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To all members of the Licensing Committee and members of the public/stakeholders with an interest in the committee

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Dear All,

Licensing Committee – Monday 23 October 2006 – To Follow Papers

Please find attached the following items marked as to follow on the agenda for the next meeting of the Licensing Committee:-

Agenda Item 5: Gambling Act 2005 Statement of Principles

- Response to the Public Consultation
- New Draft Statement of Principles

Please could you bring these with you to Monday's meeting. In the meantime please do not hesitate to contact me if you have any queries on the attached.

Yours sincerely

Penelope Williams
Democratic Services

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LONDON BOROUGH OF ENFIELD

GAMBLING ACT 2005

**STATEMENT
OF PRINCIPLES**

DRAFT 6 (17 OCTOBER 2006)



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PART A **OVERVIEW**

This Statement of Principles has been drafted at a time when a number of Regulations, operating/personal licence conditions, Codes of Practice and Guidance are not yet published by the Secretary of State and/or the Gambling Commission. Should those yet-to-be published documents impact upon the content of this Statement, they will be addressed by the Council and this Statement will be amended at a later stage, bearing in mind resource implications for the Council. All references to the Gambling Commission's Guidance for Licensing Authorities refer to the Guidance published in April 2006.

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 The Council acknowledges that:
- In the case of gambling premises licences, the term 'disorder' is considered by the Gambling Commission ('the Commission') to mean activity that is more serious and disruptive than nuisance
 - The Commission does not expect Licensing Authorities in most circumstances to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business (under an operating licence), or will be in relation to the suitability and actions of an individual (under a personal licence) and thus will be part of the Commission's remit
 - The term 'vulnerable persons' is not defined in the Act. It may include people with learning difficulties, people who gamble more than they want to, or 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 objective on a case by case basis
- 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

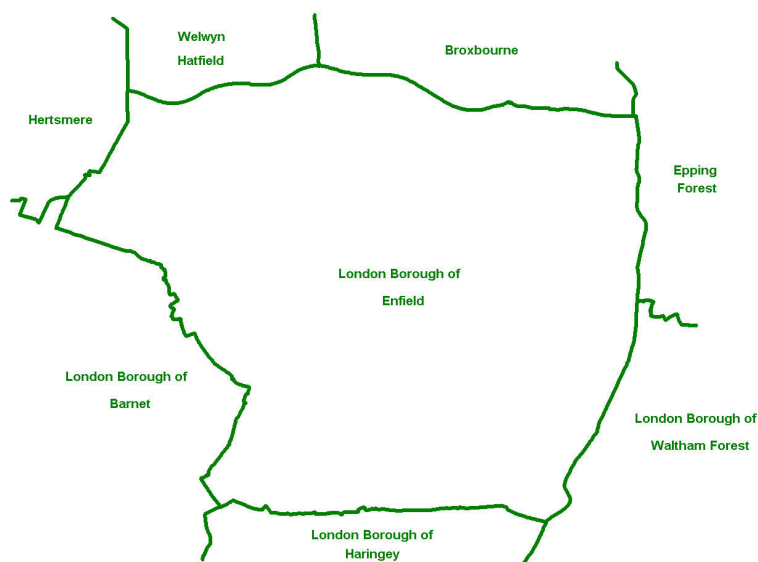
3. DECLARATION

- 3.1 In producing this Statement, the London Borough of Enfield 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.
- 4.2 Whilst the area devoted to industry, offices and shops is a relatively small proportion of the whole borough, it provides employment for some 90,000 people. There are five main shopping centres and a number of retail warehouses and out-of-town superstores. Enfield also offers a wide range of sports and leisure facilities including five leisure centres, two art centres, two theatres, and a museum.
- 4.3 Pockets of deprivation exist across the borough and this places Enfield 18th out of the 33 London Boroughs in terms of deprivation (the borough ranked 1st has the most deprivation).
- 4.4 The Borough has a population of 281,775 (Office of National Statistics 2001 census updated 2002).
- 4.5 Crime statistics for the year 2003/4 (www.met.police.uk/crimefigures/index) show a crime rate of 106.5 crimes per 1,000 people compared to 100.2 per 1,000 nationally ('Crime in England & Wales 2003/2004').
- 4.6 Enfield is adjoined by seven local authorities. These are the London Boroughs of Barnet, to the west, Haringey, to the south, Waltham Forest, to the east and the District Councils of Broxbourne, to the north, Epping Forest, to the north east, and Hertsmere and Welwyn Hatfield to the north west.

