils need greater powers to control clustering and proliferation of gambling premises (such as a cumulative impact policy in the Licensing Act 2003). The fees also need to be increased or set locally. We also call on the Government to remove the ‘aim to permit’ requirement in the Gambling Act which stifles local decision making.

Yours sincerely



Cllr Nesil Caliskan
Leader of the Council



Cllr George Savva
Cabinet Member for Licensing & Regulatory Services