

Public Document Pack



LICENSING COMMITTEE

Wednesday, 6 January 2010 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

Contact: Kasey Knight
Committee Secretary
Direct : 020-8379-4073
Tel: 020-8379-1000
Ext: 4073
Fax: 020-8379-3177
Textphone: 020 8379 4419
E-mail: kasey.knight@enfield.gov.uk
Council website: www.enfield.gov.uk

Councillors: John Boast (Chairman), Chris Bond, Bambos Charalambous, Andreas Constantinides, Don Delman, Annette Dreblow, Christiana During, Peter Fallart, Norman Ford, Henry Lamprecht, Anne-Marie Pearce, Jeff Rodin, George Savva MBE, Toby Simon and Terence Smith

AGENDA – PART 1

1. WELCOME AND INTRODUCTIONS

2. DECLARATIONS OF INTERESTS

Members of the Committee are invited to identify any personal or prejudicial interests relevant to items on the agenda. Please refer to the attached guidance.

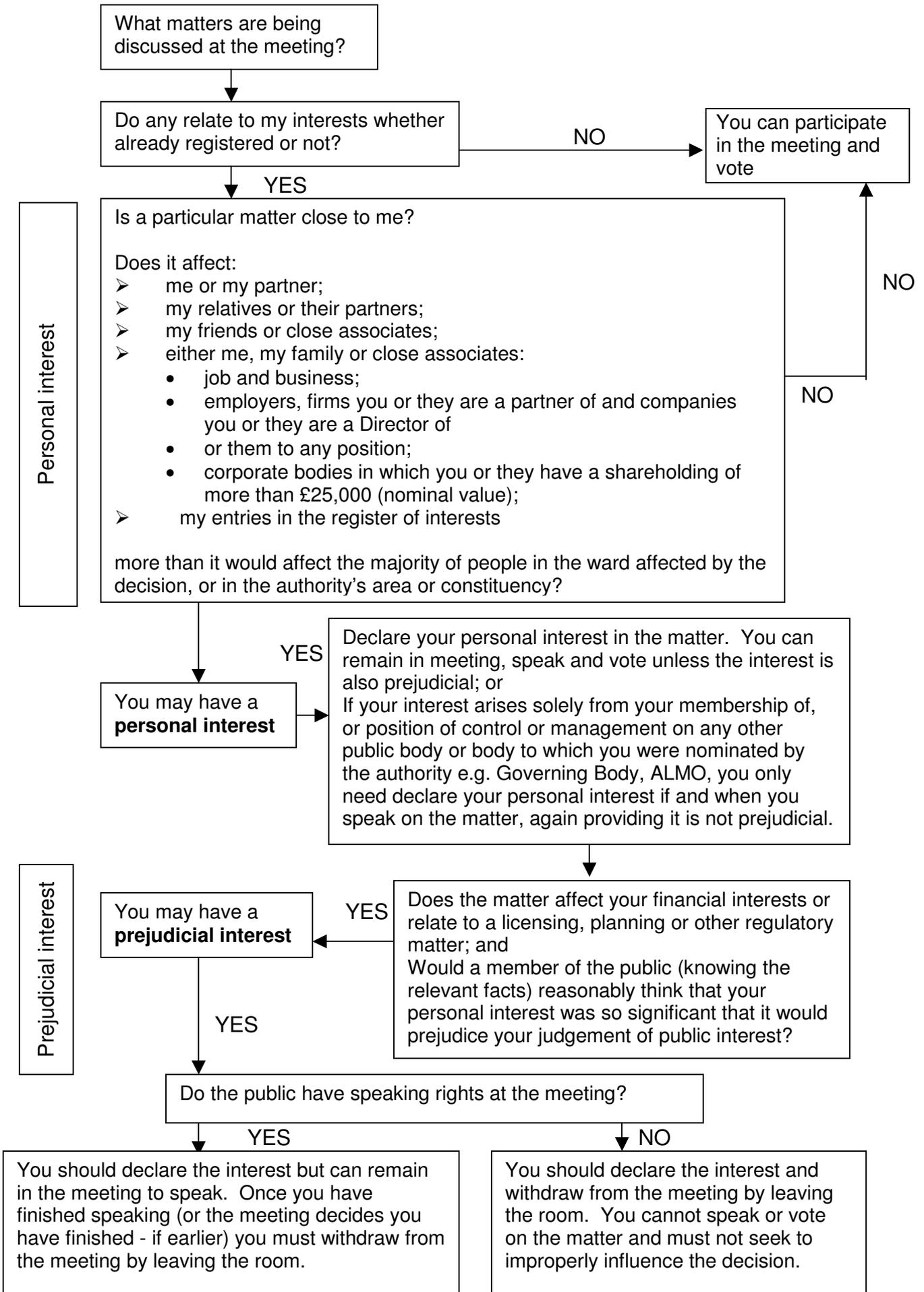
3. LICENSING ACT 2003 & GAMBLING ACT 2005 - ENFIELD'S POLICIES

To amend and/or agree updated Statement of Principles (Gambling Act 2005) and Licensing Police Statement (Licensing Act 2003) prior to their submission to Council for agreement.

4. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).
(There is no part 2 agenda)

DECLARING INTERESTS FLOWCHART - QUESTIONS TO ASK YOURSELF



Note: If in any doubt about a potential interest, members are asked to seek advice from Democratic Services in advance of the meeting.

This page is intentionally left blank

MUNICIPAL YEAR 2009/2010 REPORT NO. **170**

MEETING TITLE AND DATE:

Licensing Committee
- 6 January 2010

REPORT OF:

Director of Environment & Street
Scene

CONTACT OFFICER:

Mark Galvayne
Tel: ext. 4743
mark.galvayne@enfield.gov.uk

Agenda – Part: 1	Item: 3
Subject: Licensing Act 2003 & Gambling Act 2005 - Enfield's Policies	
Wards: All	
Cabinet Member consulted: Cllr. Neville	

1. EXECUTIVE SUMMARY

- 1.1 Public consultation in respect of the draft Second Edition of the Council's Statement of Principles (Gambling Act 2005) and the draft Third Edition of the Council's Licensing Police Statement (Licensing Act 2003) ceased on 27 November 2009.
