

Public Document Pack



LICENSING COMMITTEE

Wednesday, 14 October 2015 at 7.00 pm
Conference Room, Civic Centre, Silver
Street, Enfield, EN1 3XA

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Councillors : Chris Bond (Chair), Dogan Delman, Turgut Esendagli, Peter Fallart,
Christine Hamilton, Eric Jukes, Derek Levy, Vicki Pite, George Savva MBE,
Toby Simon, Jim Steven and Glynis Vince

AGENDA – PART 1

1. WELCOME AND APOLOGIES FOR ABSENCE

2. DECLARATION OF INTERESTS

Members of the Licensing Committee are invited to identify any disclosable pecuniary, other pecuniary or non pecuniary interests relevant to items on the agenda.

3. MINUTES (Pages 1 - 4)

To receive and confirm the minutes from the last meeting of the Licensing Committee held on 19 November 2014.

4. GAMBLING ACT 2005 - ENFIELD'S LICENSING POLICY (REPORT NO.95) (Pages 5 - 102)

To receive the report of the Principal Licensing Officer in respect of consideration of the Council's gambling policy.

5. ADOPTION OF CONDITIONS FOR EXPLOSIVES LICENCES (REPORT NO. 96) (Pages 103 - 110)

To receive the report of the Principal Licensing Officer setting out the additional licensing conditions proposed to apply to operators wishing to sell fireworks.

6. ADOPTION OF CONDITIONS FOR SPECIAL TREATMENTS LICENCES (REPORT NO. 97) (Pages 111 - 122)

To receive the report of the Principal Licensing Officer setting out the additional licensing conditions proposed to apply to operators wishing to offer laser and/or intense pulse light (IPL) treatments.

7. ADOPTION OF REVISED CONDITIONS FOR PET SHOP LICENSING (REPORT NO. 98) (Pages 123 - 146)

To receive the report of the Principal Licensing Officer recommending the adoption of amended licensing conditions written in accordance with the 'Model Conditions for Pet Vending Licensing 2013'.

8. 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)

LICENSING COMMITTEE - 19.11.2014

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE
HELD ON WEDNESDAY, 19 NOVEMBER 2014****COUNCILLORS**

PRESENT Daniel Anderson, Alev Cazimoglu, Dogan Delman, Nesimi Erbil, Turgut Esendagli, Peter Fallart, Doris Jiagge, Derek Levy, Vicki Pite, George Savva MBE, Jim Steven and Glynis Vince

ABSENT Christine Hamilton, Eric Jukes and Toby Simon

OFFICERS: Mark Galvayne (Principal Licensing Officer), Catriona McFarlane (Legal Representative), Dina Boodhun (Legal Representative), Paula Harvey (Legal Services), Bob Griffiths (Assistant Director - Planning, Highways & Transportation) and Robert Oles Jane Creer (Secretary)

Also Attending:**235****WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Levy as Chair welcomed everyone to the meeting.

Apologies for absence were received from Councillors Hamilton, Jukes and Simon.

Apologies for lateness were received from Councillors Jiagge and Savva.

236**DECLARATION OF INTERESTS**

There were no declarations of interest.

237**MINUTES**

RECEIVED the minutes of the meeting held on 9 July 2014.

AGREED that the minutes of the meeting held on 9 July 2014 be confirmed and signed as a correct record.

238**LICENSING ACT 2003 - ENFIELD'S POLICY (REPORT NO.123)**

LICENSING COMMITTEE - 19.11.2014

RECEIVED the report of the Director of Regeneration and Environment.

NOTED

1. The introduction by the Principal Licensing Officer, including:
 - a. Following the meeting of the Licensing Committee in July, a borough-wide public consultation was conducted between August and October in respect of the Council's Licensing Policy Statement.
 - b. A 5th edition of the Licensing Policy Statement must be approved by full Council by/in January 2015.
 - c. Approximately 1,000 people were invited to respond to the consultation. 27 responses were received to the consultation, which was a 2.8% return. Details of the responses were set out in Annex D to the report.
 - d. The context and operation of the Cumulative Impact Policy (CIP) within the Licensing Policy Statement was set out on pages 7 – 8 of the report.
 - e. The Licensing Authority and the Police considered the CIP helpful, and that it enabled more effective negotiations with applicants.
2. Councillors Jiajge and Savva arrived at the meeting.
3. Members' debate, and responses to questions raised, including:
 - a. Members' concern regarding the low rate of response to the consultation. It was confirmed that 76 Residents' Associations and almost 800 businesses had been written to directly. The level of response was not inconsistent with other public consultations. There were responses from the Police Service and the Licensing Authority: this was significant as they were the two main bodies who were consulted on all licensing applications.
 - b. It was noted that 27 people in total responded, but not everyone answered every question.
 - c. It was noted that a majority were in favour of retaining the Enfield Town CIP.
 - d. The consensus of the responsible authorities regarding extending all core hours to 00:00 was noted. They did not believe that the licensing objectives would be compromised by a 00:00 terminal hour.
 - e. It was noted that updated evidence from the Police, showing alcohol related crimes recorded in the CIP zones, was included on pages 45 – 51 of the agenda pack.
 - f. It was noted that the Police had not asked for any new CIP areas to be designated.
 - g. The Committee asked that the Police look at the alcohol related crimes recorded in the rest of the borough in comparison to the CIP areas, and report this evidence back.
 - h. Confirmation that the Council had to legally adopt the Licensing Policy Statement by January. The Council could amend its policy in future as necessary.
 - i. The Committee unanimously approved the report recommendations.

LICENSING COMMITTEE - 19.11.2014

AGREED that the Licensing Committee considered the report and recommended to Council:

- 1) To approve the continuance of the Cumulative Impact Policy within the Council's Licensing Policy Statement under the Licensing Act 2003.
- 2) To approve the retention of the four Cumulative Impact Policy areas.
- 3) To approve the retention of the midnight terminal hour for restaurants, take-aways, plays, films and indoor sports within the Cumulative Impact Policy areas.
- 4) To approve the extension of the terminal hour for pubs/bars, off licences & music and/or dancing within the Cumulative Impact Policy areas from 11pm to midnight.
- 5) To approve the removal of Section 15 (Olympics & Paralympics) from the Licensing Policy Statement.

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MUNICIPAL YEAR 2015/2016 REPORT NO. **95**

MEETING TITLE AND DATE:

Full Licensing Committee
14 October 2015

REPORT OF:

Principal Licensing Officer

Agenda – 1	Item:
Subject: Gambling Act 2005 – Enfield’s Licensing Policy Wards: All	
Cabinet Member consulted: Cllr Anderson Chairman of Licensing Committee consulted: Cllr Bond	

Contact officer and telephone number:

Ellie Green, Principal Licensing Officer Tel: 0208 379 8543

Email: ellie.green@enfield.gov.uk

1. Executive Summary

- 1.1 The Council has a statutory duty, following public consultation, to publish its licensing policy Gambling Act 2005 every three years.
- 1.2 The Council may also, every three years, resolve not to issue casino premises licences under the Gambling Act 2005.

2. Recommendations

- 2.1 To note the results of the public consultation and amendments made to the proposed Statement of Principles, under the Gambling Act 2005.
- 2.2 To approve the Statement of Principles, under the Gambling Act 2005, attached as Appendix 1.
- 2.3 To resolve not to issue casino premises licences, under the Gambling Act 2005.

3. Background

- 3.1 The Council has a statutory duty, following public consultation, to publish its gambling policy under the Gambling Act 2005 every three years.
- 3.2 The existing policy was last approved by Council on 30 January 2013. It is due for revision, consultation and publishing by 30 January 2016.
- 3.3 The Council may also, every three years, resolve not to issue casino premises licences under the Gambling Act 2005.
- 3.4 On 30 January 2013, the Council resolved not to issue casino premises licences under the Gambling Act 2005. It is proposed that the Council takes a new 'no casino' resolution. There are no casinos within the borough and, since January 2010, the Council has not received a single enquiry in respect of casino licences.
- 3.5 The new gambling policy needs to be approved at 11 November 2015 Council meeting in order to meet the statutory publication procedures for the policy to be in place by 30 January 2016.
- 3.6 The revised (4th) edition of the Gambling Policy is attached at Appendix 1 for consideration and any amendments before it goes to the full Council meeting.
- 3.7 The main changes to the Gambling Act policy reflect the significant changes in the recent revision of the Gambling Commission's Guidance document. The guidance was produced in draft for public consultation from March 2015 to 22 June 2015. The final version was published following the public consultation in September 2015 – during the period of public consultation on Enfield's revised Gambling Act policy.
- 3.8 The Gambling Act 2005 (section 153), requires that licensing authorities 'aim to permit' the use of premises for gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. Licensing authorities are required to use their powers; such as imposition of licence conditions, to moderate the risks to the licensing objectives rather than setting out to prevent gambling.
- 3.9 The Licensing Objectives 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; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.10 Factors which cannot be taken into account when considering applications for gambling premises include:
- Unfulfilled 'demand' for gambling premises
 - The clustering of gambling premises in an area/location

- Planning permission or building control approvals that may be needed under those legislation and/or if they are likely to be granted
- Whether the premises is likely to cause nuisance or anti-social behaviour (these are not a licensing objective under the Gambling Act)

4.0 Existing Policy & 'No Casino' Resolution

- 4.1 Since January 2013, we have received 330 gambling licence applications. However, only 21 of these applications (6.4%) were applications for new licences or for variation of existing licences which *could* have been subject to objections and *could* have been referred to the Licensing Sub-Committee. In the event none of these applications received objections and none were referred to a Sub-Committee hearing.
- 4.2 Since January 2013 we have not received any applications (from our partner agencies or from local residents or businesses) to review any gambling licences in Enfield.
- 4.3 We have not received any applications for casino licences in Enfield.
- 4.4 In 2013, there were 75 licensed betting shops in the borough. Since 2013 an additional 11 betting shops have been licensed, but in the same period 6 betting shops have closed. There is no obvious pattern as to the wards where the new or closed betting shops are. Therefore, currently, there are 80 licensed betting shops in the borough.

5.0 Gambling Commission's statutory Guidance to licensing authorities

- 5.1 The Gambling policy forms the licensing authority's mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with gambling premises in the locality.
- 5.2 The changes to the Council's Gambling policy reflect the key changes in the revised (5th edition) Guidance as follows:
- How the council intends to use its powers to manage risks to the licensing objectives locally;
 - Implementation of the Commission's social responsibility provisions contained within the Licence Conditions and Codes Practice (LCCP) - gambling premises operators will be required from 6 April 2016 to undertake an assessment of risk posed by their premises to the licensing objectives (taking account of the local area profile) and to identify mitigation measures;
 - Allows the Licensing authority to provide a local area profile in their Gambling Act policy that identifies sensitive buildings and vulnerable communities – to set out local risks and to assist gambling premises operators and applicants to undertake their risk assessment;
 - Examples of a pool of conditions that have been attached to licences as conditions by local authorities;

- Promotes local partnership working between licensing authorities and businesses so as to facilitate a coordinated response to local issues (e.g. such as our BetWatch Enfield scheme).
- We have also included some data about gambling habits from the English and Scottish Health Surveys 2012, and the ethnicity, age, economic makeup of the local community (not part of the statutory guidance for policies).
- For the first time we have also introduced a Foreword to the policy from the Chair of the Licensing Committee to clearly set out the Council's approach to gambling premises and our expectations of gambling premises operators.

5.3 Gambling Policy reflecting local issues:

5.3.1 This is a new and significant opportunity for Licensing Authorities to set out what the local issues are in the borough and for gambling operators to take these into account when considering their risk assessments and mitigation measures.

5.3.2 The former Gambling Commission guidance, and therefore our former policy statement, does not fully and adequately reflect local concerns, risks and features of the gambling landscape – for example, demographics, socio-economic profile and what mix of gambling is provided.

5.3.3 To make full use of this important licensing tool, the policy statement should be drawn up in a way that reflects the local area. The Council have their own views about how they wish to manage gambling locally and those nuances and local understanding of risk should be reflected in the policy statement.

