

**LONDON BOROUGH OF ENFIELD**

# **GAMBLING ACT 2005**

## **STATEMENT OF PRINCIPLES**

**Second Edition**

**Draft 3 – 28 November 2009**



## **CONTENTS**

<b>SECTION</b>	<b>TITLE</b>	<b>PAGE</b>
<b>PART A - OVERVIEW</b>		
1.	Introduction - - - - -	3
2.	Licensing Objectives - - - - -	4
3.	Declaration - - - - -	4
4.	The Borough of Enfield - - - - -	4
5.	Consultation - - - - -	5
6.	Licensing Authority Functions - - - - -	5
7.	Responsible Authorities - - - - -	6
8.	Interested Parties - - - - -	6
9.	Reviews - - - - -	7
10.	Inspection & Enforcement - - - - -	8
11.	Exchange of Information - - - - -	8
<b>PART B - PREMISES LICENCES</b>		
12.	Applications, Location & Duplication - - - - -	9
13.	The Licensing Objectives - - - - -	10
14.	Conditions - - - - -	11
15.	Adult Gaming Centres - - - - -	12
16.	Licensed Family Entertainment Centres - - - - -	13
17.	Casinos - - - - -	13
18.	Bingo Premises - - - - -	14
19.	Betting Premises - - - - -	14
20.	Tracks - - - - -	15
21.	Travelling Fairs - - - - -	15
22.	Provisional Statements - - - - -	16
<b>PART C - PERMITS/TEMPORARY &amp; OCCASIONAL USE NOTICES</b>		
23.	Unlicensed Family Entertainment Centre Gaming Machine Permits - - - - -	17
24.	Alcohol Licensed Premises Gaming Machine Permits - - - - -	17
25.	Prize Gaming Permits - - - - -	18
26.	Club Gaming and Club Machines Permits - - - - -	19
27.	Temporary Use Notices - - - - -	19
28.	Occasional Use notices - - - - -	19
29.	Exempt Lotteries - - - - -	20
30.	Contact Details - - - - -	20
Annex 1	List of Consultees - - - - -	21
Annex 2	Gaming Machine Categories - - - - -	22

## **PART A** **OVERVIEW**

### **1. INTRODUCTION**

- 1.1 This Statement of Principles is issued by the London Borough of Enfield ('the Council'), as Licensing Authority, under the Gambling Act 2005 ('the Act').
- 1.2 Gambling is defined in the Act as either gaming, betting or taking part in a lottery:
  - 1.2.1 Gaming means playing a game of chance for a prize.
  - 1.2.2 Betting means making or accepting a bet on: the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not.
  - 1.2.3 Lottery means being required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.
- 1.3 Licensing Authorities are required by the Act to publish a Statement of Principles ('the Statement') which they propose to apply when exercising their functions. This Statement must be published at least every three years. The Statement must also be reviewed from 'time to time' and any amended parts re-consulted upon. The Statement must be then re-published.
- 1.4 This Statement will not override the right of any person to make an application (with the exception of casino licences, should the Council resolve not to issue casino licences), make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the requirements of the Act.

## **2. LICENSING OBJECTIVES**

- 2.1 In exercising most of its functions under the Act, the Council must have regard to the Licensing Objectives which are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - Ensuring that gambling is conducted in a fair and open way
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 2.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 2.3 The Act requires that, in making decisions about premises licences and temporary use notices, the Council should aim to permit the use of premises for gambling in so far as it thinks it is:
- In accordance with any relevant Code of Practice issued by the Commission
  - In accordance with any relevant Guidance issued by the Commission
  - Reasonably consistent with the Licensing Objectives
  - In accordance with the Council’s Statement of Principles

## **3. DECLARATION**

- 3.1 In producing this Statement, the Council declares that it has had regard to the Licensing Objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses from those consulted on the Statement.

## **4. THE BOROUGH OF ENFIELD**

- 4.1 Enfield is London’s northernmost Borough and covers 32 square miles. There are five major roads passing through, including the M25 in the north. About one third of the Borough is residential comprising some 115,000 homes. Another third is Green Belt land (predominantly in the north and west) comprising country parks, farmland and open land (including urban parks, sports fields, golf courses, allotments and school playing fields). There are also fifteen conservation areas. The Borough has a population of 281,775 (Office of National Statistics 2001 census updated 2002).

