

EQUALITY ANALYSIS (EA)

POLICY/PROPOSAL:	Statement of Gambling Principles
DEPARTMENT:	Neighbourhoods and Environment
TEAM:	Licensing Team/ Regulatory Services
LEAD OFFICER:	Anu Prashar
DATE:	11 October 2024

NB: Please ensure you have read the accompanying EA guidance and instructions in full.

SECTION A – INITIAL SCREENING

1. Please provide a description of the policy, proposal, change or initiative, and a summary its objectives and the intended results.

Brent Council is the licensing authority under the Gambling Act 2005 (the Act) and is responsible for granting premises licences for gambling in the Borough. The Act created the Gambling Commission as a national regulatory body to enforce stronger gambling regulations. S.349 of the Act requires the council to publish a statement of the principles that it proposes to apply when exercising its functions under the Act. This statement must be published every three years. The statement must be reviewed from time to time and if the council thinks it necessary in the light of a review, revise the statement and publish any revision of it before it comes into effect.

The council is required to consult widely on the statement and any revision of it. The Statement was last revised in January 2024 after the policy was extended by Full Council in November 2022 for two years. To bring the policy in line with the Gambling Commission review timetable this policy will be reviewed again but in a light way. Brent Council has reviewed its Statement of Principles and undertaken a public consultation exercise in order that the latest version can be agreed by the Full Council in November 2024 and published in January 2025.

Consultees included the chief officer of police, one or more persons representing the interests of persons carrying on gambling businesses in the authority's area, and one or more persons representing the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

Activities covered by legislation and this policy include:

- (a) The licensing of premises where gambling activities are to take place by issuing *Premises Licences*

- (b) Issue *Provisional Statements*
- (c) Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- (d) Issue *Club Machine Permits* to *Commercial Clubs*
- (e) Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- (f) Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- (g) Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- (h) Register *small society lotteries* below prescribed thresholds
- (i) Issue *Prize Gaming Permits*
- (j) Receive and Endorse *Temporary Use Notices*
- (k) Receive *Occasional Use Notices*
- (l) Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- (m) Maintain registers of the permits and licences that are issued under these functions

The council exercises its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities

The existing policy sets out the general approach the council will take when considering applications for licences. The Act provides a clear focus on the three licensing objectives which are:

- (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;
- (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling

This draft Statement of Gambling Principles has been updated using the Gambling Act 2005 which remains unchanged together with the latest guidance issued by the Gambling Commission to local authorities.

Gambling operators are required to produce robust risk assessments using local area profiles to minimise gambling related harm. Local Area Profiles such as deprivation index, unemployment, hostels, housing, pay day loan shops, schools etc. for Brent have been introduced which includes interactive maps for gambling operators to use in order to produce their risk assessments.

Where areas are identified as posing a significant risk of gambling related harm to individuals but especially to children and vulnerable adults, any new operator will be asked to consider relocating their premises to a more suitable location. Examples of such areas include

Wembley High Road, Harlesden High Street, Kilburn High Road etc., which have high footfall as well as those near supported accommodation, addiction treatment centres. This is not an exhaustive list as other factors also affect gambling related harm.

2. Who may be affected by this policy or proposal?

The Statement will affect all residents, businesses and visitors to the Borough who may be affected by premises- based gambling activity.

The Statement will be used by the council to regulate gambling activity within its responsibility, and it aims to balance the needs of all stakeholders to ensure gambling is lawful and the activity is safe.

3. Is there relevance to equality and the council's public sector equality duty? Please explain why. If your answer is no, you must still provide an explanation.

The council recognises that many people enjoy gambling as part of their entertainment, leisure and sporting activities from which economic and social benefits arise for businesses. Appropriately licensed and regulated gambling should help to exclude illegal gambling. Gambling creates employment in the borough, but it also presents risks to children, vulnerable adults, existing problem gamblers, and in certain circumstances being the cause of crime and disorder.

Most of the gambling establishments are owned by large businesses. There are very few owned by people from the disadvantaged groups, although they account for a large proportion of users. We will continue to monitor gambling operations to detect any adverse effect on these groups.