- 1.2 The Licensing Committee is invited to consider the responses received to that consultation and to amend and/or agree updated draft policies prior to their submitted to Council for agreement on 26 January 2010.

2. RECOMMENDATION

- 2.1 To amend and/or agree updated Statement of Principles (Gambling Act 2005) and Licensing Police Statement (Licensing Act 2003) prior to their submission to Council for agreement.

3. BACKGROUND

- 3.1 The Licensing Act 2003 and the Gambling Act 2005 oblige the Council to review its licensing policies every three years.
- 3.2 The Licensing Committee considered draft policies on 5 August 2009 and decided not to pursue a cumulative impact policy (under the Licensing Act 2003).
- 3.3 The draft policies were duly submitted for public consultation between 29 September and 27 November 2009.
- 3.4 One response was received during the consultation period. The Metropolitan Police Service have requested that details of the Crime & Disorder Act 1998 be included in the Licensing Policy Statement (Licensing Act 2003).
- 3.5 Given that we were not seeking to radically amend our existing policies, it is not altogether surprising that only a single response was received to the consultation. We are heartened that this indicates that our partner agencies (as well as local residents and businesses) are generally satisfied with the Council's existing licensing policies.
- 3.6 The amended draft policies are duly attached as Annex 1 & 2.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not applicable

5. REASONS FOR RECOMMENDATIONS

To enable the Members of the Licensing Committee an opportunity to amend and/or agree updated Statement of Principles (Gambling Act 2005) and Licensing Police Statement (Licensing Act 2003) prior to their submission to Council for agreement.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