## **5. CONSULTATION**

- 5.1 The Gambling Act requires that the following parties are consulted upon the Statement of Principles before its finalisation and publication:
- The Chief Officer of Police
  - 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 Gambling Act 2005
- 5.2 Consultation on this Statement took place between 29 September and 27 November 2009. The Council followed the HM Government Code of Practice on Consultation ([www.berr.gov.uk](http://www.berr.gov.uk)).
- 5.3 A complete list of the Council's consultees in respect of this Statement is provided at Annex 1 below. The Statement was also available on the Council's web-site ([www.enfield.gov.uk](http://www.enfield.gov.uk)) and copies were provided at the Civic Centre.
- 5.4 The full list of the comments made and the Council's consideration of those comments are available on the Council's web-site.
- 5.5 This Statement of Principles was approved at a meeting of the full Council on 16 January 2010 and was published on the Council's web-site by 23 January 2010.

## **6. LICENSING AUTHORITY FUNCTIONS**

- 6.1 The Council is required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences
  - Issue provisional statements
  - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing club gaming permits and/or club machine permits
  - Issue club machine permits to commercial clubs
  - Grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
  - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
  - 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
  - Register small society lotteries below prescribed thresholds
  - Issue prize gaming permits
  - Receive and endorse temporary use notices
  - Receive occasional use notices

- Provide information to the Commission regarding details of licences issued
- Maintain registers of the permits and licences that are issued under these functions

## **7. RESPONSIBLE AUTHORITIES**

- 7.1 The following are Responsible Authorities:
- The Gambling Commission
  - Her Majesty's Commissioners of Customs and Excise (now known as Her Majesty's Revenue & Customs)
  - The Metropolitan Police Service
  - The London Fire and Emergency Planning Authority
  - The Council, as Licensing Authority
  - The Council, as Planning Authority
  - The Council's Director of Education, Children's Services and Leisure
  - The Council's Environmental Health Service
  - any other person or body who may be prescribed by regulations made by the Secretary of State for Culture, Media and Sport ('the Secretary of State')
- 7.2 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available on the Council's web-site.
- 7.3 The Council, as Licensing Authority, has designated the Council's Director of Education, Children's Services and Leisure as being the head of a Department which is competent to advise about the protection of children from harm. The Department is:
- (a) responsible for the whole of the licensing authority's area; and
  - (b) answerable to democratically elected Councillors, rather than to any particular vested interest group.

## **8. INTERESTED PARTIES**

- 8.1 Interested Parties are persons who, in the opinion of the Council:
- (a) live sufficiently close to the premises and are to be likely to be affected by the authorised activities; and/or
  - (b) have business interests that might be affected by the authorised activities;
- or
- (c) who represent persons who satisfy paragraph (a) or (b).
- 8.2 Interested Parties can make representations about licence applications, or apply for a review of an existing licence.
- 8.3 Moral objections to gambling are not a valid reason to reject applications for premises licences. Also, the 'saturation' of gambling premises or a lack of 'demand' for them are not criteria that the Council may consider.

- 8.4 The Council has not specified a distance from the premises within which a person must live or have a business interest in order to be considered an interested party, and will judge each case on its merits. The factors the Council may take into account when determining what 'sufficiently close' means for a particular application include:
- The size and nature of the premises
  - The potential impact of the premises and its catchment area
- 8.5 The term 'has business interests' will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 8.6 Interested Parties may include trade associations and trade unions, and residents' and tenants' associations. The Council will not however generally view these bodies as Interested Parties unless they have a member who can be classed as an interested person i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities.
- 8.7 Interested Parties may be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the Ward(s) likely to be affected. Other than these however, the Council will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 8.8 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application.

## **9. REVIEWS**

- 9.1 Requests for a review of a premises licence can be made by Interested Parties or Responsible Authorities, however, the Council decides whether the review is to be carried-out.
- 9.2 The Council will consider whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations (made at the time of the application) or requests for review. Any request for a review must relate to one of the following:
- Any relevant Code of Practice issued by the Commission
  - Any relevant Guidance issued by the Commission
  - At least one of the three Licensing Objectives
  - The Council's Statement of Principles

- 9.3 The Council can also initiate a review of a premises licence or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

## **10. INSPECTION & ENFORCEMENT**

- 10.1 The Council will follow the Better Regulation and Hampton principles and shall endeavour to be:
- Proportionate - regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised
  - Accountable - regulators must be able to justify decisions, and be subject to public scrutiny
  - Consistent - rules and standards must be joined up and implemented fairly
  - Transparent - regulators should be open, and keep regulations simple and user friendly
  - Targeted - regulation should be focused on the problem, and minimise side effects
- 10.2 The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 10.3 The Council will adopt a risk-based inspection programme. The Council's risk model for premises licences will be based upon the Licensing Objectives.
- 10.4 The main enforcement and compliance role for the Council under the Act is to ensure compliance with the premises licences and other permissions which it authorises. The Commission will be the enforcement body for the operating and personal licences and will address concerns about manufacture, supply or repair of gaming machines.
- 10.5 The Council's enforcement/compliance protocols/written agreements and risk methodology will be available on the Council's web-site.