Brent Council in its role as licensing authority recognises the importance of its decision making process, the input of all stakeholders, and the application of this Statement of Principles in relation to the Gambling Policy to deal with the competing interests of business and local communities. The council will therefore seek to strike a balance between the different aspirations and requirements of businesses, local residents and the many visitors to the borough.

4. Please indicate with an "X" the potential impact of the policy or proposal on groups with each protected characteristic. Carefully consider if the proposal will impact on people in different ways as a result of their characteristics.

Characteristic	Impact Positive	Impact Neutral/None	Impact Negative
Age		X	

Sex		X	
Race		X	
Disability *		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage		X	

5. Please complete **each row** of the checklist with an “X”.

Screening Checklist

	YES	NO
Have you established that the policy or proposal <i>is</i> relevant to the council's public sector equality duty?	X	
Does the policy or proposal relate to an area with known inequalities?		X
Would the policy or proposal change or remove services used by vulnerable groups of people?		X
Has the potential for negative or positive equality impacts been identified with this policy or proposal?		X

If you have answered YES to ANY of the above, then proceed to section B.

If you have answered NO to ALL of the above, then proceed straight to section D.

SECTION B – IMPACTS ANALYSIS

- Outline what information and evidence have you gathered and considered for this analysis. If there is little, then explain your judgements in detail and your plans to validate them with evidence. If you have monitoring information available, include it here.

This policy is consistent with the council's aim to ensure that the services we provide are relevant to the needs of all sections of the communities. The proposals are not expected to adversely affect any of the protected equalities groups highlighted in this assessment.

- For each “protected characteristic” provide details of all the potential or known impacts identified, both positive and negative, and explain how you have reached these conclusions based on the information and evidence listed above. Where appropriate state “not applicable”.

The policy enables us to put preventative measures in place. However we are unable to monitor the protected groups entering gambling establishments, our evaluation and monitoring is therefore carried out by the complaints process.

AGE

Details of impacts identified	<p>Applications for licences and permits under the Gambling Act 2005 may not be made by a child (under 18 years old). Applicants are required to declare that they are over the relevant age at the time of making an application, and may be required to provide their date of birth for specific applications.</p> <p>Any application made by a child, where the legislation prohibits this, will be rejected.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's age, will be disregarded as irrelevant.</p> <p>Gambling activities permitted under licences/permits issued under the Gambling Act 2005 are largely restricted to those ages 18 years old and over. The policy details the legal requirements and expectations of licensees and permit holders to uphold the licensing objective 'protecting children and other vulnerable persons from being harmed or exploited by gambling.' These requirements and expectations are not beyond what would be considered reasonable by the Gambling Commission.</p> <p>Access by customers to gambling premises / activities may be limited or determined by a customer's age, in circumstances where they are below the legal age to participate in the gambling activities available at that premises. There is no upper age limit on gambling activities, and therefore a refusing a person access to gambling premises / activities on the grounds that they were 'too old' would not be sufficient grounds for refusal.</p>
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DISABILITY

Details of impacts identified	<p>The Statement of Principles has no adverse impact on disability. Data regarding applicants' disabilities is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application. Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's disability, will be disregarded as irrelevant.</p>
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	<p>Suitability of gambling premises for access/use by disabled persons is dealt with under the Equality Act 2010 and not a relevant consideration in determining gambling applications.</p> <p>An individual may refer to their own disability in a representation with respect to an application, either in passing or as a reason for the proposals adversely affecting them. In determining applications, the Council shall have regard to the Public Sector Equality Duty and ensure consideration is given to relevance of the disability to one or more of the three licensing objectives.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's disability. As a protected characteristic, disability is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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RACE

Details of impacts identified	<p>The Statement of Principles has no adverse impact on racial groups. Data regarding applicants' or individuals' race/ethnicity is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's race/ethnicity, will be disregarded as irrelevant.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by which racial group the customer belongs to. As a protected characteristic, racial group is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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SEX