Financial, Legal & Property Implications

- 6.1 Not applicable

7. PERFORMANCE MANAGEMENT IMPLICATIONS

- 7.1 Not applicable

8. PUTTING ENFIELD FIRST

- 8.1 Not applicable

LONDON BOROUGH OF ENFIELD

LICENSING ACT 2003

**LICENSING POLICY
STATEMENT**

Third Edition

Draft 3 – 28 November 2009



CONTENTS

SECTION	TITLE	PAGE
1.	Introduction - - - - -	3
2.	Licensing Objectives - - - - -	4
3.	Policy Statement - - - - -	4
4.	Consultation - - - - -	5
5.	Definitions - - - - -	5
6.	The Borough of Enfield - - - - -	6
7.	Children - - - - -	6
8.	Licensing Hours - - - - -	8
9.	Licence Applications and Review - - - - -	10
10.	Operating Schedules - - - - -	10
11.	Conditions - - - - -	10
12.	Special Factors for Consideration - - - - -	11
13.	Significant Events - - - - -	13
14.	Cumulative Impact Policy- - - - -	13
15.	Temporary Events - - - - -	14
16.	Enforcement - - - - -	14
17.	Integration for Policies and Avoidance of Duplication	15
18.	Contact Details - - - - -	15
Annex 1	Explanatory Notes - Sex Establishments - - - - -	16
Annex 2	Summary of Age Restrictions - - - - -	16

1. INTRODUCTION

- 1.1 This Licensing Policy Statement ('the Policy') is issued by the London Borough of Enfield ('the Council'), as Licensing Authority, under the Licensing Act 2003 ('the Act').
- 1.2 The Policy relates to all licensing activities falling within the provisions of the Act, namely:
 - the supply of alcohol (either sold by retail or supplied to a club member)
 - the provision of regulated entertainment
 - the provision of late night refreshment
- 1.3 Supply of alcohol includes the retail sale of alcohol, including for consumption on or off premises, with or without food, and the supply of alcohol by or on behalf of a club to, or on the order of, a member of the club.
- 1.4 Regulated entertainment occurs where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining the audience and includes:
 - a performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - a boxing or wrestling entertainment
 - a performance of live music
 - any playing of recorded music
 - a performance of dance
 - entertainment of a similar description
- 1.5 Late night refreshment is the provision of hot food and/or drink between the hours of 23:00 and 05:00.
- 1.6 The Policy takes into account Guidance ('the Guidance') issued by the Secretary of State for Culture, Media and Sport ('the Secretary of State') under section 182 of the Act.
- 1.7 The Policy supports the Council's Corporate strategy of 'Putting Enfield First' by making Enfield:
 - a safer place to live, work, study and do business
 - cleaner and greener
 - economically successful and socially inclusive
 - improving the quality of life

2. LICENSING OBJECTIVES

- 2.1 The Council, in carrying out its licensing functions under the Act, will promote the Licensing Objectives, which are:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

3. POLICY STATEMENT

- 3.1 The purpose of the Policy is to inform Members, applicants, residents and businesses of the key principles under which the Council will make licensing decisions.
- 3.2 Every application considered by the Council under this Policy, will be considered on its merits where relevant representations are made in respect of any application and a hearing is convened and regard is given to the Act and the Guidance and any supporting regulations.
- 3.3 The Council maintains that licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act and any terms and conditions attached to licences will be focused on matters that are within the control of individual licensees and in the vicinity of premises.
- 3.4 *The Crime and Disorder Act 1998 promotes the practice of partnership working to reduce crime and disorder and places a statutory duty on police and local authorities to develop and implement a strategy to tackle problems in their area. In doing so, the responsible authorities are required to work in partnership with a range of other local public, private, community and voluntary groups and with the community itself.*
- 3.5 *This approach recognises that both the causes of crime and disorder and the interventions required to deliver safer, more secure communities lies with a range of organisations, groups and individuals working in partnership. Crime reduction is not solely the responsibility of the police.*
- 3.6 *For people in the community the quality of their life in their neighbourhoods is affected by a whole range of influences. Quite rightly, they do not apportion responsibility for solutions uniquely to each individual agency and as part of our own community, we recognise situations in which the actions of one agency can positively contribute to the work of another. Local organisations working together can collectively provide interventions and responses to tackle problems and provide earlier, more effective solutions.*