## **11. EXCHANGE OF INFORMATION**

- 11.1 The Council will act in accordance with the provisions of the Act in its exchange of information with the Commission, which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will have regard to any Guidance issued by the Commission to Licensing Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **PART B**

### **PREMISES LICENCES**

#### **12. APPLICATIONS, LOCATION & DUPLICATION**

- 12.1 The Council will seek to avoid any duplication with other statutory/regulatory systems where possible. The Council will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.
- 12.2 No more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. The Council will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.
- 12.3 Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration but the Council does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.
- 12.4 The Council will consider:
- Do the premises have a separate registration for business rates?
  - Is the premises' neighbouring premises owned by the same person or someone else?
  - Can each of the premises be accessed from the street or a public passageway?
  - Can the premises only be accessed from any other gambling premises?
- 12.5 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 12.6 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, the Council will determine applications on their merits, applying a two stage consideration process:
- First, whether the premises ought to be permitted to be used for gambling?
  - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 12.7 In respect of the location of premises, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or

exploited by gambling, as well as issues of crime and disorder. The Council will give careful consideration to premises located near to:

- Schools
- Youth clubs
- Recreational areas, particularly those catering for young persons
- Establishments providing care for children and young adults
- Establishments providing care for persons with learning difficulties or mental health issues
- Establishments used or occupied by gambling addicts

- 12.8 The Council will seek to avoid any duplication with other statutory/regulatory systems where possible and shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.

### **13. THE LICENSING OBJECTIVES**

- 13.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

- 13.1.1 The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the Council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

- 13.2 Ensuring that gambling is conducted in a fair and open way

- 13.2.1 The Council has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

- 13.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 13.3.1 The Council has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Council will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing

objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

13.3.2 The Council is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

13.3.3 As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” The Council will consider this licensing objective on a case by case basis.

## **14. CONDITIONS**

14.1 Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises
- Reasonable in all other respects.

14.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of general measures the Council will consider utilising should the need arise, such as the use of supervisors, appropriate signage for adult-only areas etc. The Council will also expect the licence applicant to offer his/her own suggestions as to ways in which the Licensing Objectives can be met effectively.

14.3 The Council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in order to pursue the Licensing Objectives.

14.4 Where category C or above gaming machines (see Annex 2 below) are available in premises to which children are admitted the Council will expect applications to state what measures will be put in place to meet the licensing objective of the protection of children from harm. The Council will normally expect operators to:

- Prevent access to the premises by truanting children
- Prevent access to the premises after 21:00 by unaccompanied children (under 14 years old)
- Prevent access to adult-only gaming areas by children (under 18 years old)

- 14.5 The Council will ensure that:
- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
  - Only adults are admitted to the area where these machines are located
  - Access to the area where the machines are located is supervised
  - The area where these machines are located is arranged so that it can be observed by the staff or the licence holder
  - At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
- 14.6 The Council will consider the impact upon the third Licensing Objective (i.e. protecting children and other vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 14.7 The Act prevents the Council from attaching conditions to premises licences which:
- Make it impossible to comply with an operating licence condition
  - Relate to gaming machine categories, numbers, or method of operation
  - Provide that membership of a club or body be required
  - Relate to stakes, fees, winning or prizes
- 14.8 Door Supervisors
- 14.8.1 The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.
- 14.8.2 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

## **15. ADULT GAMING CENTRES**

- 15.1 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 15.2 Other appropriate measures, to meet the licensing objectives, may cover (but are not limited to) issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances and machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare and self-exclusion forms in both prominent and discreet areas of the premises
- ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information

## **16. LICENSED FAMILY ENTERTAINMENT CENTRES**

- 16.1 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 16.2 Other appropriate measures may cover (but are not limited to) issues such as:
- CCTV
  - Supervision of entrances/machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/signage
  - Specific opening hours
  - Self-barring schemes
  - Provision of information leaflets/helpline numbers for organisations such as GamCare and self-exclusion forms in both prominent and discreet areas of the premises
  - ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information
  - Measures / training for staff on how to deal with suspected truant school children on the premises

## **17. CASINOS**

- 17.1 On 26 January 2010 the full Council of the London Borough of Enfield, in accordance with Section 166 to the Gambling Act 2005, passed a 'no casino' resolution. The basis for the resolution was:
- Demographics of the borough
  - Possible risks to the licensing objective of protection of children and vulnerable adults
  - Possible links between deprivation and problem gambling
  - Findings of research on casino gambling

- Responses from the statutory public consultation on the statement of principles on whether the council should make a 'no casinos' resolution
- 17.2 The resolution came into effect on 26 January 2010 and will remain in force for three years, when a further 'no casino' resolution may be passed.
- 17.3 Potential licence applicants should note that no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.
- 17.4 The Council has power to revoke the 'no casino' resolution, should it wish to do so at a future date.

