

Equality Analysis Template

Name of proposal	Revision to Gambling Statement 2019-22
Lead officer	Lisa Hooper lisa.hooper@lewisham.gov.uk
Other stakeholders	Responsible Authorities under Gambling Act 2005
Start date of Equality Analysis	October 2018
End date of Equality Analysis	December 2018
Step1: Identify why you are undertaking an Equality Analysis	
<p>Revision to Gambling Statement which outlines the licensing authorities approach to considering applications or licensable activities under the Gambling Act 2005.</p> <p>This assessment has been prepared as part of the policy drafting process prior to circulation of the draft policy for a period of consultation. It will be reviewed directly following the consultation period closing and updated with reference to any feedback from consultees which may have a bearing on the assessment.</p>	
Step 2: Identify the changes to your service	
<p>Licensing authorities are required by the Gambling Act 2005 to publish a Statement of Principles that they propose to apply when exercising their functions under the 2005 Act. The Statement must be published at least every three years and can be reviewed from “time to time” with any amended parts re-consulted upon.</p> <p>The 2019-2022 Statement will be circulated for consultation for a period of 6 weeks from 10 October – 21 November 2018, and come in to effect on the 31 January 2019. The objective of the Statement of Principles is to inform interested parties of the principles the licensing authority proposes to apply when exercising its functions under the Gambling Act 2005. The authority must have regard to the licensing objectives as set out in section 1 of the Act:</p> <ul style="list-style-type: none"> • To prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime; • To ensuring that gambling is conducted in a fair and open way; • To protect children and other vulnerable persons from being harmed or exploited by gambling. <p>The Licensing authority aims to permit the use of premises for gambling:</p> <ul style="list-style-type: none"> • In accordance with the relevant code of practice, as issued by the Gambling Commission; • In accordance with the relevant guidance, as issued by the Gambling Commission; • reasonably consistent with the Licensing Objectives; and • In accordance with this Statement of Gambling Principles. <p>The Equalities Impact Assessment has attempted to assess the likely impact of the revised policy on persons living, visiting and working within the Borough.</p> <p>There are 73 licensed gambling premises within the borough. These are located across the Borough with concentrations in certain areas, mostly around town centres such as Catford, Lewisham, and Deptford High Street.</p>	

The Gambling Statement of Principles has scope to advance equality by promoting good relations and reduce inequality and protect vulnerable persons. The Statement supports a culture of openness where appropriate information can be accessed by all parties, hearings are generally held in public and enforcement is in line with the principles promoted within the council's enforcement policy.

Partnership working and exchange of information (within legal constraints) is also supported by the Statement. In this way we hope to promote understanding between those providing gambling opportunities and those potentially affected by them. As with applications under other laws such as the Licensing Act 2003, we will seek to mediate between applicants and objectors and reach negotiated settlements wherever possible.

From April 2016 gambling operators must conduct local risk assessments for their premises to demonstrate that they understand local issues and to show what measures they propose to introduce to mitigate against the risk of harm to children and vulnerable persons. (Gambling Commission's Licensing Conditions and Codes of Practice responsibility code provision 10.1.1)

Vulnerable people should be protected from harm. Who 'vulnerable people' are or the ways in which they may be vulnerable is not defined by the 2005 Act, though the Gambling Commission states that for regulatory purposes this is likely to include: *"people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs."* (GC, 2012)

The Gambling Commission's Licence Conditions and Codes of Practice and Social Responsibility Code Provisions state that licensees must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this policy;
- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence; and
- d. in any case, undertake a local risk assessment when applying for a new premises licence.

The risk assessment should demonstrate the applicant has considered, as a minimum:

- local crime statistics;
- any problems in the area relating to gambling establishments such as anti-social behaviour or criminal damage;
- the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- the type of gambling product or facility offered;
- the layout of the premises;
- the external presentation of the premises;
- the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
- the customer profile of the premises;
- staffing levels;

- staff training, knowledge and experience;
- Proximity to schools, and if within 400m radius of a school, how they will mitigate the risk of that proximity to ensure that young people are not negatively impacted
- whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.

The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of places where children congregate such as bus stops, cafes, shops etc.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, underage drinking etc.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

The policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

Step 3: Assessment of data and research

Data/Statistics of existing licence premises was reviewed.

Statistics on gambling prevalence was reviewed from the Gambling Commission.