4. CONSULTATION

- 4.1 The Policy is made following consultation with (amongst others):
- The Chief Officer of Police
 - The London Fire and Emergency Planning Authority
 - Bodies representing local holders of premises licences
 - Bodies representing local holders of club premises certificates
 - Bodies representing local holders of personal licences
 - Bodies representing businesses and residents in the Council's area

5. DEFINITIONS

- 5.1 'Interested Party' is defined in section 13(3) of the Act and means any of the following:
- a person living in the vicinity of the premises
 - a body representing persons who live in that vicinity
 - a person involved in a business in that vicinity
 - a body representing persons involved in such businesses
- 5.2 'Responsible Authority' is defined in section 13(4) of the Act and means any of the following:
- the chief officer of police for any police area in which the premises are situated
 - the fire authority for any area in which the premises are situated
 - the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated
 - the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated
 - the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimizing or preventing the risk of pollution of the environment or of harm to human health
 - a body which (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters
 - any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated
 - in relation to a vessel (i) a navigation authority, (ii) the Environment Agency, (iii) the British Waterways Board, or (iv) the Secretary of State
 - a person prescribed for the purposes of this subsection.
- 5.3 'Provisional statement' means a statement issued under section 31(2) or (3) (c) of the Act, which relates to premises that are about to be constructed, extended or otherwise altered.

- 5.4 The Council regards 'irresponsible price promotions' as those that encourage people to drink faster and more than they would when normal pricing arrangements apply.
- 5.5 'Significant event' is deemed by the Metropolitan Police Service to be any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artists; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

6. THE BOROUGH OF ENFIELD

- 6.1 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).

7. CHILDREN

- 7.1 The Act imposes certain controls by way of criminal penalty relating to the access to certain premises by unaccompanied children. In addition, Policy may create further restrictions for certain premises relating to access by children.
- 7.2 The Council recognises the wide variety of premises for which licences may be granted. It also recognises that there are many circumstances where it is appropriate for children to be present on premises and seeks to encourage their access to constructive leisure pursuits that support the social fabric of the Borough. It also recognises that there are circumstances where it is appropriate to limit or prevent access by children for the purposes of the Licensing Objectives.
- 7.3 The Council will not therefore impose conditions that restrict or prevent access by children unless this is necessary to promote the Licensing Objectives. It will however seek to ensure that children are not permitted to remain at or enter certain premises after a specified cut-off time or times.
- 7.4 In determining a specified cut-off time, the committee will take into account:
- the concerns of Responsible Authorities and Interested Parties who have made representations
 - the steps set out in an operating schedule that the licensee will take to meet the Licensing Objectives having regard to the nature of the premises or events for which the licence is required

7.5 POLICY No. 1

For premises supplying alcohol for consumption off premises, the Council normally requires applicants to have arrangements to ensure that children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.

NB. The age-limit of 14 years is intended as an upper limit and does not imply that this limit will be permitted for all relevant applications.