5.3.4 Risk in this context includes actual, potential and possible future emerging risks to the licensing objectives. The statement also better reflects the expectations the LA has of both existing gambling operators and those who may apply for premises in the future.

5.4 Local area profile:

5.4.1 The Gambling Policy develops the local area profile, and includes maps and data (in Section 6 and Appendix C) relating to sensitive buildings, such as schools, hospitals and areas of deprivation and unemployment for example. This has allowed hot spot areas to be identified of those potentially at higher risk of being exposed to gambling related harm. By setting out the local area profile in the Gambling Policy, the Council and Licensing committee can take into account the location of a gambling premises in an application in respect of proximity to sensitive buildings, socio-economic factors and the population in that area.

5.4.2 The local area profile shows the location of existing betting shops and amusement arcades in relation to facilities likely to be used by children and young people and vulnerable adults and presents data relating to vulnerability:

- Schools
- Parks
- Hospitals, GP surgeries and health clinics
- Temporary accommodation
- Youth centres
- Leisure facilities
- Areas of deprivation
- Areas of unemployment
- Areas of Job Seekers Allowance and benefit claimants
- Areas of residents with mental health
- Crime hotspots
- Places of worship

5.5 Local risk assessments

5.5.1 Following revisions to *Licence conditions and codes of practice* (LCCP), operators with premises licences will have an obligation to produce a local risk assessment from 6 April 2016, which will assist the Council when we are considering applications. Operators must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the Council's policy, such as the local area profile.

5.5.2 However, legal advice confirms that as the presumption to grant an application still exists in the Gambling Act, the Council cannot refuse an application just because it has been identified in a high risk area. However, the new stricter conditions and codes of practice imposed on licences requires operators to put in place mitigation measures to address any concerns, and we can take account of this risk assessment and mitigation measures when considering licence applications and reviews.

5.5.3 We have provided a template of a risk assessment in the Gambling policy to assist operators in meeting our expectations, but emphasised that they are able to use their own risk assessments.

5.6 Partnership working

5.6.1 The policy also now includes the Gambling Commission's promotion of partnership working: local authorities are to encourage and support local operators to create and maintain an information sharing network to discuss issues of problem gamblers that are identified. This will also be an opportunity for operators to discuss issues with the licensing officers and Metropolitan Police.

5.6.2 The Council already meet this requirement as the successful partnership between the Council, the Metropolitan Police and local operators was launched in the form of BetWatch Enfield in October 2013.

6. Public Consultation

- 6.1 The Gambling Commission's Guidance recommended a consultation period for Licensing Authority's Gambling Act policy statements of between 2-12 weeks. Our consultation took place between 17 July 2015 and 2 October 2015 (11 weeks) which will meet the deadlines for adoption and publication of the new policy before 30 January 2016 (adoption at the 11 November 2015 Council meeting).
- 6.2 Twelve responses were received during the consultation period. They comprised the following:
- 6 were received from the general public,
 - 1 from an organisation supporting persons with gambling related harm (Red Card Gambling Support Project Ltd, Edmonton, N9), and
 - 5 from the betting industry (4 operators – Coral, Ladbrokes, Williams Hill, Paddy Powers) and the Association of British Bookmakers (ABB – represents over 80% of high street betting market such as William Hill, Ladbrokes, Coral, Paddy Power and almost 100 smaller independents)
- 6.3 A summary of the responses to the consultation is provided in Appendix 2, and includes a summary of the amendments made to the proposed Gambling Act policy as a result of feedback received during the public consultation. The proposed policy is at Appendix 1 and shows the amendments (in track changes) made as a result of the feedback received. The consultation feedback responses received by the betting industry are provided in Appendix 3.
- 6.4 The views were polarised between the general public who generally wanted the licensing authority to exert tighter control and regulation of gambling premises, and the betting industry emphasising that it is already well regulated, acting responsibly and protecting communities from gambling related harm.
- 6.5 The most frequently commented on parts of the policy by the betting industry were in relation to the risk assessment requirements, use of the local area profile and the use of conditions. The feedback was that risk to children and vulnerable persons in the local area profile must be supported by evidence and conditions should be only be imposed if necessary (based on evidence of risks) that are not already mitigated. Also that the risk assessment template and information to be considered as part of the risk assessment is overly prescriptive, irrelevant and ultravires.
- 6.6 In summary, the responses to the consultation included:
- 6.6.1 General comments about the clarity and fairness of the policy:-
- Enfield council do not push gambling premises to reduce antisocial behaviour or impose more staff be present within shops that have bad antisocial behaviour

- Even with a policy there is still far too many gambling establishment in the borough especially in the more deprived areas.
- If people want to gamble their money away let them.
- The Licensing Authority should not seek in the Policy to undermine the 'aim to permit' principle by imposing burdens/additional hurdles on operators above that outlined in the Act.
- Objection to the phrase "invisible and insidious" nature of gambling (in foreword) as not all gambling is harmful – only problem gambling behaviour.
- The Authority cannot circumvent the law by considering the number of premises (cumulative impact) where there is a risk to the licensing objectives as only the risk posed by the particular premises can be considered
- In paragraphs 1.11 and 1.12, wider strategies should not be included if not relevant to the licensing objectives and not be used to hide exclusionary policies relating to betting shops
- In paragraph 1.13, the Authority has failed to use the latest data from the English and Scottish health surveys (on gambling habits). Also there has been selective use of data and quotes aimed at stigmatising "FOBTs" and betting shops generally. This betrays an element of bias in the policy which would be unlawful. Also, there has not been a significant rise in problem gambling despite increased participation (and most recent survey suggesting it has remained static) and problem gambling levels remain low.
- Find suitable local gambling support avenues for problem gamblers.
- Amend foreword to reference the desirability of licensed and regulated supply over illegal supply of gambling
- Make reference to the significant level of regulation under the operating licence and Licensing Conditions and Codes of Practice to which operators have to adhere and obtain an operators licence from the Gambling Commission before a premises licence
- In paragraph 1.7.2, should include nuisance in the list as not being a valid reason to reject an application
- The sample conditions in Appendix D should be removed as they are too prescriptive unworkable and seek to extend over and above the mandatory and default conditions.
- Additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so. Premises are already subject to mandatory and default conditions and additional conditions should only be added if these need supplementing.

6.6.2 General comments about the new risk assessment (from 6 April 2016) and local area profile requirement, and how the Licensing Authority intends to use these to make decisions:-

- Risk assessments that are carried out are not done to correct measures, more in favour of the company to save money, not for the safety of staff and the community
- They don't care all they care about is profit

- Gambling shops have too many constraints
- The maps in Appendix C of the Policy showing the local area profile are of limited value to operators in assessing gambling related harm
- Maps dealing with unemployment and deprivation unhelpful unless authority considers them automatically vulnerable. Crime hotspot maps not relevant as to whether betting shops are a source of crime and disorder.
- The policy states will give careful consideration to premises located near schools, youth clubs and other establishments used by children and those who may be vulnerable. The policy should acknowledge that betting shops have been located in such areas for over 50 years and operators have developed policies and procedures to ensure only those able to access them do so. The policy should recognise that existing policies and procedures may already address the local area and provide sufficient controls.
- Careful consideration of premises near schools and other such premises and crime and disorder hotspots should be risk based and evidenced (not theoretical risks).
- Many questioned the necessity and relevance of the matters the licensing authority listed as considerations for the risk assessment
- One respondent requested a map with proximity of betting shops to bus stops that serve schools, and also figures of unemployment and homelessness
- Suggested compulsory double manning gambling premises at night where there has been at least three instances where police or local community officers have attended within 6 months. Make Betwatch meetings for licence holders within community compulsory.
- Important that any risk identified in the local area profile are supported by substantive evidence and not perceived risks. Otherwise this would be disproportionate and distort the 'aim to permit' principle by reverse the burden of proof from the local authority to prove the risks to the operator to mitigate potential risks.
- In section 6.2 and Appendix G (Risk Assessment template), the template is unsuitable and complex. Will be adapting own existing risk assessment process.
- In paragraph 6.2.3, refute that need to provide the sort of information listed as deemed unreasonable, disproportionate and ultravires. Requests that this approach is reconsidered otherwise will consider challenging the policy.
- Paragraph 6.6.3 should be removed as the terms 'sensitive' building' and 'vulnerable community' are not defined in the Act or policy, specifying within 400 metres is arbitrary and in any case is unnecessary as operators will have considered sensitive premises or vulnerable persons in their risk assessment.

6.6.3 Other general comments:

- Stop approving licenses for so many betting shops

- As an Enfield /Edmonton resident i would like to do something in my community with regards to helping young adults steer clear of gambling.
- ABB's response – recent media coverage has suggested that there has been a proliferation in betting shops. The numbers have remained relatively stable (figures provided for UK). Problem gambling rates in the UK are stable (0.6%) and possibly falling.
- Examples provided of working in partnership with local authorities.
- ABB's response – Foreword of the policy recognises that gambling is a legitimate leisure industry but the rest of the policy appears to view it as not a legitimate industry and ones that requires heavy regulation.

6.6.4 The proposed policy was amended as considered necessary in the light of the feedback received and is detailed in Appendix 2.

7. Alternative Options Considered

None.

8. Reasons for Recommendations

To recommend the 4th Edition Gambling Policy be approved by the Licensing Committee and resolve a “no casino resolution”. The same proposals will be put forward for approval by full Council, this will meet the Council's statutory responsibilities.

9. Comments of the Director of Finance, Resources and Customer Services and Other Departments

9.1 Financial Implications

9.1.1 Not applicable for Licensing Committee stage

9.2 Legal Implications

Not applicable for Licensing Committee stage

10 Key Risks

Not applicable for Licensing Committee stage

11 Impact on Council Priorities

11.1 Fairness for All

Not applicable for Licensing Committee stage

11.2 Growth and Sustainability

Not applicable for Licensing Committee stage

11.3 Strong Communities

Not applicable for Licensing Committee stage

12 EQUALITIES IMPACT IMPLICATIONS

Not applicable for Licensing Committee stage

13 PERFORMANCE MANAGEMENT IMPLICATIONS

Not applicable for Licensing Committee stage

14 PUBLIC HEALTH IMPLICATIONS

Not applicable for Licensing Committee stage

Background Papers

Guidance for Licensing Authorities 5th Edition – Gambling Commission.

LONDON BOROUGH OF ENFIELD

GAMBLING ACT 2005

**STATEMENT
OF PRINCIPLES**

**Fourth Edition
17 July 2015**

DRAFT



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FOREWORD:

This is the fourth Statement of Licensing Policy produced by the London Borough of Enfield under the Gambling Act 2005 and it will be the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years commencing on 30 January 2016.

This Policy sets out how the Council, as the Licensing Authority, will seek to balance leisure opportunities with the protection that children, vulnerable people and communities need and expect.

The Council recognises that gambling is a legitimate leisure industry. The Gambling Act is clear that Licensing Authorities should aim to permit gambling that is not a source of crime and disorder, is conducted in a fair and open way and protects children and other vulnerable persons from being harmed or exploited. We will use our powers; such as imposition of licence conditions, to moderate the risks to these licensing objectives. However, the Council will not hesitate in dealing robustly where gambling premises do not meet these objectives.

We have taken the opportunity presented in the 5th edition of the Gambling Commission guidance to Licensing Authorities (September 2015) to provide a local area profile of the borough in this Policy in Section 6 and Appendix C. We hope that this brings a clearer understanding of the local issues. Unlike alcohol control, where the harms are readily apparent in drunken behaviour and nuisance, problem gambling can be invisible and insidious and have devastating impacts on the person, their relationships, their family, on their health and cause significant debt.

The local area profile shows the location of facilities associated with children and vulnerable persons as well as some socio-economic indicators of potential vulnerability such as deprivation and unemployment. We expect the operators of gambling premises in Enfield to demonstrate they have had regard to this profile in preparing their own risk assessment of their premises and when they make licence applications.

This Policy will be kept under review and it will be amended when significant issues arise that make change necessary. The Council will seek through the licensing process and the decisions it takes, to make Enfield a safe and welcoming place for both residents and visitors to enjoy.