A map showing the London Borough of Enfield and its surrounding authorities:



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 18 August 2006 and 13 October 2006. The Council had regard to the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector (www.cabinetoffice.gov.uk/regulation).
- 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 **[TBC]**.
- 5.5 This Statement of Principles was approved at a meeting of the full Council on **[TBC]** and was published on the Council's web-site on **[TBC]**.

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 (see section 12 below on 'information exchange')
- 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 **[TBC]**.
- 7.3 Responsible Authorities have the right to make representations in connection with an application, or ask for a review of an existing licence. However, the Council will not take into account their concerns in relation to their own functions if they are not relevant to the application.
- 7.4 The Gambling Commission has a number of other important functions in the regulation of gambling. In particular, it issues operating and personal licences, and deals with internet gambling. These matters are not within the Council's remit. Further information is available on the Commission's website (www.gamblingcommission.gov.uk).
- 7.5 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, as Licensing Authority, 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 **[TBC]**.

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 Premises licences will be subject to the requirements laid down by the Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. The Council is able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 12.2 Premises is defined in the Act as 'any place'. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to 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.
- 12.3 The Council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- 12.4 The Council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Before granting such applications, the Council will consider whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. However, the overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 12.5 A premises licence cannot be granted until the premises in which it is proposed to offer the gambling are constructed. Once granted, a licence to use premises for gambling will only be issued by the Council in respect of premises that are ready to be used for gambling. Requiring the building to be complete will ensure that the Council can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.
- 12.6 Notwithstanding the provisions of section 12.5 (above), an application for a provisional statement may be made in respect of premises which are yet to be constructed. Representations in respect of provisional statement applications are dealt with in section 22 below.
- 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 Commission will be taking a leading role in preventing gambling from being a source of crime. The Council will consider the proposed location of gambling premises in terms of this Licensing Objective. Where an area has known high levels of crime the Council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be necessary such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance has been required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed under this Act but other legislation (e.g. the Environmental Protection Act 1990) may apply.

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

13.2.1 The Commission has stated that it would generally not expect Licensing Authorities to become 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 Commission has stated that this objective means preventing children from taking part in gambling (as well as the restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children) and preventing children from entering adult-only areas. The Council will therefore consider whether specific measures are required at particular premises, with regard to this Licensing Objective. Appropriate measures may

include supervision of entrances, supervision of machines, segregation of gambling and non-gambling areas etc.

13.3.2 The Council will also address the Codes of Practice which the Commission issues as regards this Licensing Objective, in relation to specific types of premises.

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 Door supervisors at bingo premises cannot be licensed by the Security Industry Authority (SIA). The Council will expect applicants for bingo premises licences to undertake a risk assessment in respect of whether door supervisors will be required and, if so, the numbers to be employed. Also, the Council will expect applicants to confirm the employment criteria they will operate in order to ensure that any unlicensed door supervisors they employ will pose no greater risk to the public than door supervisors who are licensed by the SIA.
- 14.8.2 Door supervisors at premises other than bingo premises can be licensed by the SIA. The Council will expect applicants to undertake a risk assessment in respect of whether door supervisors will be required and, if so, the numbers to be employed.