7.6 There will be a strong presumption against access by persons under 18 to premises where any of the following apply:

- where adult entertainment is provided
- where there have been convictions of the current management for serving alcohol to minors
- where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm
- where there is a known association with drug taking or dealing
- where there is a strong element of gambling on the premises
- where the supply of alcohol for consumption on the premises is the exclusive or primary purposes of the services provided at the premises

7.7 In order to protect children, the Licensing Committee or Sub-Committee's options would include, among other things, requiring conditions relating to:

- requirements for the production of proof of age cards or other age identification before sales are made
- limitations on the hours when children may be present
- age limitations below 18
- limitations or exclusions when certain activities are taking place
- access limited to parts of the premises
- requirements for accompanying adults
- full exclusion of people under 18 from the premises when any licensable activities are taking place

7.8 No conditions will be imposed to the effect that children must be admitted to licensed premises.

7.9 Conditions may be imposed on licences for premises where children will be present during regulated entertainment to the effect that adult staff must be present to control the access and egress of children and to ensure their safety.

7.10 Children and cinemas

7.10.1 The Council will require licensees to include in their operating schedules arrangements for restricting the viewing of films by children below the age of any restriction for that film as classified according to the recommendations of the British Board of Film Classification or the Council, as the case may be.

- 7.10.2 In respect of all premises licences and club premises certificates that authorise the exhibition of films to children, a mandatory condition will be required for the exhibition of any film to be restricted in accordance with the recommendations given to films by a body designated under section 4 of the Video Recordings Act 1984 or by the Council.
- 7.10.3 The Council will expect the premises to provide adequate numbers of attendants in accordance with model conditions from the Guidance.
- 7.10.4 It is not the Council's intention to re-classify films that have been classified by a body designated under section 4 of the Video Recordings Act 1984. However, the Council reserves the right to do so in exceptional circumstances.

8. LICENSING HOURS

- 8.1 The Council will deal with licensing hours on the merits of each individual application, again, only if relevant representations are made and there is a hearing to consider them. Applicants are expected to provide details of the measures they intend to take in order to promote the Licensing Objectives.
- 8.2 The Council recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. However where this may lead to longer opening hours the Council also recognises the potential for additional crime and disorder and/or public nuisance that may arise.
- 8.3 However, there is no general assumption in favour of lengthening licensing hours and the four Licensing Objectives should be paramount considerations at all times. Where there are representations against an application and the Sub-Committee believes that extending the licensing hours would undermine the Licensing Objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 8.4 Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving, particularly during normal night-time sleeping periods. It is accepted that applicants' operating schedules may adequately provide for such circumstances and the Council will not seek to impose stricter conditions unless relevant representations are received and a hearing takes place.
- 8.5 The Council takes the view that persons under 18 may be at risk by late night access to premises primarily used for the sale and consumption of alcohol. In particular, exposure to late night drinking may encourage illegal drinking and detrimentally affect studies and work.

8.6 POLICY No. 2

There is a strong presumption that the Council will not license premises to permit persons under the age of 18 to be present on premises after 23:00, where the premises are exclusively or primarily used for the sale and consumption of alcohol on the premises.

8.7 'Off sales'

8.7.1 The Guidance recommends to Licensing Authorities that shops, stores and supermarkets should normally be permitted to sell alcohol during their normal trading hours, for consumption off premises, where consistent with the Licensing Objectives.

8.7.2 Whilst accepting this principle in respect of certain premises, the Council also recognises that in individual cases availability of alcohol, particularly late at night, can contribute to anti-social behaviour around premises licensed to sell alcohol for consumption off premises.

8.7.3 Licences for the sale of alcohol for consumption off premises, particularly late night sales, will be resisted and/or limitations may be imposed in the case of specific premises known to be or likely to be, a focus of crime and disorder, nuisance or those presenting a risk of harm to children.

8.8 Late Night Takeaway Premises

8.8.1 Applications for premises offering late night take away food and drink will be considered on their individual merits and in the absence of relevant representations shall be granted in accordance with the application subject only to such conditions as are consistent with the operating schedule and conditions that are mandatory under sections 19 to 21 of the Act.

8.8.2 However, the impact upon the licensing objectives from people gathering at such premises, particularly after other licensed premises have closed, can be considerable. In determining licensing hours, regard will therefore be had to the density and closing times of licensed premises in the vicinity.