Councillor Chris Bond
Chairman, Licensing Committee

1. Statement of Licensing Policy

1.1 Introduction

1.1.1 The Gambling Act 2005 requires the Council to prepare and publish a “Statement of Licensing Policy” that sets out the principles the Council proposes to apply in exercising its licensing functions when dealing with applications for Premises Licences, as required by the Act. Appendix A provides more information on the definitions used of terms used within this Statement.

1.1.2 This Policy Statement takes effect on 31st January 2016. This Licensing Authority will update and publish a new Licensing Policy whenever necessary but in any case within 3 years of the date of this Policy, and will fully consult with partners, trade associations and residents groups as appropriate at that time, any representations received will be considered at that time.

1.1.3 However where updates are required due to changes in national legislation, statutory guidance or contact details the council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.

1.1.4 In producing the final Policy Statement the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, any codes of practice and any responses from those consulted on the Policy Statement.

1.1.5 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with such a right. The council will have regard to the Human Rights Act when considering any licensing issues, and particularly in respect of the way in which applications are considered and enforcement activities are carried out.

1.1.6 The council acknowledges that it may need to depart from this Policy and from the guidance issued under the Act in individual and exceptional circumstances, and where the case merits such a decision in the interests of the promotion of the licensing objectives. Any such decision will be taken in consultation with the appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded.

1.2 Profile of London Borough of Enfield

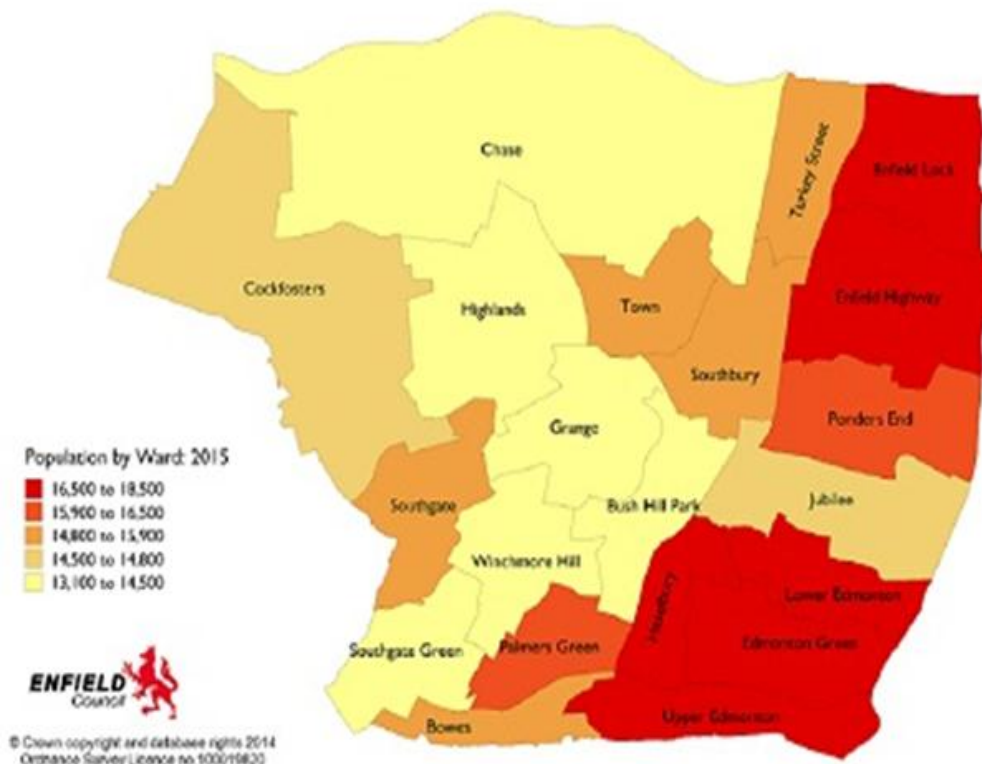
1.2.1 Enfield is London’s northernmost Borough and covers 32 square miles. There are five major roads passing through, including the M25 in the north. About one third of the Borough is residential comprising some 119,916 homes. Another third is Green Belt land (predominantly in the north and west) comprising country parks, farmland and open land (including urban parks, sports fields, golf courses, allotments and school playing fields). There are also fifteen conservation areas. Figure 1 below shows a map of the borough.

Figure 1:



1.2.2 The Borough has a population of 322,426 (Greater London Authority Population 2013), and the breakdown across the wards is seen in the map, Figure 2.1 below, and the breakdown of ages in Figure 2.2:

Figure 2.1:



Source: GLA 2013 Round of Demographic Projections - Ward projections Local authority population projections - based on 2013 BPO data.

Figure 2.2:

Band	Result	% of total
0-4	24,792	7.7%
5-9	22,828	7.1%
10-14	19,845	6.2%
15-19	20,613	6.4%
20-24	21,858	6.8%
25-29	25,696	8.0%
30-34	26,109	8.1%
35-39	22,898	7.1%
40-44	23,160	7.2%
45-49	23,703	7.4%
50-54	20,632	6.4%
55-59	16,095	5.0%
60-64	13,243	4.1%
65-69	12,190	3.8%
70-74	9,377	2.9%
75-79	7,962	2.5%
80-84	5,837	1.8%
85-89	3,489	1.1%
90+	2,101	0.7%
Grand Total	322,426	100.0%

Source: Greater London Authority Population 2013

1.2.3 The child, working age and older population results by gender are shown in Figure 3:

Figure 3:

Age group	Male no.	% of group	Female no.	% of group
0-15	36800	51%	34800	49%
16-64	99078	48%	106050	52%
65+	17441	44%	22584	56%

Source: Greater London Authority Population 2013

1.2.4 The breakdown of the 22 different ethnic groups in Enfield is shown in Figure 4:

Figure 4:

Ethnic group	Number	%
White British	118186	36.7%
White Irish	7259	2.3%
Greek	3579	1.1%
Greek Cypriot	16646	5.2%
Turkish	22669	7.0%
Turkish Cypriot	6491	2.0%
Kurdish	4310	1.3%
White Other	18419	5.7%
White & Black Caribbean	4621	1.4%
White and Asian	4191	1.3%
White and Black African	2473	0.8%
Other mixed	6205	1.9%
Indian	11677	3.6%
Pakistani	2649	0.8%
Bangladeshi	6103	1.9%
Chinese	2937	0.9%
Other Asian	12452	3.9%
Somali	8806	2.7%
Other Black African	23258	7.2%
Black Caribbean	18021	5.6%
Other Black	8891	2.8%
Other Ethnic Group	12583	3.9%
Total	322426	100.0%

Source: In-house, using data from the 2001 and 2011 Censuses of Population and the latest January School Census for the year

1.3 Objectives

1.3.1 In exercising most of its functions under the Gambling Act 2005 the Council, as the Licensing Authority, must have regard to the following licensing objectives:

- **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.**

1.3.2 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”.

1.3.4 The Council is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling insofar as it thinks it is:

- **In accordance with any relevant code of practice issued by the Gambling Commission;**
- **In accordance with any relevant guidance issued by the Gambling Commission;**
- **Reasonably consistent with the licensing objectives;**
- **In accordance with the Council’s Statement of Licensing Policy. In particular, the Council requires operators to take account of the local area profile of the borough contained within this policy.**

1.4 The Licensing Authority Functions

1.4.1 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 who wish to undertake certain gaming activities via 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 notification from alcohol licensed premises (under the Licensing Act 2003) of 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 Gambling Commission regarding details of licences issued (see section below on information exchange);
- Maintain registers of the permits and licences that are issued under these functions.

1.4.2 It should be noted that local licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via Operator Licences.

1.4.3 The Council recognises that the licensing function is only one means of promoting delivery of the three objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore work in partnership with neighbouring authorities, Metropolitan Police Service, the Community Safety Partnership, local businesses, local people and those involved in child protection to promote the licensing objectives as outlined. In addition, the Council recognises its duty under Section 17 of the Crime and Disorder Act 1998, with regard to the prevention of crime and disorder.

1.5 Consultation

1.5.1 The Council has consulted widely upon this Statement before finalising and publishing. A list of those persons consulted is provided below, in line with the Act and the Gambling Commission's Guidance.

- The Chief Officer of Police;
- The Fire Authority;
- One or more persons who appear to the authority to represent the interest 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 likely to be affected by the exercise of the authority's functions under the Gambling Act 2005;
- Departments (including Responsible Authorities) within the Council with an interest in the licensing of gambling;
- Local Safeguarding Children Board;
- Councillors;
- Other organisations as appear to be affected by licensing matters covered by this Statement;
- H.M. Revenue and Customs;
- Our neighbouring boroughs (London Borough of Haringey, London Borough of Barnet, London Borough of Waltham Forest, Epping Forest, Broxbourne, Hertsmere, Welwyn Hatfield).

1.5.2 The Statement was also available on the Council's web-site (www.enfield.gov.uk) and copies were provided at Civic Centre. The full list of comments made and the consideration by the Council of those comments is available on the Council's website.

1.5.3 Consultation took place between 17 July 2015 and 2 October 2015 and, as far as practicable, the Council followed the Consultation Principles issued by the government in November 2013 which is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

1.5.4 This policy was approved at a meeting of the Full Council on 11 November 2015 and was published on the Council's web-site by 31 January 2016.

1.6 Responsible Authorities

1.6.1 In exercising the Council's powers under Section 157(h) of the Act to designate, in writing, a body that is competent to advise the Council about the protection of children from harm, the following principles have been applied:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- Answerable to democratically elected Councillors, rather than to any particular vested interest group.

1.6.2 In accordance with the Gambling Commission's Guidance this Council, as Licensing Authority, designates the Council's Director of Children's Services for this purpose.

1.6.3 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 Children's Services
- 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')

1.6.4 Contact details of all the Responsible Authorities under the Gambling Act 2005 are available on the Council's web-site.

1.7 Interested Parties

1.7.1 Interested Parties can make representations about licence applications, or apply for a review of an existing licence based on the three licensing objectives as detailed in paragraph 1.3 of this Policy Statement. An Interested Party is someone who in the opinion of the Council:-

- (a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; and/or
- (b) Has business interests that might be affected by the authorised activities; or
- (c) Who Represent persons who satisfy paragraph (a) or (b).

1.7.2 The following are not valid reasons to reject applications for premises licences:

- (a) Moral objections to gambling.
- (b) The 'saturation' of gambling premises unless there is evidence that the premises poses a risk to the licensing objectives in that locality.
- (c) A lack of 'demand'
- (d) Whether the proposal is likely to receive planning or building regulations consent.

1.7.3 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 distance of the premises from the person making the representation, and the nature of their interest
- The potential impact of the premises and its catchment area

1.7.4 The term 'has business interests' will be given the widest possible interpretation in accordance with paragraph 1.7.3 and include partnerships, charities, faith groups and medical practices.

1.7.5 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.

1.7.6 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.

1.7.7 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.

1.8 Exchange of Information

1.8.1 The Council will work closely with the Gambling Commission, the Metropolitan Police and with Responsible Authorities where there is a need to exchange information on specific premises. For example, where the Commission makes observations and representations on the suitability of the

applicant for a premises licence or any other aspect of the application, the Commission and Council shall discuss matters relating to that application and the appropriate action to take.

1.8.2 Furthermore, the Council shall continue to submit annual returns to the Commission as they are an important source of information that can assist both in improving their work as risk based regulators. Both parties will work together to ensure that the returns process is managed effectively and the Council shall ensure that the information on the returns is accurate. It is noted however that the Commission will minimise the burden imposed on the Council by keeping its data requests to an absolute minimum.

1.8.3 The principle that the Council will apply when exchanging information will be to act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will also have regard to any Guidance issued by the Gambling Commission on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

1.8.4 Where relevant, information will be protected and the confidentiality of those making representations will be maintained. Information will be shared between the Responsible Authorities and Gambling Commission.

