

Appendix C - Summary of Consultation Responses (Supplement)

Burnt Oak Residents Association consultation response.

Key Messages

<p><u>Approach: shift to a two-stage process</u></p> <p>The Borough could prepare a Cumulative Impact Assessment to support its Statement of Principles. This approach has been taken elsewhere and is entirely compatible with the Licensing Act 2003. We consider it to be best practice and that it will be acceptable to all stakeholders.</p>	<p>The Licensing Policy is due for renewal in 2024 and we will investigate the suggestion made.</p> <p>The Licensing Team will take a steer from their legal department in relation to this request to ensure that any changes made are in line with both the Licensing Act 2003 and Gambling Act 2005.</p>
<p><u>Boundaries: accept that real-life harms stretch beyond administrative lines</u></p> <p>Town centres located in more than one borough should be treated as special cases. Steps should be taken to develop analysis sophisticated enough to capture these realities.</p>	<p>We are unable at this stage to amend the format or information contained within the Local Area Plan as set out in the current revised Statement of Principles.</p> <p>The Licensing Team are keen however to engage with colleagues in Insight & Intelligence Team to gather the appropriate intelligence in order to make the Local Area Profile a standalone document that can go live with the introduction of the 2027's revised Statement of Gambling Principles.</p> <p>Extensive work will need to be undertaken in this area that we will unfortunately not be able to include within the current proposal.</p>
<p><u>Collaborate: make use of specialist resources within the council</u></p> <p>The licencing team should seek assistance from the Council's data and analytics experts to underpin the feasibility of the above two recommendations.</p>	<p>We are unable at this stage to amend the format or information contained within the Local Area Plan as set out in the current revised Statement of Principles.</p> <p>The Licensing Team are keen however to engage with colleagues in Insight & Intelligence Team to gather the appropriate intelligence in order to make the Local Area Profile a standalone document that can go live with the introduction of the 2027's revised Statement of Gambling Principles.</p> <p>Extensive work will need to be undertaken in this area that we will unfortunately not be able to include within the current proposal.</p>
<p><u>Duties: Gambling Commission Annual Returns</u></p>	<p>We can confirm that all Annual Return data for the Gambling Commission is and was up to date.</p>

We strongly request the Licensing Team submit all the data required by the Gambling Commission in the form of Annual Returns.	Contact is being made with the Gambling Commission to ascertain where the issue lays in relation to the incorrect information that they have published.
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SoP summary of Changes

Section	Consultation Responses	Licensing Comments
1.1	BORA supports LBB's continued resolution not to issue casino licences	No amendments required to the proposed Statement of Principles.
13.3	<p>We are happy that LBB has retained the statement about information sharing with responsible authorities since this contributes to evidence-based data-driven policy and decision-making at the national level.</p> <p>We are aware that on occasion LBB failed to submit an Annual Return to the Gambling Commission.¹ We therefore request that the Licensing Team ensure all future Returns are submitted on time and that missing Returns are submitted as well.</p>	<p>No amendments required to the proposed Statement of Principles.</p> <p>We can confirm that all Annual Return data for the Gambling Commission is and was up to date.</p> <p>Contact is being made with the Gambling Commission to ascertain where the issue lays in relation to the incorrect information that they have published.</p>
39.1	we take no issue with the Council's intention to take cultural strategy more seriously. As such, we would like to signpost SOP produced by Westminster City Council ("WCC") as an approach for LBB to consider in future. WCC has with significant tourism, cultural and licensing responsibilities and their approach to gambling licensing policy is considered best practice	<p>The Licensing Team have already started the process of engaging with WCC in relation to the development of their LAP and CIA documents.</p> <p>We are aware of extensive work that will need to be undertaken in this area which we will do so with our Insight & Intelligence team and other appropriate partners.</p>
Appendix A:	<p><u>LBB Local Area Profile</u></p> <p>BORA was keen to compare our ward to other wards. However, Map 1's resolution was not sharp enough to determine the exact number of premises in each ward. The LAP would be much improved if Map 1 was supplemented with a table showing the count for each ward, the borough total and the percentage of that total for each ward. It would also be useful for that table to be included in the Licensing Committee's Annual Report (perhaps with prior year comparatives).²</p> <p>BORA found it challenging to draw conclusions from other maps in LBB's LAP. We believe it</p>	<p>We are unable at this stage to amend the format or information contained within the Local Area Plan as set out in the current revised Statement of Principles.</p> <p>The Licensing Team are keen however to engage with colleagues in Insight & Intelligence Team to gather the appropriate intelligence in order to make the Local Area Profile a standalone document that can go live with the introduction of the 2027's revised Statement of Gambling Principles.</p>

¹ See: <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/licensing-authority-statistics-2021-to-2022-revision#files>.

² NB: The prior year annual report (presented to Councillors on 07/11/22) is only includes the grand total:

<https://barnet.moderngov.co.uk/documents/s74874/Licensing%20Authority%20Annual%20Committee%20Report%20final.pdf> (accessed 25/10/2023).