8.8.3 The cumulative effect of litter in the vicinity of premises carrying on licensable activities can cause public nuisance. For example, it may be appropriate and necessary for a condition of a licence to require takeaway premises to provide litterbins in order to prevent the accumulation of litter.

9. LICENCE APPLICATIONS AND REVIEW

- 9.1 In its consideration of applications or in a review of a licence where representations have been received, the Council must give appropriate weight to: the steps that are necessary to promote the Licensing Objectives; the representations presented by all parties; the Guidance; and this Policy. Where relevant, particular regard will be given to the factors shown under Special Factors for Consideration below. Particular regard will be given to evidence identifying any history or pattern of practice which impacts upon the Licensing Objectives.
- 9.2 When preparing their Operating Schedules, applicants should consider the Special Factors for Consideration below. The Council may refuse to grant or may attach conditions to a licence where it is not satisfied that these factors have been properly addressed by the applicant's Operating Schedule.
- 9.3 In reviewing a licence, after representations and/or after a hearing, the Council will consider, and take into account, the complaints history of the premises and all other relevant information.

10. OPERATING SCHEDULES

- 10.1 An Operating Schedule is submitted with a licence application and contains the information required by section 17(4) of the Act. Among other things, it includes the steps that the applicant proposes to take to promote the Licensing Objectives. Where a risk to the Licensing Objectives is present, the Council expects applicants to specifically address in their operating schedules, how they will meet the Special Factors for Consideration below.

11. CONDITIONS

- 11.1 When relevant representations are made by a Responsible Authority or Interested Parties, the Committee may impose conditions on licences. Any such conditions, which must be necessary for the promotion of the Licensing Objectives, will be specific to the individual premises and events. Conditions may be drawn from the model pool of conditions in the Guidance.
- 11.2 Special conditions may be imposed for certain types of venues to prevent the sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions will take into account the "Safer Clubbing" guidelines issued by the Home Office and model conditions from the Guidance. Where these conditions are to be imposed advice may be sought from appropriate bodies such as the Enfield Drug Action Team and the Police, who it is envisaged will make representations on such applications.
- 11.3 The Council will have regard to the impact of licensable activities at specific premises on persons living and working in the vicinity of those premises, which are disproportionate and unreasonable. These issues will mainly

concern noise, light pollution, noxious smells, litter and vermin and pest infestations. Nuisance may include, in appropriate circumstances, the detrimental impact upon the living and working amenity and environment of 'interested parties'. Special conditions and other limitations may be considered necessary where customers may be inclined towards carelessness and anti-social behaviour as a result of consuming alcohol.

- 11.4 The Council will give consideration to setting capacity limits for licensed premises or clubs where it may be necessary for public safety or otherwise to prevent over-crowding which may lead to disorder and nuisance. Where applicable, further consideration will also be given to whether door supervisors would also be needed to ensure that the numbers are appropriately controlled.
- 11.5 The Council recognises proper account will need to be taken to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community, including for example, opera, jazz and the performance of a wide range of traditional and historic plays, contemporary music and other arts.

12. SPECIAL FACTORS FOR CONSIDERATION

- 12.1 **Prevention of Crime and Disorder** - the means by which crime and disorder will be or is prevented by the effective management and operation of the licensed activities including:
- crime prevention design, including adequate lighting of car parks and CCTV
 - text/radio pagers
 - door supervision, including arrangements for screening for weapons and drugs
 - other measures to control violent, drunken or abusive behaviour (including exclusion of troublemakers; refusal to sell to those who are or appear to be drunk or under age; use of toughened and plastic 'glasses'; and bottle bins)
 - drug dealing and abuse
 - prostitution and indecency
 - methods to discourage drinking of alcohol supplied for consumption on the premises, in a public place in the vicinity of the premises
 - methods to discourage taking alcohol off the premises in open containers
 - methods to discourage the handling and distribution of stolen, counterfeit goods or other illegal goods
 - capacity limits where necessary to prevent overcrowding or prevent nuisance upon entry and exit
 - appropriate ratio of tables and chairs to customers (based on the capacity) where the premises are used exclusively or primarily for the 'vertical' consumption of alcohol
 - irresponsible alcohol promotion.