1.9 Enforcement

1.9.1 The Council's principles are that it will be guided by the Gambling Commission's Guidance to local authorities, the Regulators Code and the council's enforcement policy. It will 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, keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

1.9.2 As per the Gambling Commission's Guidance to Licensing Authorities, the Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

1.9.3 The Council has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives;
- Relevant codes of practice;

- Guidance issued by the Gambling Commission, in particular at Part 36;
- The principles set out in this Statement of Licensing Policy.
- The council's enforcement policy.

1.9.4 The Council's risk based Inspection Programme requires all new licensed premises to be inspected shortly after the licence has been issued. Resources are targeted toward programmed inspections of the high risk premises, but inspection of medium and low risk premises are undertaken if complaints are received, if variation applications are received or there is some other intelligence that suggests an inspection is appropriate. Compliance will be checked in a daytime or evening inspection. Where a one off event takes place under a Temporary Use Notice or Occasional Use Notice, the Council may also carry out inspections to ensure the Licensing Objectives are being promoted.

1.9.5 High-risk premises are those premises that have a history of complaints, a history of non-compliance and require greater attention. The Council will operate a lighter touch in respect of low-risk premises so that resources are more effectively targeted to problem premises. We will also target enforcement towards illegal gambling as it is potentially higher risk/harm due to the lack of regulation and oversight that legitimate licensed gambling is subject to.

1.9.6 The main enforcement and compliance role for this Council in terms of the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions, which it authorises. The Gambling Commission is the enforcement body for the Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines are not dealt with by the Council but should be notified to the Gambling Commission.

1.9.7 The council will take account of the Gambling Commissions guidance document issued in February 2015 (or any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The council will also follow its own policies and procedures regarding the use of underage test purchasers.

1.9.8 The Council also keeps itself informed of developments as regards the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities.

1.9.9 The Council's enforcement policy details the licensing authority's approach to inspections, criminal investigations and prosecutions and is available on the Council's web-site.

1.10 Fundamental Rights

1.10.1 Under the terms of the Act any individual/company may apply for a variety of permissions and have their applications considered on their individual merits. Equally, any Interested Party or Responsible Authority has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

1.10.2 Applicants and those making relevant representations in respect of applications to the Council have a right of appeal to the Magistrates Court against the decisions of the Council.

1.11 Other Regulatory Regimes

1.11.1 When considering any application, the Council will avoid duplication with other regulatory regimes so far as possible. Therefore, the Council will not attach conditions to a licence unless they are considered reasonable and proportionate to the use of premises for gambling consistent with the licensing objectives.

1.12 Gambling Prevalence and Problem Gambling

1.12.1 NatCen published a report in 2014¹ about gambling behaviours from the findings of the combined 2012 English and Scottish Health surveys. The main aims and objectives of the report were to:

- provide in-depth analysis of gambling and problem gambling levels and;
- examine the associations with problem and at-risk gambling

1.12.2 It found that 65% of English and Scottish adults (16+) had gambled in the previous year, with men (68%) being more likely than women (62%) to do so. Previous year gambling participation varied by age with participation rates being highest among the middling age groups and lowest among the very young or very old. This pattern was the same for men and women.

1.12.3 Rates of previous year gambling are heavily influenced by the popularity of the National Lottery. To examine participation rates in other forms of gambling activity, estimates were produced excluding those who only bought tickets for the National Lottery Draw. Overall, 43% of English and Scottish adults had gambled on other activities in the past year. When National Lottery only gamblers are excluded, gambling participation was highest among younger adults.

1.12.3 Among both men and women the most popular forms of gambling were: purchase of tickets for the National lottery (men 56%, women 49%); purchase of scratchcards (19% and 20% respectively), participation in other lotteries (14% for both men and women) and betting on horse racing (12% and 8% respectively). Men tended to be more likely than women to take part in most activities and to have a larger gambling activity repertoire than women. The exceptions to this are bingo, with men being less likely to participate than women (3% and 7% respectively); and scratchcards and other lotteries, with men and women being equally likely to participate.

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<http://www.gamblingcommission.gov.uk/PDF/Gambling%20behaviour%20in%20England%20Scotland%2010072014.pdf>

1.12.4 Previous year gambling prevalence was associated with a range of health and lifestyle factors. Prevalence was highest among those who smoke cigarettes, who consume alcohol and those with elevated Body Mass Index (BMI) levels, showing an association with other health and lifestyle risk factors. However, past year gambling prevalence was also higher among those with better rates of mental wellbeing and mental health and among those with better self-reported health.

1.12.5 Latent Class Analysis revealed seven types of male and female gamblers. Groups ranged from non-gamblers to National Lottery Draw only gamblers to multiple interest gamblers (i.e., those who took part in the most gambling activities in the past year). Among women, multiple interest gamblers (who took part in four or more gambling activities) were more likely to be younger, to consume greater amounts of alcohol, to have high blood pressure and have a BMI of 30 or more (indicating obesity). They were less likely to be in full-time education. Among men, multiple interest gamblers (who took part in at least six activities or more) were also more likely to be younger and to consume greater amounts of alcohol. They were more likely to be Catholics (than have no religion affiliation) and among those who had the highest levels of gambling engagement (i.e., took part in more than 11 gambling activities) they were more likely to have a General Health Questionnaire-12 score indicating probable psychological ill-health. They were less likely to be separated, divorced or retired.

1.12.5 At-risk gambling was measured using the Problem Gambling Severity Index (PGSI). This identifies people who have experienced some difficulty with their gambling behaviour but who are not classified as problem gamblers. Two groups are identified: gamblers at 'low risk' of harm (a PGSI score of 1-2) and gamblers at 'moderate risk' of harm (a PGSI score of 3-7). Overall, 3.2% of adults were low risk gamblers (a PGSI score of 1-2) and a further 1.0% were moderate risk gamblers (a PGSI score of 3-7), meaning that overall 4.2% of adults had a PGSI score which categorised them as 'at-risk' gamblers. Rates of low risk and moderate risk gambling were higher among men than women and were higher among younger age groups. Factors associated with at-risk gambling were age (with younger people being more likely to be at-risk gamblers), religion (with Catholics being more likely to be at-risk gamblers and Muslims being less likely, compared with those with no religious affiliation), cigarette smoking and increased levels of alcohol consumption.

1.12.6 Problem gambling is gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits. Estimates of problem and at-risk gambling are provided according to two different measurement instruments, the Diagnostic and Statistic Manual of Mental Disorders IV (DSM-IV) and the PGSI. According to the DSM-IV, problem gambling prevalence among adults living in private households in England and Scotland was 0.5%. Men were more likely than women to be classified as a problem gambler according to the DSM-IV (0.8% and 0.1% respectively). According to the PGSI, problem gambling prevalence among adults in England and Scotland was 0.4%, with men again being more likely than women to be classified as a problem gambler (0.7% and 0.1% respectively). It is also possible to produce a problem gambling estimate based on whether participants were categorised as problem gamblers according to either the DSM-IV or the PGSI. According to either the DSM-IV or the PGSI,

problem gambling prevalence among adults in England and Scotland was 0.6%, with men again being more likely than women to be classified as a problem gambler (1.0% and 0.2% respectively). Factors associated with problem gambling were being male, being from Black/Black British, Asian/Asian British or other non-White backgrounds, having low mental wellbeing and having ever had high blood pressure. Those from Black/Black British backgrounds emerged as a key group at risk of the experience of gambling-related harm.

1.12.7 Comparisons of the combined English and Scottish Health Survey data with the British Gambling Prevalence Survey (BGPS) estimates should be made with caution. While the methods and questions used in each survey were the same, the survey vehicle was not. It is widely acknowledged that different survey vehicles can generate different estimates using the same measures because they can appeal to different types of people, with varying patterns of behaviour. Overall, the rates of past year gambling reported in the combined health survey series are typically lower than those reported in the BGPS series. Results from this present health surveys report showed that 65% of adults had gambled in the past year, whereas estimates from the BPGS series ranged from 72% in 1999, to 68% in 2007 to 73% in 2010. According to the combined health survey data, the problem gambling rate as measured by the DSM-IV was 0.5%. This was similar to problem gambling rates observed in the BGPS series which for England and Scotland were 0.6% in both 2007 and 1999 and 0.9% in 2010. The differences between survey years were not significant. Problem gambling rates according to the PGSI were also similar between the surveys, being 0.4% for the combined health survey and 0.6% in BGPS 2007, and 0.7% in BGPS 2010. Rates of problem gambling according to either the DSM-IV or PGSI did vary by survey year. Estimates were highest in 2010 (1.2%) and were lower in both the BGPS 2007 (0.8%) and the combined health survey data (0.6%). Overall, problem gambling rates in Britain appear to be relatively stable.

1.12.8 The GamCare annual report (2013-2014)² shows that there had been a 34% increase in the number of inbound calls made to their Help Line from 'problem gamblers'. However, the total number of calls received had dropped to 30,648 compared to 37,806 in 2007. Amongst telephone callers seeking counselling the main gambling activities disclosed continued to be betting (31%), Fixed Odds Betting Terminals FOBT/Roulette Machines (23%) and Fruit/Slot machines 18%. The main gambling facilities (locations) disclosed followed a similar trend to 2012/13 with the leading facilities being Betting Shops (44%), Internet (30%) and Casinos (9%).

1.12.9 GamCare's assessment is that when gambling becomes a problem it can have devastating repercussions on a person's everyday life and functioning. For many clients who come to GamCare for counselling, this may mean the breakdown or near breakdown of their relationships, damage to their physical and psychological health and substantial financial loss and debt.

² http://www.gamcare.org.uk/sites/default/files/file_attach/Statistics%20Briefing%20Paper.pdf

2. Premises Licence

2.1 General Principles

2.1.1 Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

2.1.2 Applicants for premises licences will have already obtained an Operators Licence from the Gambling Commission and be subject to the Licensing Conditions and Codes of Practice before applying for a premises licence. The Council is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling insofar as it thinks it:-

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives;
- In accordance with this Policy Statement (including the local area risk profile);

2.1.3 The Council will also consider:

- Information from the applicants as to whether any licensing objectives concerns can be mitigated or overcome;
- Each application on its own merits with regard to all the above considerations.

2.1.4 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for Premises Licences" and also that unmet demand is not a criterion for a licensing authority.

2.1.5 The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission commencing in May 2015 places further onus on premises to complete a risk assessment based on code 8, the social responsibility code. The council will have regard to this code when considering applications. This is covered in detail in Section 6 of this statement.

Definition of "Premises":

2.1.6 Premises is defined in the Act as "any place". Section 152 therefore prevents 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. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or

shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

2.1.7 The Gambling Commission states in its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building/plot will be the subject of an application for a licence. But, that does not mean that a single building plot cannot be the subject of separate premises licence, e.g. the basement and ground floor, if they are configured acceptably. 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 and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer.

2.1.8 However, the Commission 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.”

2.1.9 The Council takes particular note of the Gambling Commission’s Guidance for local authorities which states that licensing authorities should 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, they should be aware of the following –

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensing premises or premises with a permit;
- Customers should be able to participate in the activity named on the premises licence.

2.1.10 The Guidance also gives a list of factors, which the licensing authority should be aware of, which may include:

- 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?

2.2 Appropriate Licence Environment

2.2.1 The Guidance to Local Authorities and the Licence Conditions and Codes of Practice (LCCP) commencing May 2015, set out additional matters that the council should take into account when considering licence applications for premises licences.

2.2.2 Guidance section 19, LCCP condition 16 and code 9 prescribe restrictions on gambling activities on premises, previously known as primary gambling activity. The council will consider any application based on the provisions in these codes and guidance.

2.2.3 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises, and that the premises is adequately supervised at all times.

2.2.4 The Council will consider these and any other relevant factors in making its decision, depending on all the circumstances of the case.

2.2.5 The Gambling Commission's Guidance for relevant access provisions for each premises type is reproduced in Appendix B.

2.3 Premises "ready for gambling"

2.3.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

2.3.2 The provisional statement procedure may be used where 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. In the latter case, it is not possible to make a premises licence application and the provisional statement procedure must be used.