15. ADULT GAMING CENTRES

- 15.1 Adult gaming centres will be able to make category B, C and D gaming machines (see Annex 2 below) and prize gaming available to their customers.
- 15.2 The Council will expect applications to state what measures will be put in place to prevent access to the premises by children under 18 years old.
- 15.3 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 Licensed family entertainment centres will be able to make category C and D gaming machines (see Annex 2 below) and prize gaming available to their customers.
- 16.2 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 in the case of children, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult-only gaming machine areas.
- 16.3 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
- 16.4 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
- 16.5 The Council will refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C gaming machines (see Annex 2 below) should be delineated. The Council will also be aware of any mandatory or default conditions on these premises licences, when they have been published.

17. CASINOS

- 17.1 The Act states that 'a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games.'
- 17.2 On 6 December 2006 the full Council of the London Borough of Enfield will be asked, in accordance with Section 166 to the Gambling Act 2005, to consider passing a 'no casino' resolution on the basis that **[TBC]**. Any resolution would come into effect on 6 December 2006 and would remain in force for three years, when a further 'no casino' resolution may be passed.
- 17.3 Potential licence applicants should note that, if a 'no-casino' resolution is passed by the Council, 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 any 'no casino' resolution, should it wish to do so at a future date.

18. BINGO PREMISES

- 18.1 Commercial operators will be able to offer any type of bingo, whether 'cash-bingo' (where the stakes paid make up the cash prizes that are won) or 'prize-bingo' (where various forms of prizes are won, not directly related to the stakes paid).
- 18.2 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
- 18.3 The Council will ensure that:
- All such machines are located in an area of the premises separate 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 the machines are located
 - Access to the area where the machines are located is supervised
 - The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
 - At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

19. BETTING PREMISES

- 19.1 These are currently known as 'licensed betting offices'.
- 19.2 The Council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by vulnerable people, when considering the number, nature and circumstances of betting machines an operator wants to offer. The Council will consider limiting the number of betting machines where there is evidence that such machines have been or are likely to be used in breach of the licensing objectives.
- 19.3 The Council will expect applications to state what measures will be put in place to prevent access to the premises by children under 18 years old.
-

20. TRACKS

- 20.1 Tracks are sites where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the 'tote') and general betting (often known as 'fixed-odds').
- 20.2 Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. 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.
- 20.3 The Council will expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. Children and young persons may 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 must be prevented from entering areas where gaming machines (other than category D machines) are provided (see Annex 2 below).
- 20.4 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

- 20.5 Other appropriate measures may cover (but are not limited to) issues such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances/machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-baring 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

20.6 Gaming Machines

20.6.1 The Council will need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines (see Annex 2 below) on a track.

20.7 Betting Machines

20.7.1 The Council will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

20.8 Rules Being Displayed

20.8.1 The Commission's Guidance advises that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

20.9 Plans

20.9.1 The Council will require detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and

mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

- 20.10 The Council notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

21. TRAVELLING FAIRS

- 21.1 The Act does not change the principles on which travelling fairs have been regulated under previous legislation.
- 21.2 The Council will determine:
- (a) whether the applicant falls within the statutory definition of a travelling fair; and
 - (b) where category D gaming machines (see Annex 2 below) and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, whether the requirement that those facilities amount to no more than an ancillary amusement at the fair is met.
- 21.3 The 27-day statutory maximum for the land being used as a fair, is per calendar year, and 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 Where a premises does not hold a premises licence but wishes to provide category D gaming machines (see Annex 2 below), it may apply to the Council for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 23.2 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
- 23.3 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
- 23.4 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 Premises licensed to sell alcohol for consumption on the premises (Licensing Act 2003) are entitled to have 2 gaming machines, of categories C and/or D (see Annex 2 below). The premises merely need to notify the Council.
- 24.2 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
- 24.3 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
- 24.4 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
- 24.5 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, however conditions (other than these) cannot be attached to permits.
- 24.6 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 Prize gaming is gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for, or raised by, the gaming. A common example of prize gaming is prize bingo.
- 25.2 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
- 25.3 The Council's consideration of the application must be based upon any Commission Guidance.
- 25.4 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 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machines permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A club gaming machine permit will only enable the premises to provide gaming machines (see Annex 2 below).
- 26.2 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally.
- 26.3 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
- 26.4 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