12.2 **Public Safety** - the means by which risk to public safety will be or is prevented by the effective management and operation of the licensed activities including:

- whether the premises has a licence or fire certificate specifying the maximum number of persons that can attend it
- whether the applicant has carried out a risk assessment as to the maximum number of people who can attend the premises safely and evacuate it in an emergency
- measures to record and limit the number of persons on the premises
- the adequacy of transportation arrangements to ensure that customers may safely travel to and from the premises and nuisance is avoided by concentrations of people unable to access transport in a timely manner
- confirmation that any arrangements or advertising of taxis solely relate to taxis licensed by a recognised licensing authority
- arrangements to ensure the safety for users, including people with disabilities, in the event of fire or other emergency
- the safe storage and use of special effects such as fireworks or other explosives, firearms, real flame, strobe lighting / lasers etc
- for dance events, the provision of measures to combat overheating, including availability of drinking water, air conditioning and ventilation

12.3 **Prevention of Nuisance** - the means by which nuisances will be or are prevented by the effective management and operation of the licensed activities including:

- noise from persons smoking outside the premises
- noise from delivery vehicles
- noise from vehicles delivering and collecting customers
- noise and/or vibrations emanating from the premises including extended/external areas such as beer gardens
- noise, anti-social behaviour and other disturbance caused by persons leaving the premises
- in relation to urination in public places the means to prevent nuisances should include the adequacy of lavatories, financial contributions towards the provision and/or maintenance of public urinals and supervision in the vicinity of the premises
- congregations of persons, whether consuming alcohol or not, either waiting to enter, leaving or spilling/standing outside the premises
- litter and accumulations of rubbish
- the removal from premises of drinking vessels and bottles
- vermin and pests
- light pollution
- use of fireworks or other explosives / special effects
- noxious smells
- arrangements to ensure that public lavatories within premises are available for use throughout the entire period that the public are on those premises

12.4 **Protection of Children from Harm** - the means by which harm to children will be or is prevented by the effective arrangement and operation of the licensed activities including:

- the prevention of unlawful supply, consumption and use of alcohol and drugs and other products which it is illegal to supply to children, including proof of age arrangements
- premises restrictions on the access by children to the whole or any part of premises, including times when children may not be present
- the protection from inappropriate exposure to strong language, expletives or entertainment of an adult or sexual nature
- the protection from significant gambling
- arrangements to deter, drug taking or dealing
- adequacy of controls on the times during which children may be present on the premises
- the nature of the licensed premises and facilities provided e.g. sporting, cultural and recreational, where these may provide a tangible social benefit, particularly for children and may contribute to crime and disorder reduction and the protection of children from harm

13. **SIGNIFICANT EVENTS**

13.1 The Council recommends that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that matters related to the licensing objectives are identified and addressed.

13.2 Licence holders are advised to contact the Metropolitan Police Service and enquire if the Police require that the Event Risk Assessment Form 696 and the After Promotion/Event Debrief Risk Assessment Form 696A be completed and submitted to them.

14. **CUMULATIVE IMPACT POLICY**

14.1 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for licensed premises. This is not a matter that may be considered by the Council in discharging its licensing functions. “Cumulative impact” concerns the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The Council has not adopted a special cumulative impact policy.