## **18. BINGO PREMISES**

- 18.1 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 18.2 Other appropriate measures may cover (but are not limited to) issues such as:
- CCTV
  - Supervision of entrances/machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/signage
  - Specific opening hours
  - Self-barring schemes
  - Provision of information leaflets/helpline numbers for organisations such as GamCare and self-exclusion forms in both prominent and discreet areas of the premises
  - ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information
  - Measures / training for staff on how to deal with suspected truant school children on the premises

## **19. BETTING PREMISES**

- 19.1 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 19.2 Other appropriate measures, to meet the licensing objectives, may cover (but are not limited to) issues such as:
- Proof of age schemes

- CCTV
- Supervision of entrances and machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare and self-exclusion forms in both prominent and discreet areas of the premises
- ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information

## **20. TRACKS**

- 20.1 The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 20.2 The Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

## **21. TRAVELLING FAIRS**

- 21.1 The Council is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 21.2 The Council will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 21.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **22. PROVISIONAL STATEMENTS**

- 22.1 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from Responsible Authorities or Interested Parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- (a) which could not have been raised by objectors at the provisional statement stage; or
  - (b) which, in the Council's opinion, reflect a change in the operator's circumstances.

## **PART C**

### **PERMITS/TEMPORARY & OCCASIONAL USE NOTICES**

#### **23. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS**

- 23.1 The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The Council will expect applications to state what measures will be put in place to meet the licensing objective of the protection of children from harm, including how they will:
- Deal with unsupervised very young children being on the premises
  - Deal with children causing perceived problems on/around the premises
- 23.2 The Council will normally expect operators to:
- Prevent access to the premises by truanting children
  - Prevent access to the premises after 21:00 by unaccompanied children (under 14 years old)
- 23.3 The Council will also expect that applicants demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
  - That he/she has no relevant convictions
  - That staff are trained to have a full understanding of the maximum stakes and prizes

#### **24. ALCOHOL LICENSED PREMISES GAMING MACHINE PERMITS**

- 24.1 The Council may remove the automatic authorisation in respect of any particular premises if:
- Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives
  - Gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act
  - The premises are mainly used for gaming
  - An offence under the Gambling Act has been committed on the premises
- 24.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Council must consider that application based upon:
- The Licensing Objectives
  - Guidance issued by the Commission
  - Such matters as they think relevant
- 24.3 The Council considers that 'such matters' will be decided on a case by case basis but generally the Council will expect the applicant to ensure that there

are sufficient measures to protect children and vulnerable persons from being harmed or exploited by gambling, including:

- That under 18 year olds do not have access to the adult-only gaming machines
- That adult machines are in sight of the bar, or in the sight of staff
- The provision of information leaflets/helpline numbers for organisations such as GamCare and self-exclusion forms in both prominent and discreet areas of the premises
- ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information

24.4 The Council may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for.

24.5 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission, under Section 24 to the Gambling Act 2005, about the location and operation of the machine.

## **25. PRIZE GAMING PERMITS**

25.1 The applicant should set out the types of gaming that he or she is intending to offer and he/she should be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations
- That the gaming offered is within the Law

25.2 The Council's consideration of the application must be based upon any Commission Guidance.

25.3 The permit holder must comply with conditions specified in the Act, namely:

- The limits on participation fees, as set out in regulations, must be complied with
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize)
- Participation in the gaming must not entitle the player to take part in any other gambling

## **26. CLUB GAMING AND CLUB MACHINES PERMITS**

- 26.1 The Council may only refuse an application on the grounds that:
- The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
  - The applicant's premises are used wholly or mainly by children and/or young persons
  - An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
  - A permit held by the applicant has been cancelled in the previous ten years
  - An objection has been lodged by the Commission or the Police
- 26.2 Under the 'fast-track' procedure available under the Act for premises which hold a club premises certificate (under the Licensing Act 2003) the only grounds on which an application under the process may be refused are:
- That the club is established primarily for gaming, other than gaming prescribed under schedule 12
  - That in addition to the prescribed gaming, the applicant provides facilities for other gaming
  - That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled
- 26.3 There are statutory conditions on club gaming permits that no child uses a category B or C gaming machine (see Annex 2 below) on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **27. TEMPORARY USE NOTICES**

- 27.1 There are a number of statutory limits as regards temporary use notices. As with 'premises', the definition of 'a set of premises' will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of 'a set of premises', the Council will consider, amongst other things, the ownership/occupation and control of the premises.
- 27.2 The Council will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

## **28. OCCASIONAL USE NOTICES**

- 28.1 The Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded and that the applicant is permitted to avail him/herself of the notice.