2.3.3 In deciding whether a premises licence can be granted where there is 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.

2.3.4 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

2.3.5 More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

2.4 Other Considerations

Location:

2.4.1 The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the Gambling Commission's Guidance for local authorities, 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.

2.4.2 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

2.4.3 The Council has produced a local area profile including the information listed in 2.4.2 above; further details can be seen in paragraph 6.3 below and Appendix C.

2.4.4 It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, ***and operators are encouraged to provide information in their application that demonstrates they have existing policies and procedures to mitigate any risks.***

2.4.5 Applicants will be expected to prepare risk assessments based on the location and identify risk controls (taking account of the local area risk profile produced by the Council), the type of gambling operation and the design of the premises. For further details see paragraph 6.3 below.

2.4.6 The Council will in all cases consider what measures may be needed to mitigate risk to the licensing objectives. In doing so it will take account of the local area profile, the risk assessment and the pool of conditions in Appendix F of the Guidance to Local Authorities. See Appendix C for the list.

Planning:

2.4.7 The Gambling Commission Guidance to Licensing Authorities states:

- In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

2.4.8 The Council will not take into account irrelevant matters as per the above guidance. In addition, the Council notes the following excerpt from the Guidance:

- When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

2.5 Duplication with other Regulatory Regimes

2.5.1 The Council seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. The Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of it. It will though listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise.

2.5.2 When dealing with a premises licence application for finished buildings, the Council will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

2.6 Licensing Objectives

2.6.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

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

2.6.2 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 such as whether police assistance was 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 via the Gambling Act provisions.

Ensure that gambling is conducted in a fair and open way:

2.6.3 The Council has noted that the Gambling Commission states that it does 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. There is, however, more of a role with regard to tracks, which is explained in more detail in the "tracks" section.

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

2.6.4 The Council has noted the Gambling Commission's Guidance for local authorities states 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 this 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.

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

2.6.6 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 gamble 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.

2.6.7 Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

2.6.8 The Licence Conditions and Codes of Practice (LCCP) issued in 2015 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

2.6.9 In particular operators must ensure that:

- all staff are trained,
- that all customers are supervised when on gambling premises;
- must have procedures for identifying customers who are at risk of gambling related harm.

2.6.10 The council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

2.6.11 Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities.

2.6.12 See section 6 of this policy statement for further details and on the council's requirements in relation to the LCCP.

2.7 Bet-Watch Enfield

2.7.1 The council encourage and will support local operators to create and maintain an information sharing network to discuss issues of problem gamblers that are identified. This will also be an opportunity for operators to discuss issues with the licensing officers and Metropolitan Police.

2.8 Conditions

2.8.1 Premises applying for licences are already subject to mandatory and default conditions, and additional conditions will only be added if these need supplementing and considered necessary.

2.8.2 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; and

- Reasonable in all other respects.

2.8.3 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas, etc. There are specific comments made in this regard under some of the licence types below. 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.

2.8.4 In order to inform such suggestions, applicants will be expected to prepare risk assessments based on the location and range of clientele of the premises, and to take account of any local area profile produced by the Council. For further details see paragraph 6.3 below.

2.8.5 The Council will in all cases consider what measures may be needed to mitigate risk to the licensing objectives. In doing so it will take account of the local area profile, the risk assessment and the pool of conditions in Appendix F of the Guidance to Local Authorities. See Appendix D for the list.

2.8.6 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 non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

2.8.7 The Council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- 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; and
- 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.

2.8.8 These considerations will apply to premises, including buildings where multiple premises licences are applicable.

2.8.9 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, this Council will consider the impact upon the third licensing objective 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.

2.8.10 It is noted that there are conditions, which the Council cannot attach to premises licences, which are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions in relation to stakes, fees, winning or prizes.

2.9 Door Supervisors

2.9.1 The Gambling Commission advises in its Guidance to licensing authorities that if it is concerned that a premises may attract disorder, or be subject to attempts at unauthorised access (e.g. 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.

2.9.2 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.

2.10 Adult Gaming Centres

2.10.1 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 Council that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

2.10.2 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

2.10.3 This Council may consider measures to meet the licensing objectives 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-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information.

2.10.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

2.11 (Licensed) Family Entertainment Centres

2.11.1 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 Council, 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.

2.11.2 The Council may consider measures to meet the licensing objectives 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-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information
- Measures/training for staff on how to deal with children on the premises, for example, suspected truancy from school.

2.11.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

2.11.4 The Council will, as per the Gambling Commission's guidance, 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 machines should be delineated. This Council will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

2.12 Casinos

2.12.1 On ****31 January 2016**** 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

2.12.2 The resolution came into effect on ****31 January 2016**** and will remain in force for three years, when a further 'no casino' resolution may be passed.

2.12.3 There is no right of appeal against this resolution.

2.12.4 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.

2.12.5 The Council has power to revoke the 'no casino' resolution, should it wish to do so at a future date.

2.13 Bingo Premises

2.13.1 This Council notes that the Gambling Commission's Guidance states: Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

2.13.2 The Council is aware that a holder of bingo premises licences may make available for use of a number of category B gaming machines, not exceeding 20% of the total number of gaming machines, which are available for use on the premises

2.13.3 Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

2.13.4 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.

2.13.5 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

2.14 Betting Premises

Betting machines:

2.14.1 The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Betting premises may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet over the counter. These “betting machines” are not gaming machines: they merely automate the process, which can be conducted in person and, therefore, do not require regulation as a gaming machine.

2.14.2 The Council will, as per the Gambling Commission’s Guidance, 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 (it is an offence for those under 18 to bet).

2.14.3 Other appropriate measures to meet the licensing objectives may cover (but are not limited to) issues such as:

- The size of the premises
- The number of counter positions available for person-to-person transactions
- 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

2.14.4 Appendix E provides a Summary of Machine Provisions by Premises.

2.15 Tracks

2.15.1 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. 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.

2.15.2 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.

2.15.3 The Council may consider measures to meet the licensing objectives, 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-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

2.15.4 The list is not mandatory, nor exhaustive, and is merely indicative of example measures.

2.16 Gaming Machines

2.16.1 Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than Category D machines) should be located in areas from which children are excluded.

2.17 Betting Machines:

2.17.1 The Council will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of 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.

2.18 Travelling Fairs

2.18.1 This 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.

2.18.2 The Council will also consider whether the applicant falls within the statutory definition of a travelling fair contained in Section 286 of the Gambling Act 2005.

2.18.3 The Council notes that the 27-day statutory maximum for the land being used as a fair, is per calendar year, 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.

2.19 Applications and Plans

2.19.1 The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the Council has the necessary information to make an informed judgement about whether the premises are fit for gambling. They will also be used for the Council to plan future premises inspection activity.

2.19.2 Plans for tracks should be drawn to scale sufficiently detailed to include the information required by regulations.

2.19.3 The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of

the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Council can satisfy itself that the plan indicates the main areas where betting might take place.

2.20 Provisional Statements

2.20.1 Developers may wish to apply to this Council for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence.

There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

2.20.2 Section 204 of the Gambling Act provides for a person to make an application to the Council for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

2.20.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

2.20.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

2.20.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant 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.

2.20.6 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:

- which could not have been raised by objectors at the provisional statement stage;
- which in the Council's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Council notes that it can discuss any concerns it has with the applicant before making a decision.

3. Permits/Temporary and Occasional Use Notices

A table setting out gaming machine entitlement is attached at Appendix E.

3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits

3.1.1 Where a premises does not hold a Premises Licence but wishes to provide category D gaming machines, it may apply to the Council for this permit.

3.1.2 It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use and would, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food takeaways, leisure centres, garages and petrol filling stations, taxi offices.

3.1.3 An application for a permit may be granted only if the Council is satisfied that the premises will be used as an unlicensed Family Entertainment Centre and the Chief Officer of Police has been consulted on the application.

3.1.4 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 efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. The applicant for a Family Entertainment Centre should provide evidence that a suitable criminal record check has been conducted on all staff in his/her employment.

3.1.5 This Council will also expect, as per Gambling Commission Guidance, that applicants demonstrate:-

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- That staff are trained to have a full understanding of the maximum stakes and prizes.

3.1.6 It should be noted that the Council cannot attach conditions to this type of permit.

3.2 (Alcohol) Licensed Premises Gaming Machine Permits

3.2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

3.2.2 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

3.2.3 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

3.2.4 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

3.2.5 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. Conditions (other than these) cannot be attached.

3.2.6 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.

3.3 Prize Gaming Permits

3.3.1 The Council has the right to prepare a 'Statement of Principles' that it proposes to apply in exercising its functions under Schedule 14 of the Act which may, in particular, specify matters that this authority propose to consider in determining the suitability of the applicant for a permit.

3.3.2 The Council has prepared a 'Statement of Principles', which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations;
- And that the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

3.3.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

3.3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- 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); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

3.4 Club Gaming and Club Machines Permits

3.4.1 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. Members Clubs and Miners' Institutes and also Commercial Clubs may apply for a Club Machine Permit. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

3.4.2 The Council has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take into account a number of matters as outlined in the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are at least 25 members.

3.4.3 The club must be conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

3.4.4 The Council may only refuse an application on the grounds that:

- (a) 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;
- (b) The applicant's premises are used wholly or mainly by children and/or young persons;
- (c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) A permit held by the applicant has been cancelled in the previous ten years;
- or
- (e) An objection has been lodged by the Commission or the police.

3.4.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold Club Premises Certificates under the Licensing Act 2003 and so cannot use the fast track procedure. As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) That the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

3.4.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine 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.

3.5 Temporary Use Notices

3.5.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be

suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

3.5.2 The Council can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

3.5.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement, the relevant regulations (S1 no. 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

3.5.4 There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance. 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 the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Council needs to look at, amongst other things, the ownership/occupation and control of the premises.

3.5.5 This Council expects to 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; as recommended by the Gambling Commission's Guidance to licensing authorities.

3.6 Occasional Use Notices

3.6.1 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. The Council will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

4. Small Society Lotteries

4.1 The Council will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. The Council considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

4.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

4.3 Charities and community groups should contact the Council via e-mail to licensing@enfield.gov.uk or by letter at Licensing Team, London Borough of Enfield, B Block North, Civic Centre, Silver Street, Enfield, EN1 3XA.

5. Decision Making

5.1 Administration, Exercise and Delegation of Functions

5.1.1 The powers and duties of the Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

5.1.2 It is considered that many of the functions will be largely administrative in nature with no perceived areas of contention. In the interests of efficiency and cost effectiveness these will, for the most part, be carried out by officers.

5.1.3 The following schedule sets out the recommended delegation of functions and decisions by guidance. The Council may, nevertheless, refer any matter to the Licensing Committee or Sub-Committee.

5.1.4 The schedule of delegation of licensing functions is attached at Appendix F.

5.2 Appeals Procedure

5.2.1 Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Sections 206 to 209 of the 2005 Act. Appeals must be made to the Magistrates Court for the area in which the licensing authority, which has considered the application, is situated.

5.2.2 An appeal has to be commenced by giving notice of the appeal by the appellant to; The Clerk to the Justices, North London Magistrates Court at the following address: North London Magistrates Court, Highbury Corner, 51 Holloway Road, London, N7 8JA, within a period of 21 days, beginning with the day on which the appellant was notified by the Council of the decision to be appealed against.

5.2.3 On determining an appeal, the Court may:

- Dismiss the appeal;
- Substitute the decision appealed against with any other decision that could have been made by the licensing authority;
- Remit the case to the licensing authority to dispose of the appeal in accordance with the direction of the Court;
- Make an order about costs.

5.3 Giving Reasons for Decisions

5.3.1 In anticipation of such appeals, the Council will give full reasons for its decisions. The Council will address the extent to which decisions have been made with regard to any relevant codes of practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with this Policy Statement.

5.4 Implementing the Determination of The Magistrates' Court

5.4.1 As soon as the decision of the Magistrates' Court has been notified to all parties, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example, as a result of an ongoing judicial review). The Act provides for no other appeal against the determination of the Magistrates' Court.