Details of impacts identified	<p>The Statement of Principles has no adverse impact on gender. Data regarding applicants' or individuals' gender is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's gender, will be disregarded as irrelevant.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's gender. As a protected characteristic, gender is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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SEXUAL ORIENTATION

Details of impacts identified	<p>The Statement of Principles has no adverse impact on sexual orientation. Data regarding applicants' or individuals' sexual orientation is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's sexual orientation, will be disregarded as irrelevant.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's sexual orientation. As a protected characteristic, sexual orientation is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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PREGANCY AND MATERNITY

Details of impacts identified	<p>The Statement of Principles has no adverse impact on pregnancy and maternity. Data regarding applicants' or individuals' pregnancy and maternity is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's pregnancy and maternity, will be disregarded as irrelevant.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's pregnancy and maternity. As a protected characteristic, pregnancy and maternity is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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RELIGION OR BELIEF

Details of impacts identified	<p>Data regarding applicants' or individuals' religion is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's religion, will be disregarded as irrelevant.</p> <p>Representations received by or on behalf of religious persons or groups, where the representation cites religion as a reason for the representation, may be considered in the determination of a gambling</p>
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	<p>application provided that it relates to one or more of the three licensing objectives.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's religion. As a protected characteristic, religion is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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GENDER REASSIGNMENT

Details of impacts identified	<p>The Statement of Principles has no adverse impact on gender reassignment. Data regarding applicants' or individuals' on gender reassignment is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's on gender reassignment, will be disregarded as irrelevant.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's on gender reassignment. As a protected characteristic, on gender reassignment is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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MARRIAGE & CIVIL PARTNERSHIP

Details of impacts identified	<p>The Statement of Principles has no adverse impact on marriage and civil partnership. Data regarding applicants' or individuals' on marriage and civil partnership is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's on marriage and civil partnership, will be disregarded as irrelevant.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's on marriage and civil partnership. As a protected characteristic, on marriage and civil partnership is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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3. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

No

4. Were the participants in any engagement initiatives representative of the people who will be affected by your proposal and is further engagement required?

There has been consultation with key stakeholders, and a public consultation undertaken as part of the policy review).

Public consultation was conducted via the online consultation portal on the Brent website.

The results of this consultation informed the final draft of the Statement of Gambling Principles.

5. Please detail any areas identified as requiring further data or detailed analysis.

None identified.

6. If, following your action plan, negative impacts will or may remain, please explain how these can be justified?

N/A

7. Outline how you will monitor the actual, ongoing impact of the policy or proposal?

The council will continue to monitor any changes to the policy. Any further changes or action to be determined by the Service Manager, Anu Prashar.

SECTION C - CONCLUSIONS

Based on the analysis above, please detail your overall conclusions. State if any mitigating actions are required to alleviate negative impacts, what these are and what the desired outcomes will be. If positive equality impacts have been identified, consider what actions you can take to enhance them. If you have decided to justify and continue with the policy despite negative equality impacts, provide your justification. If you are to stop the policy, explain why.

There is no adverse impact of this policy on any of the protected characteristics.

SECTION D – RESULT

Please select one of the following options. Mark with an "X".

A	CONTINUE WITH THE POLICY/PROPOSAL UNCHANGED	X
B	JUSTIFY AND CONTINUE THE POLICY/PROPOSAL	
C	CHANGE / ADJUST THE POLICY/PROPOSAL	
D	STOP OR ABANDON THE POLICY/PROPOSAL	


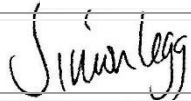
SECTION E - ACTION PLAN

This will help you monitor the steps you have identified to reduce the negative impacts (or increase the positive); monitor actual or ongoing impacts; plan reviews and any further engagement or analysis required.

Action	Expected outcome	Officer	Completion Date

SECTION F – SIGN OFF

Please ensure this section is signed and dated.

OFFICER:	Anu Prashar 11/10/24	
REVIEWING OFFICER:	Simon Legg 11/10/24	
HEAD OF SERVICE / Operational Director:	Chris Whyte	