- 26.5 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 Temporary Use Notices allows the use of an (unlicensed for the purposes of the Act) premises to be used temporarily for providing facilities for gambling.
- 27.2 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.
- 27.3 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 Act provides that where there is betting on a particular track for less than nine days in any calendar year, that betting may be permitted by an occasional use notice.
- 28.2 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 Lotteries which are not administered under an Operating Licence issued by the Gambling Commission may only be lawfully provided if they are run by a non-commercial society registered with the Council.
- 29.2 The Council will expect applicants to set out the non-commercial purposes for which the society is established.

30. CONTACT DETAILS

- 30.1 Licensing Enquiries - Further information and advice on this Statement of Principles and the requirements of the Gambling Act 2005 and related matters is available the London Borough of Enfield 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 5120
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

Those that asked to be consulted:
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	£500
18	B3	£1	£500
18	B4	£1	£250
18	C	50p	£25
no minimum age	D	10p (or 30p when non-monetary prize)	£5 cash (or £8 non-monetary prize)

Maximum Number of Machines by Premises Type:

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Adult Gaming Centres				maximum of 4 B3 or B4 machines		no limit of C or D machines	
Licensed Family Entertainment Centres						no limit of C or D machines	
Pre-Gambling Act 2005 Casino		maximum of 20 B - D machines					
Bingo Premises				maximum of 4 B3 or B4 machines		no limit of C or D machines	
Betting Premises			maximum of 4 B2 - D machines				
Tracks (occupied by Pool Betting)			maximum of 4 B2 - D machines				
Travelling Fairs							no limit of D machines
Unlicensed Family Entertainment Centres							no limit of D machines
Alcohol Licensed Premises - Permit						maximum of C - D machines specified on Permit	
Alcohol Licensed Premises - Notification						maximum of 2 C - D machines	

Club Gaming Machines Permit					maximum of 3 B4 - D machines		
	A	B1	B2	B3	B4	C	D

LICENSING COMMITTEE - 23 OCTOBER 2006

FOLLOW ON PAPERS - GAMBLING ACT 2005 - ENFIELD'S POLICY

**RESPONSES TO THE PUBLIC CONSULTATION ON THE
DRAFT (DRAFT 5 - 18 AUGUST 2006) STATEMENT OF PRINCIPLES
UNDER THE GAMBLING ACT 2005**

(a) The Licensing Authority received fifteen responses to the public consultation. The details of the respondents are set out below and their responses are attached :

No.	Respondent	Returned a questionnaire?	See pages
i	Cllr. Tony Dey	Yes	1 - 2
ii	Cllr. Annette Dreblow	Yes	3 - 4
iii	Cllr. Peter Fallart	Yes	5 - 6
iv	Cllr. Eric Jukes	Yes	7 - 8
v	Cllr. Michael Rye	Yes	9 - 10
vi	Cllr. Kate Wilkinson	Yes	11 - 12
vii	Association of British Bookmakers	No	13 - 16
viii	Barnet, Enfield & Haringey Mental Health Trust	Yes	17 - 18
ix	British Amusement Catering Trades Association	No	19 - 24
x	British Beer & Pub Association	No	25 - 27
xi	Enfield Local Safeguarding Children Board	Yes	28 - 29
xii	Enfield Safer & Stronger Communities Board	Yes	30 - 31
xiii	Enfield Council's Environmental Health Service	Yes	32 - 33
xiv	HJM Caterers Ltd (operator of amusement arcades)	No	34 - 35
xv	National Association for Gambling Care	No	36 - 37
xvi	Metropolitan Police Service	No	38

(b) Of the fifteen responses received, ten questionnaires were completed with the following results :

	Yes	No	Don't Know /No Opinion
Is the Statement clearly written and easy to understand?	90%	10%	0
Should the Council pass a 'no casinos' resolution?	70%	20%	10%
Are there any further measures that the Council should consider in protecting children and vulnerable persons from being harmed or exploited by gambling?	20%	40%	40%
Is there anything that you feel the Statement of Principles has not adequately addressed?	30%	60%	10%