Step 4: Consultation

Section 349 of the Gambling Act requires licensing authorities to consult with the following on their policy statement or any subsequent revision:

- in England and Wales, the chief officer of police for the authority's area;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

In line with statutory requirements, Lewisham's Licensing Authority published its revised version of the Gambling Policy for 2019-22 which went out to public consultation for 6 weeks on 10 October 2018 and closed on 21 November 2018.

The consultation was advertised on the Lewisham council website and sent to all consultees on the consultee list (see 4.8 below). Additionally a newspaper advert was also published in the Lewisham & Catford News shopper on 24 October 2018 and a public notice was also advertised outside the Civic Suite in line with the Gambling Act 2005 consultation regulations.

Where the policy statement is reviewed and changes proposed, licensing authorities must consult on the revision. Authorities only need to consult on the revision made to the policy, not the whole body of the policy statement. However for completeness and

transparency, Lewisham's Licensing Authority has published the full body of the revised policy.

The following list of consultees will be directed contacted for feedback on these revisions to the policy:

- Lewisham Police – Borough Commander and Licensing Officer
- London Fire Brigade
- LBL Environmental Health
- LBL Planning Authority
- LBL Safeguarding Children's Board
- LBL Safeguarding Adult's Board
- LBL Children's Services
- LBL Public Health Board
- HM Revenue and Customs
- Gambling Commission
- Lewisham Elected Councillors
- Lewisham MPs
- Greater London Authority Members
- Lewisham Council Directors
- London Borough of Southwark - Licensing Authority & Chief Executive
- London Borough of Bromley - Licensing Authority & Chief Executive
- London Borough of Croydon - Licensing Authority & Chief Executive
- Royal Borough of Greenwich - Licensing Authority & Chief Executive
- All Gambling Premises in the Borough
- GamCare
- Age Concern Lewisham
- CGL Lewisham
- LBL Prevention and Inclusion Team
- Safer London
- Lewisham Disability Coalition
- Lewisham Irish Centre
- Citizens Advice Bureau
- Lewisham Victim Support
- Refuge
- Lewisham Faith Groups
- NSPCC South London
- Metro Centre Greenwich
- Samaritans Lewisham
- 2000 Community Action Centre
- New Cross Betwatch
- Local Assemblies
- Betfred – Head Office
- William Hill – Head Office
- Ladbrookes – Head Office
- Coral – Head Office

The consultation received 17 responses online from members of the public, of which 8 gave a written response which is outlined in appendix 1.

Overall, these responses took a negative view of the gambling industry and the presence of gambling premises in the borough. Many raised concerns around the negative impact of gambling on the vulnerable and on society as a whole.

Further responses were received from the following statutory and non-statutory bodies:

Gam Care response:

Urged the licensing authority to:

- Develop a risk map of your local area so that the authority is aware of both potential and actual risks around gambling venues.
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- Ensure operators develop detailed local risk assessments at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area to ensure operators and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Consider whether operators training programmes ensure staff can identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately
- Consider operator's staffing numbers key points throughout the day
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

Public Health response:

Advised the Licensing Authority to consider the following:

- Include of data in section 1 on local levels of deprivation in the borough and/or any health related data on conditions linked to problem gambling e.g. depression/anxiety, substance misuse.
- In Section 3 of the policy, in the consideration of applications section, consider the following factors listed:
 - proximity to other gambling establishments
 - application in an area of high deprivation
 - proximity to schools, particularly where they are within a 400 meter radius
- Proximity to schools has been listed already but could be strengthened by adding in the 400m radius, which has been suggested in other local authorities (Barking and Dagenham) and is a standard being used in the schools superzones work which Public Health. There is evidence that 16% of 11-15 year olds spend their own money on gambling activity (Gambling Commission, 2016), which we would hope to bear in mind when considering applications locally that are in close proximity to schools (and even youth services).
- The other suggestions are based on evidence that there are twice as many fixed odds betting terminals in the country's 55 most deprived areas as there are in the richest 115 districts, with the same pattern being visible in London. This suggests potential clustering with deprivation, which could exacerbate any problem gambling in those areas.
- Consider developing a scoring system for risk of gambling-related harm in terms of applications received. A similar tool currently used by Public Health to assess alcohol licence applications. This would help identify if an application is being made in a high risk area thus requiring additional mitigations/conditions.

All of the above recommendations we accommodated as part of the revised statement to further strengthen its positive impact on reducing any negative impact on protected characteristics around age and class/socio economics.