5.5 Complaints against Licensed Premises

5.5.1 The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

5.5.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

5.5.3 This process will not override the right of any interested party to ask that the Licensing and Gambling Sub-Committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting.

5.5.4 Due consideration will be given to all relevant representations unless they fit the exceptions in 5.6 below.

5.6 Reviews

5.6.1 Requests for a review can be made by Interested Parties or Responsible Authorities. However, it is for the Council to decide whether the review is to be carried out based upon any relevant codes of practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with this Policy Statement.

5.6.2 The request for the review will also be subject to the consideration by the Council as to whether it is frivolous, vexatious, or whether it will not cause this Council to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

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

5.6.4 Once a valid application for a review has been received by the Council, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Council, who will publish notice of the application within 7 days of receipt.

5.6.4 The Council must carry out the review as soon as possible after the 28 day period for making representations has passed.

5.6.5 The purpose of the review will be to determine whether the Council should take any action in relation to the licence. If action is justified, the options open to the Council are:-

- add, remove or amend a licence condition imposed by the Council;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

5.6.6 In determining what action, if any, should be taken following a review, the Council must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations, and what consideration was given to local area risk profile. In particular, the Council may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

5.6.7 Once the review has been completed, the Council must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

6. The Local Risk Profile and Risk Assessments by Operators – Licensing Conditions and Codes of Practice 2015 (LCCP)

6.1 LCCP

6.1.1 The Gambling Commission released the LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk.

6.1.2 The code requires operators:

- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
- With effect from 6 April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
- To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
- With effect from 6 April 2016 to produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

6.2 Risk Assessments

6.2.1 Such risk assessments are required from 6 April 2016 from new applicants, and from existing premises licensees seeking to vary a licence. The LCCP strongly encourages all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

6.2.2 Operators are expected by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.

6.2.3 Any failure to provide a competent risk assessment will be taken into account by the Council in determining the application, and such inferences will be made about potential harm to the licensing objectives as appear appropriate.

6.2.3 The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the Borough's local area profile and matters such as the following to be considered by operators when making their risk assessment:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may reflect benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities;
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.;
- The ethnicity, age, economic makeup of the local community.

6.2.4 The risk assessment should cover the risks and character of the local area, the gambling operation and the design of the premises.

6.3 The Local Area

6.3.1 The council expects matters such as the following to be considered by operators when making their risk assessment in order to demonstrate they have considered the local area. Some or many of these matters will have been considered and addressed by existing premises.

6.3.2 Matters relating to children and young persons, such as :

- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people;
- Significant presence of young children;
- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.;
- Any premises where children congregate including bus stops, cafés, shops, and any other place where children are attracted;
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.;
- Recorded incidents of attempted underage gambling;
- Transport links and parking facilities;
- Community centres;
- High crime area;
- Other gambling premises in the vicinity.

6.3.3 Matters relating to vulnerable adults, such as:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Proximity of premises which may be frequented by vulnerable people such as hospitals, mental health providers, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.;
- Homeless or rough sleeper shelters, hostels and support services;
- Transport links and parking facilities;
- Community centres;
- High crime area;
- High unemployment area;
- Pawn broker/pay day loan businesses in the vicinity;
- Other gambling premises in the vicinity.

6.3.4 Other issues that may be considered such as :

- Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

6.4 The Gambling Operation

6.4.1 In assessing the risk factors associated with a gambling operation the assessor should take into account the local area profile and how that gambling operation may affect that risk. The assessor may wish to consider:

- How the gambling operation will relate to how the operator conducts its business;
- What gambling products it provides in the premises;
- The facilities to enable gambling within the premises;
- The staffing levels within the premises;
- The level and requirement for staff training;
- Whether loyalty or account cards are used or not;
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP;
- The security and crime prevention arrangements it has in place;
- How it advertises locally and on the premises;
- The marketing material within the premises;
- The display and provision of information, etc.

6.5 The Design of the Premises

6.5.1 The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted. For example:

- The premises may have a number of support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter
- The assessor may identify that the design of the entrance to the casino is not sufficiently covered by CCTV to enable the identification of offenders.
- Premises which are located within an area which has a high number of children and young people present throughout the day, may identify that their standard external design means that children and young people can see into the premises and see gambling taking place
- If a premises has a large amount of glass frontage in an area prone to criminal damage, the assessor may consider the risk of damage to the standard toughened glass to be high.

These would be identified risk factors that would need to be documented.

6.5.2 The Council have included an example of a risk assessment in Appendix G available for operators to use should they wish, although it is understood operators are likely to have their own risk assessment template. The template addresses the types of matters the Council expects the operator to have considered. This list is not exhaustive and other factors not in this list that are identified may also be taken into consideration.

6.6 Local Area Risk Profile

6.6.1 The Gambling Commission guidance advises that Licensing Authorities can provide a **local area** risk profile of their borough in their Gambling Act policy. This has many benefits but will also assist operators undertaking the risk assessments of their premises, and will also be taken into account when considering applications for new and variations to licences and reviews of licences. The Local Area Profile for the London Borough of Enfield is mapped in Appendix C.

6.6.2 Appendix C includes data and an overview of characteristics of the borough:

- Figure 4: Map showing distribution of betting shops and educational establishments;
- Figure 5: Map showing distribution of betting shops and relevant leisure facilities;
- Figure 6: Map showing distribution of betting shops and medical facilities, care homes, and temporary accommodation etc.;
- Figure 7: Map showing distribution of betting shops and places of worship;
- Figure 8: Map showing distribution of betting shops and hot spot areas combining the educational establishments/leisure facilities/medical facilities (as seen in Figures 4 to 7).
- Figure 9: Map showing distribution of betting shops and areas of deprivation;
- Figure 10: Map showing distribution of betting shops and areas of unemployment;
- Figure 11: Map showing distribution of betting shops and areas where residents claim working age benefits;
- Figure 12: Map showing distribution of betting shops and areas of poor mental health;
- Figure 13: Map showing distribution of betting shops and violence hot spots;
- Figure 14: Map showing distribution of betting shops and drug and alcohol hot spots.

6.6.3 If an application for a new licence or variation is submitted that is within 400 metres of premises/location where children, young persons and vulnerable persons are operators are encouraged to provide details of the measures to be implemented that would overcome the risks of:

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

6.6.4 For the purpose of gathering local information, a report was produced on the number of underage gambling complaints and failed test purchases at betting shops (as carried out by an underage Trading Standards volunteer). Since 1st April 2012, no complaints or sales have been recorded.

7. Further Information

Further information about the Gambling Act 2005, this Statement of Principles, the application process and related matters can be obtained from:

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

Information is also available from:

The Gambling Commission
Victoria Square House
Birmingham
B2 4BP
Telephone: 0121 230 6666
Fax: 0121 230 6720
Email: info@gamblingcommission.gov.uk
Website: www.gamblingcommission.gov.uk

The Department for Culture, Media and Sport
2– 4 Cockspur Street
London
SW1Y 5DH
Telephone: 020 7211 6200
Website: www.culture.gov.uk 34

Appendix A Definitions

NOTE: In this Policy, the following definitions are included to provide an explanation to certain terms included in the Act and, therefore, in the Statement of Licensing Policy. In some cases they are an abbreviation of what is stated in the Gambling Act 2005 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Gambling Act 2005.

'The Council' means London Borough of Enfield Council, acting as the Licensing Authority as defined by the Gambling Act 2005.

'The Act' means the Gambling Act 2005.

'The Licensing Authority' the authority in whose area the premises is wholly/partly situated. The Licensing Authority (as in the issuing authority) is also a responsible authority.

'The Gambling Commission' a body set up by the Government as the unified regulator for gambling, replacing the Gaming Board.

'Responsible Authority' means a public body that must be notified of certain applications for premises licences and permits, and are entitled to make representations on any of the licensing objectives.

'Children' means individuals who are less than 16 years old.

'Young person' means individuals who are aged less than 18 years old and 16 years and over.

'Mandatory Conditions' means a specified condition provided by regulations to be attached to premises licences.

'Default Conditions' means a specified condition provided for by regulations to be attached to a licence unless excluded by the Council.

'Premises' means any place, including a vessel or moveable structure.

Appendix B Access to Premises

Casinos

- The principal access entrance to the premises must be from a street;
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises, which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street or from another premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

No customer should be able to access the premises directly from:

- a casino;
- an adult gaming centre.

Bingo Premises

No customer must be able to access the premises directly from:

- a casino;
- an adult gaming centre;
- a betting premises, other than a track.

Family Entertainment Centre

No customer must be able to access the premises directly from:

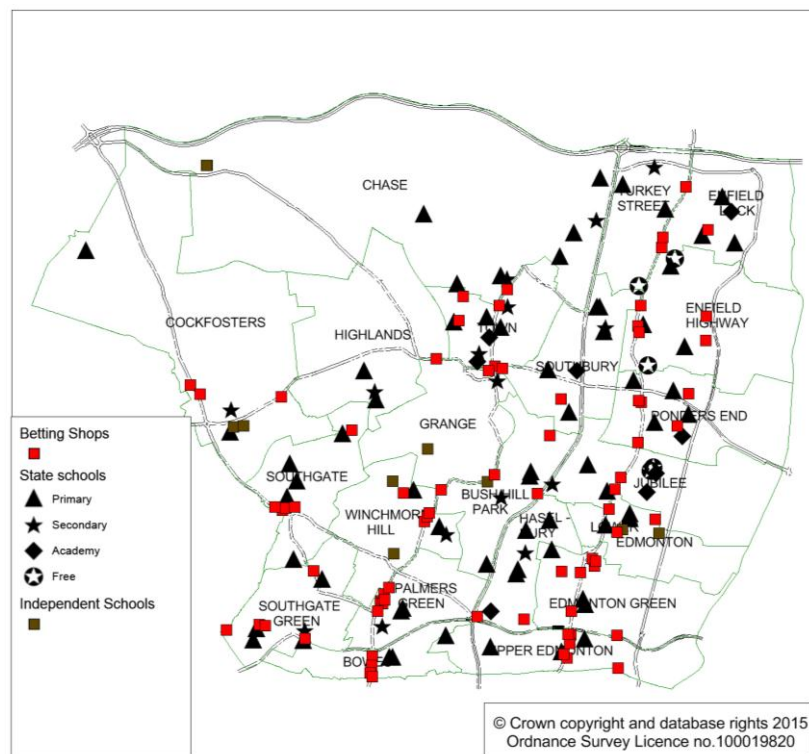
- a casino;
- an adult gaming centre;
- a betting premises, other than a track.

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

Appendix C Local Area Risk Profile

Disclaimer: Please note that the betting shop map positions on the maps below were drawn using the centre of their full postcode, not their precise address. Therefore the position of a betting shop may be closer to other points and areas than appears. The position of other points is also likely to be based on full postcodes rather than address.

Figure 4: Map showing distribution of betting shops and educational establishments

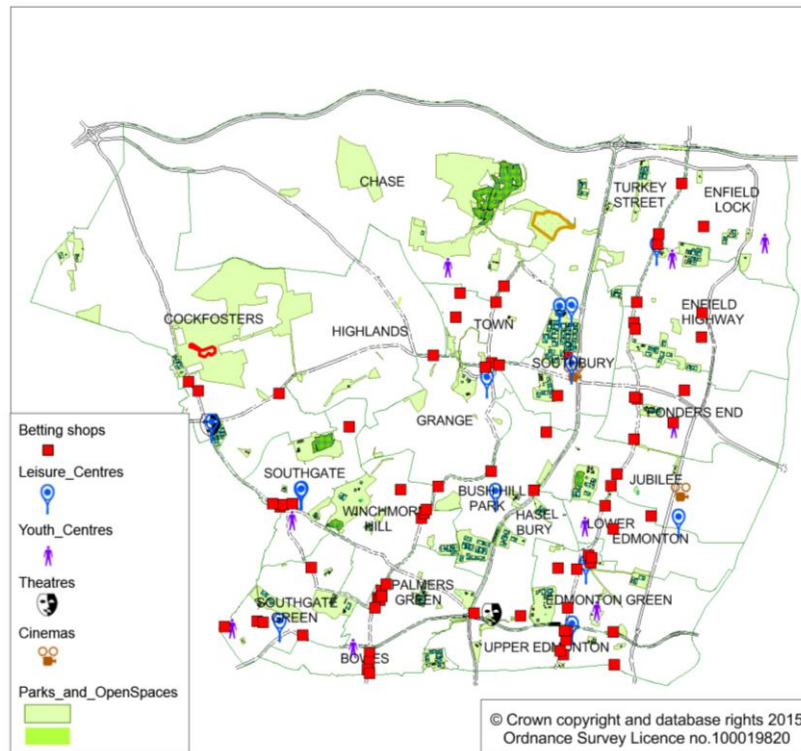


Source: Enfield Council GIS server June 2015

First of all, the actual distribution of existing betting shops predictably shows them to be predominantly located on the main thoroughfares. Greater concentrations of betting shops are located along the Hertford Road corridor, with particular clusters in Edmonton Green. Further away, significant clusters of betting shops are noted along Green Lanes, in the Bowes and Palmers Green centres.