15. TEMPORARY EVENTS

- 15.1 The Act requires that a Temporary Event Notice (TEN) must be given to the licensing authority no later than 10 working days before the day on which the event begins. Nevertheless, the Council will seek the co-operation of Personal Licence holders and other people serving TENs in allowing more than the minimum required 10 days. To this end the Council strongly recommend giving (the longest possible notice) at least three months' notice to hold all but the smallest events; this will allow the Council to help organisers plan their events safely and may mean the Police are less likely to object to the proposed event.
- 15.2 Organisers of temporary events should be aware that although a licence or authorisation may not be needed under the Act, other legislation might apply. This can include:
- Health and Safety at Work etc. Act 1974
 - Fire Precautions Act 1971
 - Environmental Protection Act 1990 (Noise and nuisance)
- 15.3 Organisers of temporary events should also be aware that it is highly likely that the Council's enforcement officers will visit events held under the terms of a Temporary Event Notice to ensure compliance with legal requirements. While mindful of the Council's Enforcement Policy, the Council will normally prosecute where serious offences are detected.
- 15.4 Organisers and promoters of temporary events should be mindful of the 'Special Factors for Consideration' outlined above.

16. ENFORCEMENT

- 16.1 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
- 16.2 The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 16.3 The Council will adopt a risk-based inspection programme. The Council's risk model for premises licences will be based upon the Licensing Objectives.

- 16.4 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.
- 16.5 The Council's enforcement/compliance protocols/written agreements and risk methodology will be available on the Council's web-site.

17. INTEGRATION OF POLICIES AND AVOIDANCE OF DUPLICATION

- 17.1 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.
- 17.2 The Council has adopted powers to designate parts of its area as places where alcohol may not be consumed publicly. These 'designated areas' will be kept under review by the Council.
- 17.3 The Council and its partners has produced an Alcohol Harm Reduction policy, which the Council will take into account in considering representations to licence applications and complaints from Responsible Authorities and Interested Parties seeking a review of a licence.

18. CONTACT DETAILS

Further information and advice on this Licensing Policy Statement and the requirements of the Licensing Act 2003 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
Internet : www.enfield.gov.uk

ANNEX 1**Sex Establishments Explanatory Note:**

This information is provided for convenience and is complementary to, but does not form part of, the Policy under the Act .

The Council has a policy in relation to sex establishments under the Local Government (Miscellaneous Provisions) Act 1982, as amended.

The Council has resolved that the appropriate number of sex establishment licences to be granted in the Borough is nil.

Any application received will be considered on its merits and the Council's policy that the Licensing Sub-Committee should exercise caution in considering any application.

ANNEX 2**Summary of Age Restrictions:**

The table below summarises certain age restrictions. The list is not exhaustive and is a provided as a guide.

Type of Premises	Access or sales restriction (Source in brackets)
Premises exclusively or primarily used for the sale or supply of alcohol for consumption on the premises	No unaccompanied under 16's at any time (section 145 of the Act) No under 18's after 23:00 (Policy)
Other licensed premises whilst open for the sale or supply of alcohol for consumption on those premises	No unaccompanied under 16's between the hours of midnight and 05:00 (section 145 of the Act)
All licensed premises whilst open for the sale or supply of alcohol for consumption on those premises	Under 18's only until 'specified cut-off time' identified in the premises licence (where applicable) (Policy)
Off-licensed premises	No unaccompanied under 14's after 21:00 (Policy)
All premises	No sale of alcohol to under 18's (except 16 and 17 year olds where supplied as part of a table meal where an over 18 is present). (Section 146 of the Act)
Film exhibition	Restricted in accordance with film classification (Section 29 of the Act)

LONDON BOROUGH OF ENFIELD

GAMBLING ACT 2005

**STATEMENT
OF PRINCIPLES**

Second Edition

Draft 3 – 28 November 2009



CONTENTS

SECTION	TITLE	PAGE
PART A - OVERVIEW		
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
PART B - PREMISES LICENCES		
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
PART C - PERMITS/TEMPORARY & OCCASIONAL USE NOTICES		
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).
- 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) 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
Internet : 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:**

Minimum Age of Player	Category	Maximum Stake	Maximum Prize
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.

This page is intentionally left blank