Step 5: Impact Assessment

All of the above recommendations we accommodated as part of the revised statement to further strengthen its positive impact on reducing any negative impact on protected characteristics around age and class/socio economics and disability/addiction.

Taking all the consultation responses in to account and considering the purpose of the gambling statement of principles, it is deemed that the statement will not have an adverse effect on the protected characteristics. A breakdown of reasoning is provided below:

Effects on Protected Characteristics:

Class or socio-economic disadvantage

- The Statement of Principles and the licensing process would have a low or positive impact on the protected characteristic of Dignity, Human Rights and Socio-economic disadvantage.
- Under the revisions to the statement premises would have to consider how they can prevent adverse impact from their operations on vulnerable persons living within the poorest socio-economic areas within its local area risk assessment.
- Training is also required for staff to identify vulnerable persons with the store and to take actions to address this.

Age

- Under 18's are precluded from entry to gambling premises to protect them from harm. It is an offence to invite, cause or permit a person under 18 to gamble and an offence for those under 18 years to work in a gambling environment.
- Consultation will take place with Children's Services and Public Health on the revised Gambling Policy.
- Revisions to the policy include references to location of schools which must be considered as part of any gambling application. The licensing authority will expect to now see this considered as part of any risk assessment. This is a positive change that will enhance the statements ability to protect young people from potential negative impact of gambling in the community.
- Under 18 notices and other age related policies will demonstrate age verification and this will be checked on compliance checks.
- Young people are more likely to be impacted by online gambling and concern has been raised about the link between gaming and gambling, where gambling style games allow you to win online (Young Gamblers Education Trust). This type of gambling is not covered by the Statement of Principles.

Disability

- This is deemed to be low impact. During inspections, officers will refer any relevant details to planning if it is suspected there may be accessibility issue or a lack of planning permission.
- It is identified that this characteristic may be vulnerable in a gambling environment and this is factored into the Gambling Commission's Social

Responsibility Code Provisions and compliance checks will ensure policies and risk assessments recognise this fact.

- In some licenced premises it may be necessary for purposes of public safety that patrons may need to be excluded from certain premises. For example, licence conditions may prevent non-ambulant people from entering first floor premises unless an adequate means of escape exist.
- However, this should be mitigated by the duty placed on premises owners to make reasonable adjustments to premises to accommodate disabled visitors.

Pregnancy / maternity

The revised Statement of Principles would have a neutral impact on the protected characteristic of pregnancy and maternity/paternity.

Race

- This is deemed low impact. The Gambling Commission have identified that problem gambling is more prevalent in men, in younger age groups and in those of Asian/ Asian British or Black/Black British origin. This would have no impact on the Licensing Statement of Principles and the premises licence application process but would have a factor and scope within a licensed premises local risk assessment if the premises was situated in an area resided mainly by these groups.
- Again, the revisions to the statement strengthens the requirements for operators to undertake thorough risk assessments as part of application as well as to undertake an annual review, therefore these revisions should have a positive impact on this characteristic.
- Operators would be bound by the Gambling Commissions Licence Conditions and Codes of Practice and social responsibility code provisions.

Religion or Belief

- This is deemed to be low impact.
- There is a right of any person to make an application, make representations about an application, or apply for a review of a licence, and each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- The Gambling Commission's Guidance is that charities and faith groups can be "interested persons" able to make a representation or objection to a licence application. However moral objections are not a valid reason to reject applications for a premises licence.
- It is possible however for local religious groups to be affected by gambling premises operations in terms of adverse impacts on their group members and activities and each operator in the Borough is required to take into account the proximity of, for example, faith schools, places of worship and places of gathering within their local risk assessments.

Sex / Gender

- This is deemed to have a neutral impact on the protected characteristic of Sex (gender)

Sexual Orientation

- The revised Statement of Principles would have a neutral impact on the protected characteristic of Sexual Orientation

Transgender

- Gender is not identified as a factor in the Statement of Principles

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Step 6: Decision/ Result

It is not deemed that the statement of gambling principles will have no adverse effect on the protected characteristics. In some cases, for example age and class/socio economics, it will have a positive effect in that the statement seeks to protect these groups of negative impact of gambling activities.
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Step 7: Equality Analysis Action Plan
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Actions we will take to ensure there is no adverse effect will be to ensure premises are considering their own impact on vulnerable persons such as persons with disabilities or with gambling addictions. Continued engagement with operators to ensure local area risk assessments are undertaken and these are suitable. Equality monitoring forms will be distributed in these instances.
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Sign Off

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