Figure 4 identifies the educational establishments, and the map highlights that particularly in Southgate Green, Upper Edmonton and Lower Edmonton, they are in close proximity to the existing betting shops.

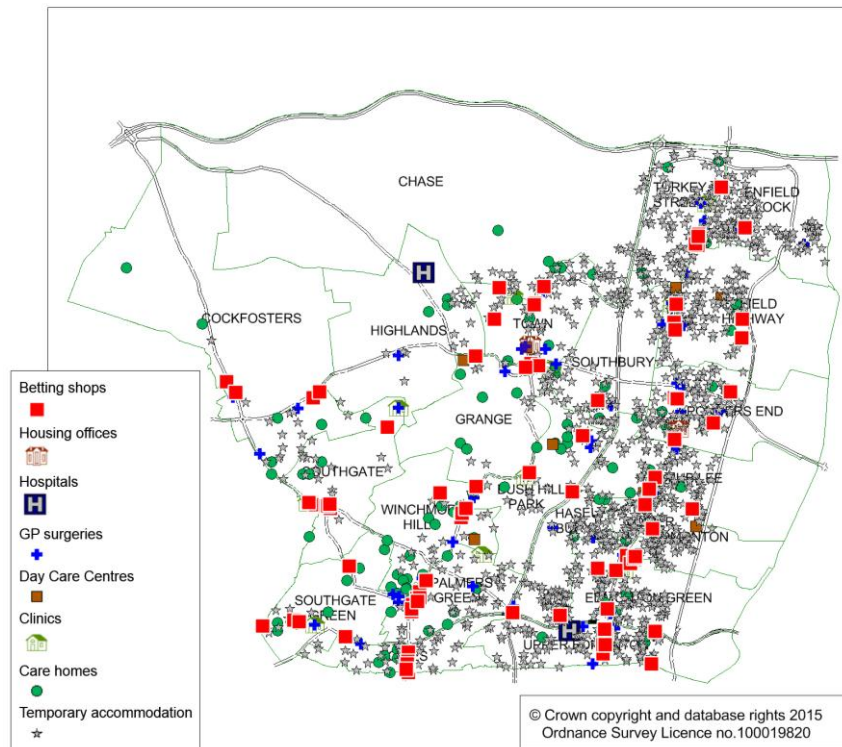
Figure 5: Map showing distribution of betting shops and relevant leisure facilities



Source: Enfield Council GIS server June 2015

Relevant leisure facilities in Figure 5 are those that have been identified as being most appealing to those under 18, such as leisure centres, youth centres and parks. In the greater part of the borough, the map shows that there are few facilities in close proximity to existing betting shops. An exception to this is the youth centre on the border of Southgate Green, and the leisure centre in Upper Edmonton appears to be in the near vicinity.

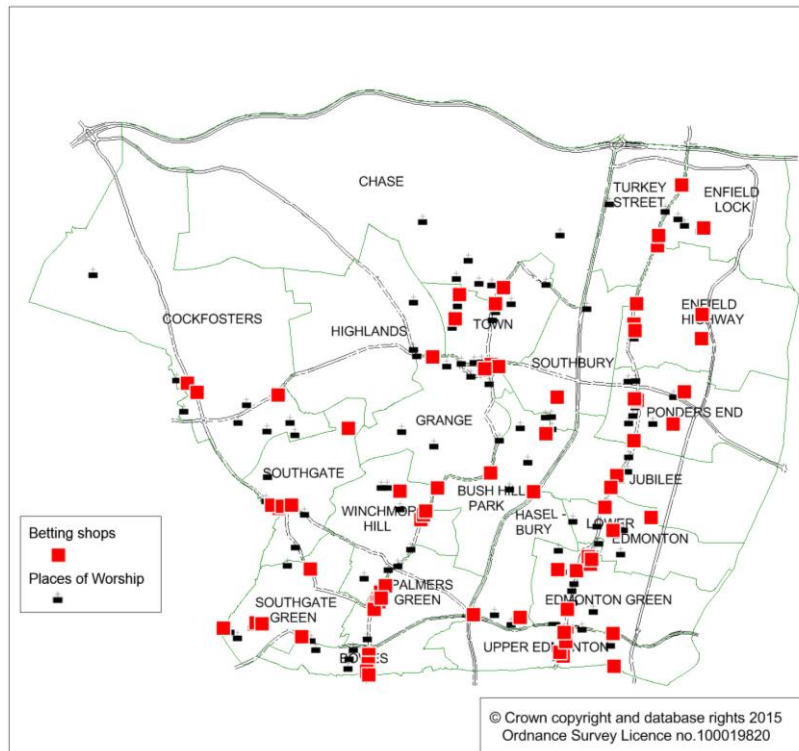
Figure 6: Map showing distribution of betting shops and medical facilities, care homes, and temporary accommodation etc.



Source: Enfield Council GIS server June 2015

Figure 6 shows that there is a high volume of temporary accommodation, which is in close proximity to the existing betting shops. The map is a useful tool in identifying the areas where there are high concentrations of temporary accommodation. The clinics in Edmonton Green and in Town wards are central to the locations of the betting shops in that area. The map also identifies that there are a larger number of care homes in Palmers Green and Bowes, which appear to be relatively close to the multiple betting shops in those areas.

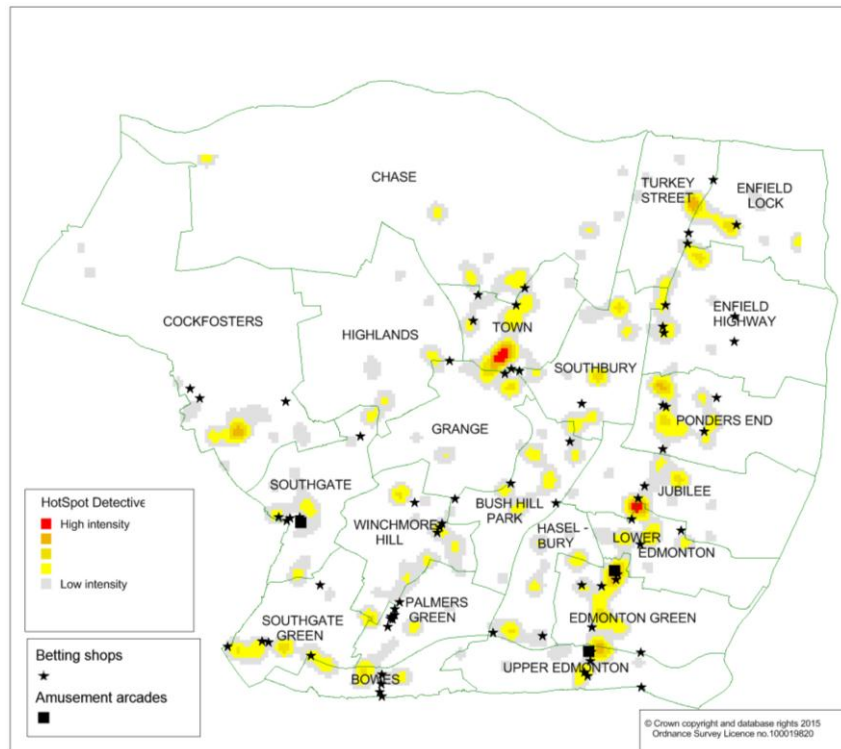
Figure 7: Map showing distribution of betting shops and places of worship



Source: Enfield Council GIS server June 2015

The Commission's Guidance advised councils to be aware of places of worship, so they have been plotted in Figure 7, and the map shows that these are not common neighbours of existing betting shops.

Figure 8: Map showing distribution of betting shops and hot spot areas combining the educational establishments/leisure facilities/medical facilities (as seen in Figures 4 to 7)

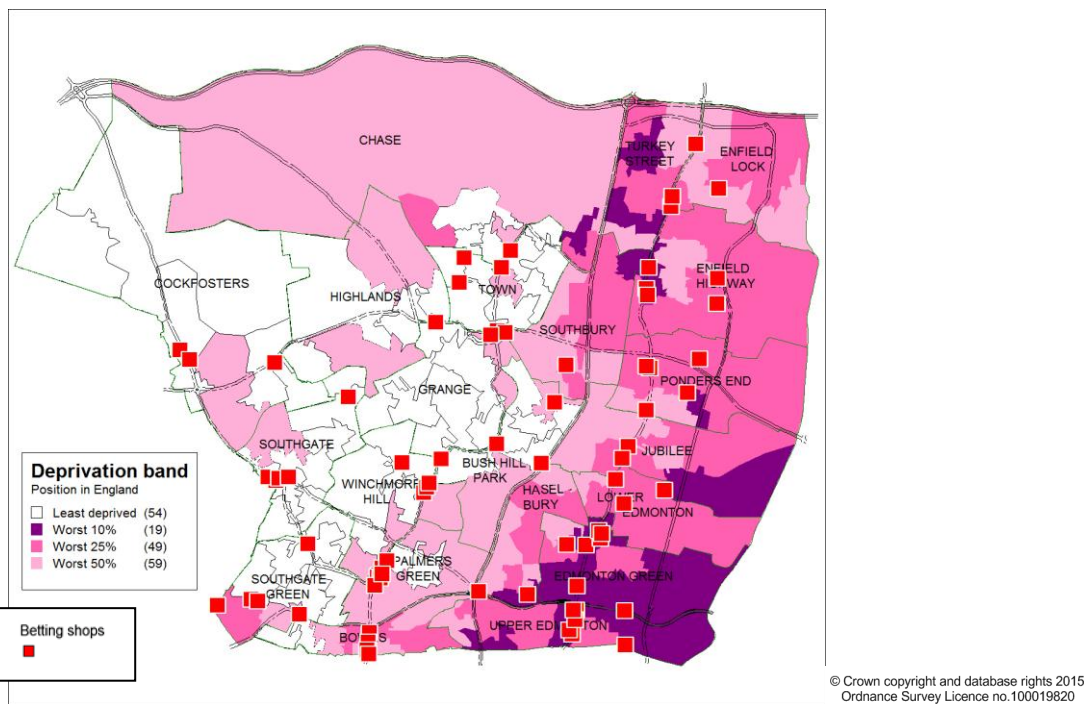


Source: Enfield Council GIS server June 2015

The map in Figure 8 combines the concentrations of each of the elements identified in Figures 4 to 7, to form hotspot areas of where vulnerable adults and children are likely to spend time. Two areas of the highest intensity are apparent, namely in Enfield Town and on the Jubilee/Lower Edmonton border, and one betting shop is located within these areas.