(c) The amendments to the draft Statement of Principles suggested by the respondents, and the recommended actions arising from those suggestions, are tabulated below :

No	Proposed Amendment	Recommended Action
Cllr. Tony Dey - page 2		
1	It needs to be written in a way that can be understood by a layman.	No action - 90% of respondents found the Statement of Principles ('the SoP') to be clearly written.
Cllr. Kate Wilkinson - page 12		
2	Restrict advertising in children's venues	No action - the SoP cannot duplicate other legislation. The Secretary of State is expected to make regulations controlling the advertising of gambling.
Association of British Bookmakers - pages 14 & 15		
3	Only require door supervisors at betting premises if door supervision is both necessary and proportionate.	No action - Section 14.8.2 of the SoP states "The Council will expect applicants to undertake a risk assessment in respect of whether door supervisors will be required and, if so, the numbers to be employed."
4	"The Council will consider limiting the number of betting machines where there is evidence that such machines have been or are likely to be used in breach of the licensing objectives."	Agreed - added to Section 19.2 of the SoP.
5	Endorse and support the re-siting and/or extension of existing betting premises.	No action - each application must be considered on its own merits.
6	Request single point of contact for compliance issues.	No action - it is not a requirement of the SoP to specify existing best practice working arrangements.
7	Remove 'saturation' from Section 8.3 of the SoP	No action - s.153 to the Gambling Act 2005 provides that 'in determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.'
8	Exempt betting premises from Section 12.7 of the SoP	No action - each application must be considered on its own merits.
9	Amend Section 19 of the SoP to reflect fact that under-18s are not permitted to enter betting premises	Agreed - Sections 19.2 & 19.3 of the SoP duly amended.
British Beer & Pub Association - page 26		
10	Amend Section 24.3 & 24.4 of the SoP to allow up to 4 machines without recourse to a hearing	No action - each application must be considered on its own merits.

Enfield Local Safeguarding Children Board - page 29		
11	Amend Sections 14.4, 16.3, 18.2, 20.4 & 23.3 of the SoP to state just 'truanting children' rather than 'truanting children under 18 years of age'	Agreed - Sections 14.4, 16.3, 18.2, 20.4 & 23.3 of the SoP duly amended.
12	Amend Section 2.2 of the SoP to include adults with learning difficulties as vulnerable persons	Agreed - Section 2.2 of the SoP duly amended.
Enfield Council's Environmental Health Service - page 33		
13	Are planning considerations relevant?	No action - Section 12.8 of the SoP states that 'the Council 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.'
14	Who will be responsible for assessing vulnerable persons needs?	No action - Parliament has not yet agreed to specify a Responsible Authority for vulnerable persons.
HJM Caterers Ltd (operator of amusement arcades) - page 35		
15	The Council has produced a pool of conditions that it intends to impose, contrary to guidance.	No action - Sections 16.3 & 16.4 of the SoP provides expectations and suggestions from the Council. These are not 'standard' conditions and each application must be considered on its own merits.
National Association for Gambling Care - page 37		
16	Include drugs, prostitution and unlawful gambling within the crime and disorder objective.	No action - this is dealt with under Section 13.1.1 of the SoP.
17	Leaflets giving assistance to problem gambling being displayed in both prominent and discreet areas.	Agreed - Sections 15.3, 16.4, 20.5 & 24.4 of the SoP duly amended.
18	Include the provision of self-exclusion forms for customers.	Agreed - Sections 15.3, 16.4, 20.5 & 24.4 of the SoP duly amended.
19	"ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information"	Agreed - added to Sections 15.3, 16.4, 20.5 & 24.4 of the SoP duly amended.
Metropolitan Police Service		
20	How will the prevention of access by truanting children be enforced?	No action - this is a matter for operators to self-regulate. Where there is a clear breach of licence condition the Council will take appropriate action in accordance with the enforcement policy.