## **29. EXEMPT LOTTERIES**

- 29.1 The Council will expect applicants to set out the non-commercial purposes for which the society is established.

## **30. CONTACT DETAILS**

Further information and advice on this Statement of Principles and the requirements of the Gambling Act 2005 and related matters is available from the Council as follows:

Address : London Borough of Enfield Licensing Team, PO Box 57, B-Block  
North, Civic Centre, Silver Street, Enfield EN1 3XH  
Telephone : 020 8379 3578  
Fax : 020 8379 2190  
Email : [licensing@enfield.gov.uk](mailto:licensing@enfield.gov.uk)  
Internet : [www.enfield.gov.uk](http://www.enfield.gov.uk)

## **ANNEX 1**

### **A complete list of the Council's consultees in respect of this Statement:**

The Responsible Authorities:

The Gambling Commission

Her Majesty's Commissioners of Customs and Excise (now known as Her Majesty's Revenue & Customs)

The Metropolitan Police Service

The London Fire and Emergency Planning Authority

The Council, as Planning Authority

The Council's Director of Education, Children's Services and Leisure

The Council's Environmental Health Service

any other person who may be prescribed by regulations made by the Secretary of State

Those representing the interests of gambling businesses:

Angel Edmonton Traders Association

Association of British Bookmakers

Association of Licensed Multiple Retailers

Bar, Entertainment and Dance Association

British Amusement Catering Trade Association

British Beer and Pub Association

British Institute of Innkeeping

Committee of Registered Clubs' Associations

Enfield Business and Retailers Association

Enfield Enterprise Agency

The Bingo Association

Those representing persons likely to be affected:

The 63 Members of the London Borough of Enfield

The Members of Parliament for Enfield North, Enfield Southgate and Edmonton

Barnet and Chase Farm Hospitals Trust

Barnet, Enfield and Haringey Mental Health Trust

Enfield Association of Voluntary Youth Clubs

Enfield Community Empowerment Network

Enfield Disability Action

Enfield Disability Information & Advice Project

Enfield Drug Action Team

Enfield Drug & Alcohol Service

Enfield Local Safeguarding Children Board

Enfield Primary Care Trust

Enfield Racial Equality Council

Enfield Safer & Stronger Communities Board

Enfield Youth Assembly

Federation of Enfield Community Associations

Federation of Enfield Residents & Allied Association

GamCare

Gamblers Anonymous

Roger Etchells & Co Chartered Surveyors

## **ANNEX 2**

### **Gaming Machines Categories:**

<b>Minimum Age of Player</b>	<b>Category</b>	<b>Maximum Stake</b>	<b>Maximum Prize</b>
18	A	unlimited	unlimited
18	B1	£2	£4,000
18	B2	£100 (in multiples of £10)	£500
18	B3	£1	£500
18	B3A	£1	£500
18	B4	£1	£250
18	C	£1	£70
no minimum age	D non-money prize (other than crane grab machine)	30p	£8
no minimum age	D non-money prize (crane grab machine)	£1	£50
no minimum age	D money prize	10p	£5
no minimum age	D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
no minimum age	D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£15 (of which no more than £8 may be a money prize)

### Maximum Number of Gaming Machines by Operation Type:

Operation Type	Gaming Machine Category					
	A or B1 *	B2	B3 or B3A	B4	C	D
Betting – licence		maximum of 4 B2, B3, B4, C or D (not B3A)				
Tracks – licence		maximum of 4 B2, B3, B4, C or D (not B3A)				
Bingo – licence			maximum of 8 B3 or B4 (not B3A)		& no limit of C or D	
Adult Gaming Centre – licence			maximum of 4 B3 or B4 (not B3A)		& no limit of C or D	
Club Gaming or Machine – permit			maximum of 3 B3A, B4, C or D (not B3)			
Family Entertainment Centre – licence					no limit of C or D	
Alcohol Premises – permit					maximum of C or D as per permit	
Alcohol Premises – notification					maximum of 2 C or D	
Family Entertainment Centre – permit						no limit of D
Travelling Fairs – entitlement						no limit of D
	A or B1	B2	B3 or B3A	B4	C	D

\* Machine Categories A and B1 are only permitted in casinos.