	<p>could be improved if more detailed analysis was sought from analysts in LBB’s Insight and Intelligence Team and if methodological information was subsequently published as well³. This would be in line with LBB’s Corporate plan which puts a particular emphasis on increased collaboration and transparent decision making⁴.</p> <p>LBB’s aspiration should be to produce a CIA prior to its LAP – proportional to LBB’s context. For example, WCC’s LAP identifies localities subject to enhanced risk. These are known as Gambling Vulnerability Zones. If an application relates to a premise in one of these zones, then WCC will apply specific special policies.⁵ The identification of such zones is dependent on the CIA. BORA believes that much of the data needed to create a CIA is likely to already exist in LBB however, as an interim step in its development, LBB could emulate neighbouring borough LAPs such as Haringey⁶ and Enfield⁷.</p> <p>The following points about adoption of an enhanced (WCC-style) process should be noted:</p> <ul style="list-style-type: none"> - It does not impose additional regulatory burdens for their own sake;⁸ - It allows licensing authorities to comply with the “aim to permit” concept yet respond to repeated concerns about concentrations of gambling premises⁹; - A Licensing Authority Statement must be made regarding the likelihood of refusing to grant licenses in specific areas (on the basis of risks identified)¹⁰; and - A licensing authority needs to consult on a CIA prior to it being included in a SOP/LAP. 	<p>Extensive work will need to be undertaken in this area that we will unfortunately not be able to include within the current proposal.</p>
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³ Contact: head of Organisational Insight and Intelligence, James.Rapkin@Barnet.gov.uk

⁴ LBB Corporate Plan : <https://www.barnet.gov.uk/media/14547> (accessed 25/10/2023).

⁵ WCC’s SOP is here: <https://www.westminster.gov.uk/media/document/statement-of-licensing-principles-for-gambling-december-2022> (accessed 25/10/2023). Section F (Spatial Policies) is relevant.

⁶ Haringey’s LAP (accessed 25/10/23): https://www.haringey.gov.uk/sites/haringeygovuk/files/gambling_local_area_profile.pdf

⁷ Enfield’s LAP (embedded in SOP, accessed 25/10/23): https://www.enfield.gov.uk/_data/assets/pdf_file/0030/17877/DRAFT-6th-Edition-Statement-of-Principles-and-Local-Area-Profile-Document.pdf

⁸ WCC’s LAP, para. 1.3 (see link above).

⁹ While we have not conducted an in-depth analysis, BORA believes that if LBB produced a CIA, some areas of Burnt Oak would be designated as a Gambling Vulnerability Zone. As such we are very interested in WCC’s “intersectional” risk approach (as described in its LAP).

¹⁰ See page 19 of WCC’s CIA (accessed 25/10/23): https://www.westminster.gov.uk/media/document/_020-cumulative-impact-assessment---october-2020 .

	<p>BORA believe that one additional innovation has not been explored by WCC, which should be applied in future LBB analysis – that of “Hot Boundary”. These can be seen as a special case of “hot spot” - the distinction is that the hot spot crosses at least one administrative boundary. The problem with all the SOP analysis is that it:</p> <ul style="list-style-type: none"> - Naively treats spatial data as if lived experiences take place in a single borough; - Masks situations where increased exposure to vulnerable people exists because it does not scope in all the relevant data; - Failure to capture all adjacent harms; and therefore - Results in incomplete policy conclusions (false negatives¹¹) which potentially increases the risk of further harms. <p>Hence, ironically, some SOPs have been a systemic source of gambling-related harms themselves.</p> <p>If analysis is to be fit for purpose it must properly address the Hot Boundary phenomenon. This means that data from more than one borough needs to be collected, aggregated and analysed in a rare number of cases¹².</p> <p>BORA considers Burnt Oak Broadway to be Hot Boundary (see analysis in Appendix 4).¹³ To address this in future, we would expect LBB to liaise with LB Harrow and LB Brent for its spatial data. Again, this should not be seen as an additional burden on LBB because it has signed a 'Statement of Common Ground' with both boroughs which commit it to working with the other boroughs to improve Burnt Oak Town Centre.¹⁴</p>	
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¹¹ A false negative is a conclusion that no/low harms exist in a particular locality when the opposite is true. The point is: if a conclusion of no/low risk cannot be sustained when LBB data is “stitched together” with another boroughs, then it should not be sustained when data from LBB is analysed in isolation.

¹² Our analysis show that Hot Boundaries in London are rare and that in Barnet, there are potentially four, all of which are on the A5 (see Appendix 3).

¹³ It should be noted that while our analysis shows duplication of Gambling Operator premises in Burnt Oak Town Centre, it is not an argument designed to challenge over supply, since considerations about the of lack of “demand” in an area are not permitted under the Licensing Act 2003.

¹⁴ Statement with Harrow can be found here: <https://www.barnet.gov.uk/sites/default/files/LB%20Harrow%20SCG.pdf> (accessed 25/10/23). Statement with Brent can be found here: https://www.barnet.gov.uk/sites/default/files/EB_SoCG_01%20LB%20Brent.pdf (accessed 25/10/23).