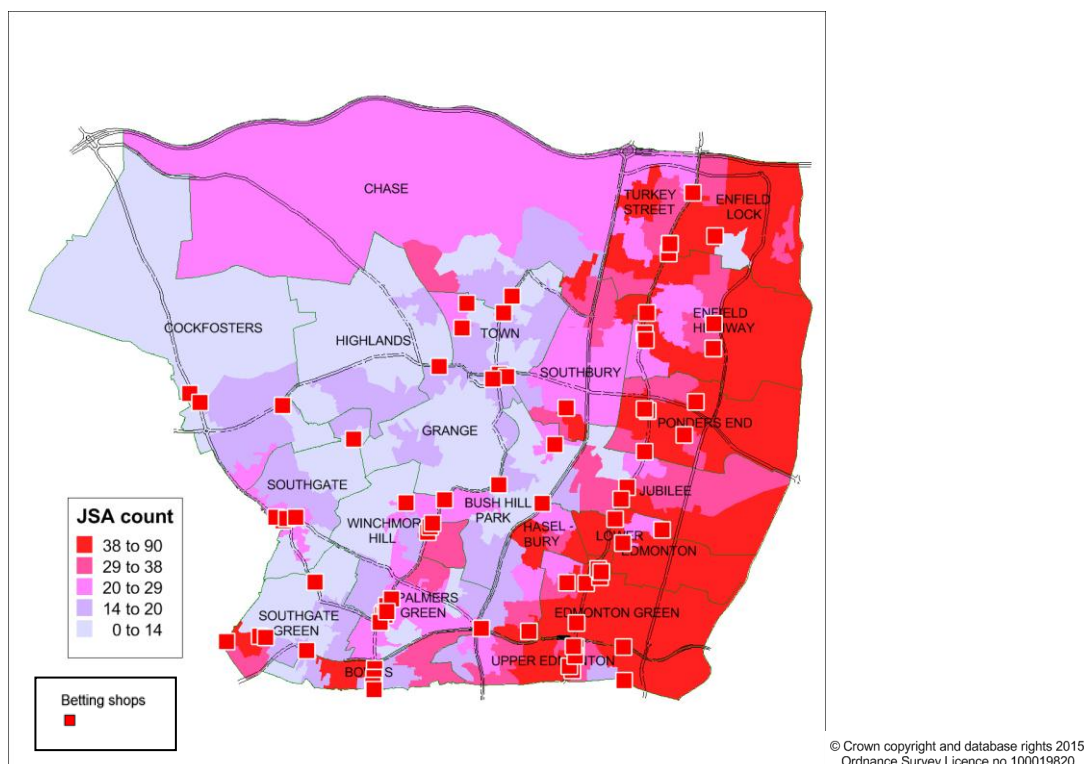
NB. This map does not include temporary accommodation in the hotspots as it would be heavily imbalanced to it. Please refer to Figure 6 for this information.

Figure 9: Map showing distribution of betting shops and areas of deprivation



Source: Indices of Deprivation 2010 (DCLG)

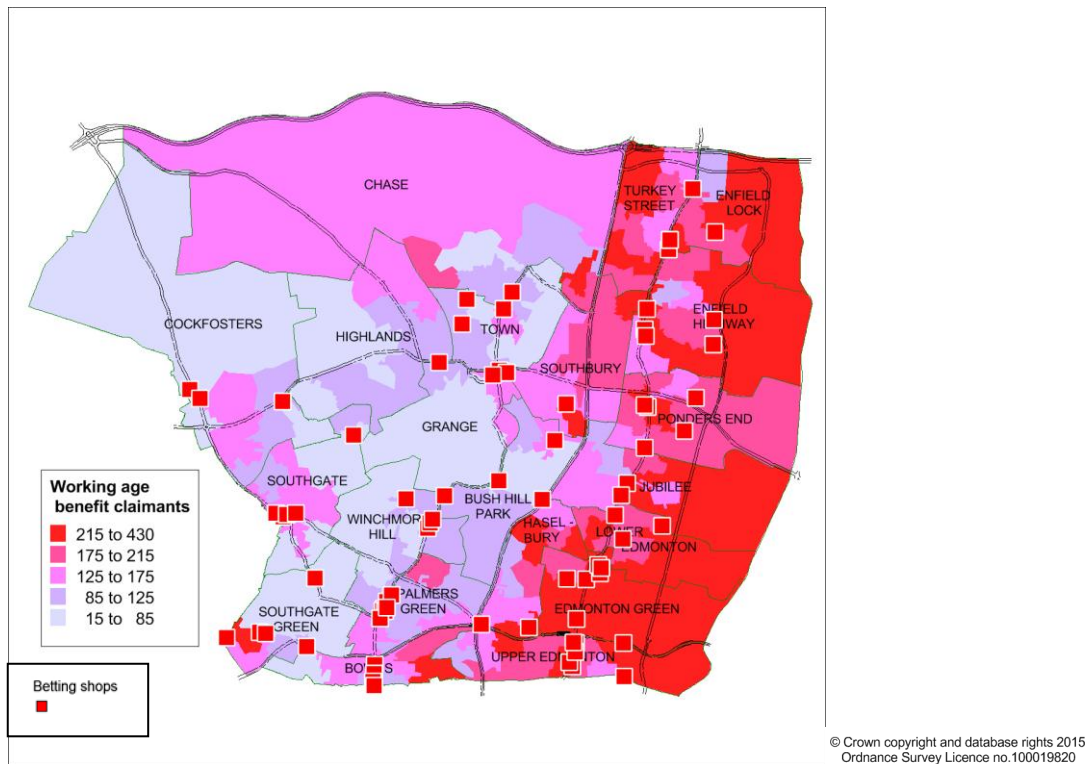
Figure 10: Map showing distribution of betting shops and areas of unemployment



NB. JSA = Jobseekers Allowance. Key relates to actual number of people in that area

Source: Office of National Statistics; count as at May 2015, mapped by lower layer super output area

Figure 11: Map showing distribution of betting shops and areas where residents claim working age benefits

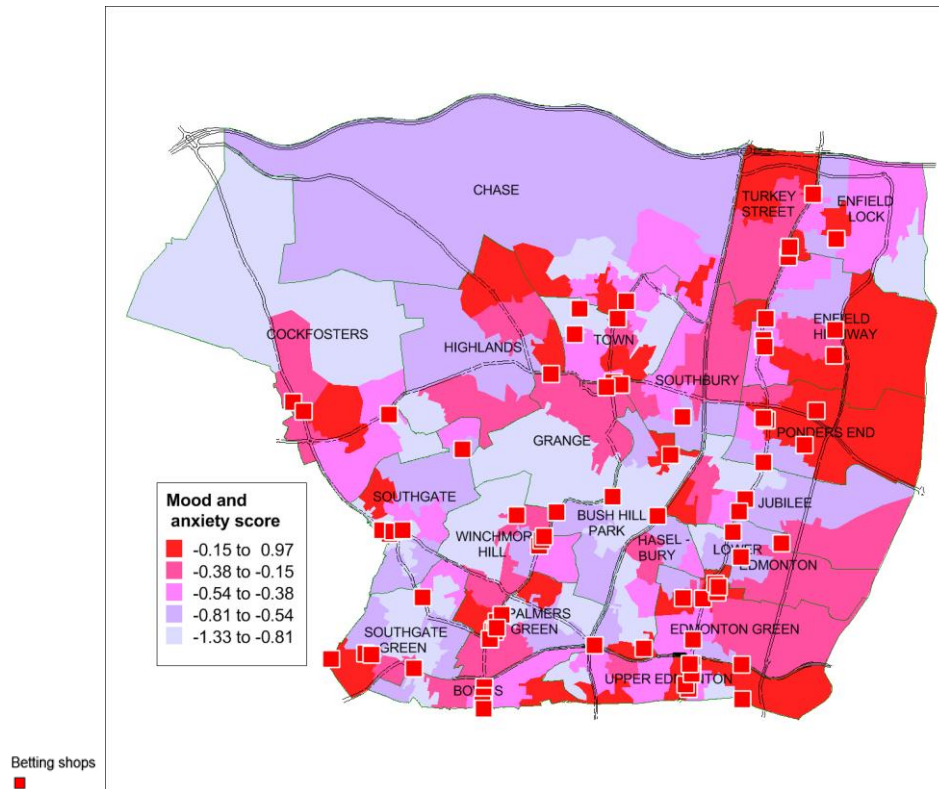


NB. Key relates to actual number of people in that area

Source: Office of National Statistics; count as at November 2014, mapped by lower layer super output area

Figures 9 to 11 show maps of the areas of worst deprivation, highest unemployment rates and highest number of working age benefit claimants. The maps reflect a similar outcome: that the east of the borough is consistently worst affected. It highlights that there is a noticeable correlation between the areas with a higher concentration of betting shops and these areas.

Figure 12: Map showing distribution of betting shops and areas of poor mental health



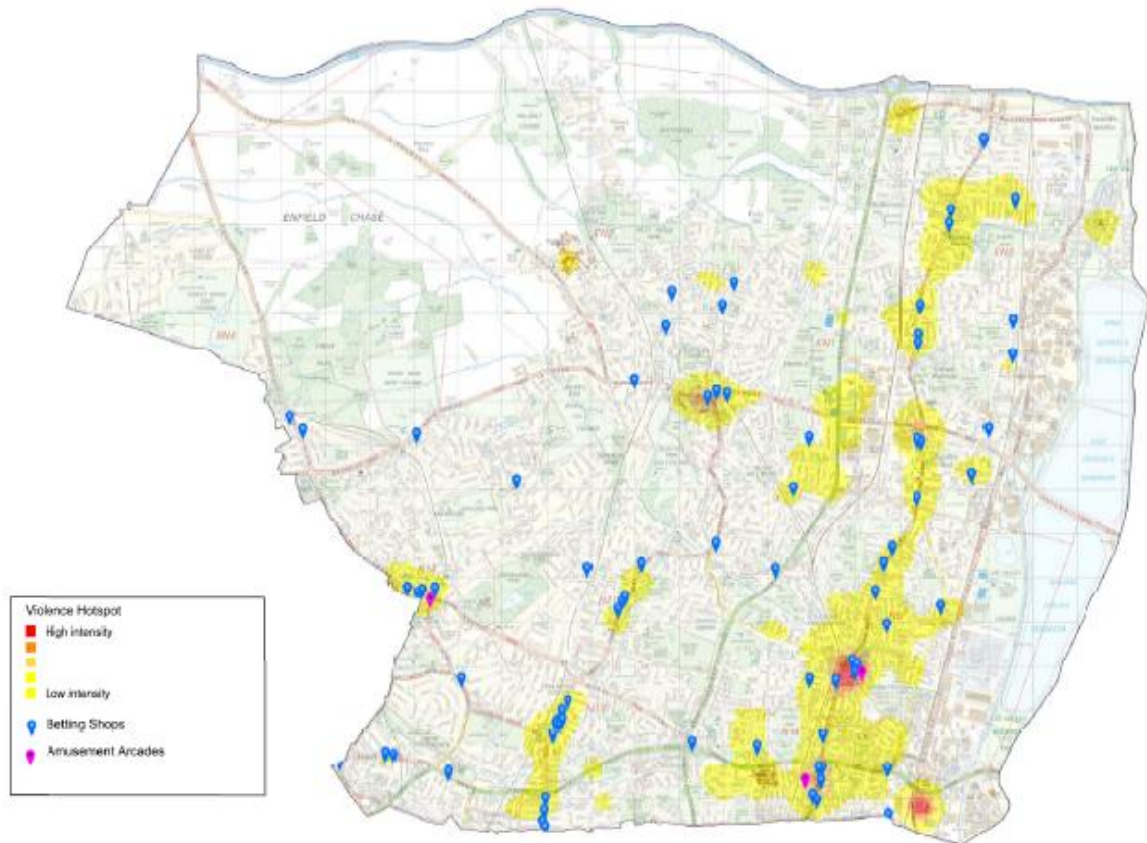
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Source: Indices of Deprivation 2010 (DCLG)

As an indication of the levels of poor mental health in the borough, Figure 12 has been produced. As the key indicates, areas range from those with the highest levels of mental health issues (red) to those with the lowest levels (light blue). The borough shows a considerable range, and there are pockets of high levels in the wards of Highlands, Cockfosters, Enfield Highway, Ponders End and Upper Edmonton. Of those wards mentioned, there are no more than two betting shops in the western areas, but significantly more in the east wards.

Figure 13: Map showing distribution of betting shops and violence hot spots (namely assault with or without injury)

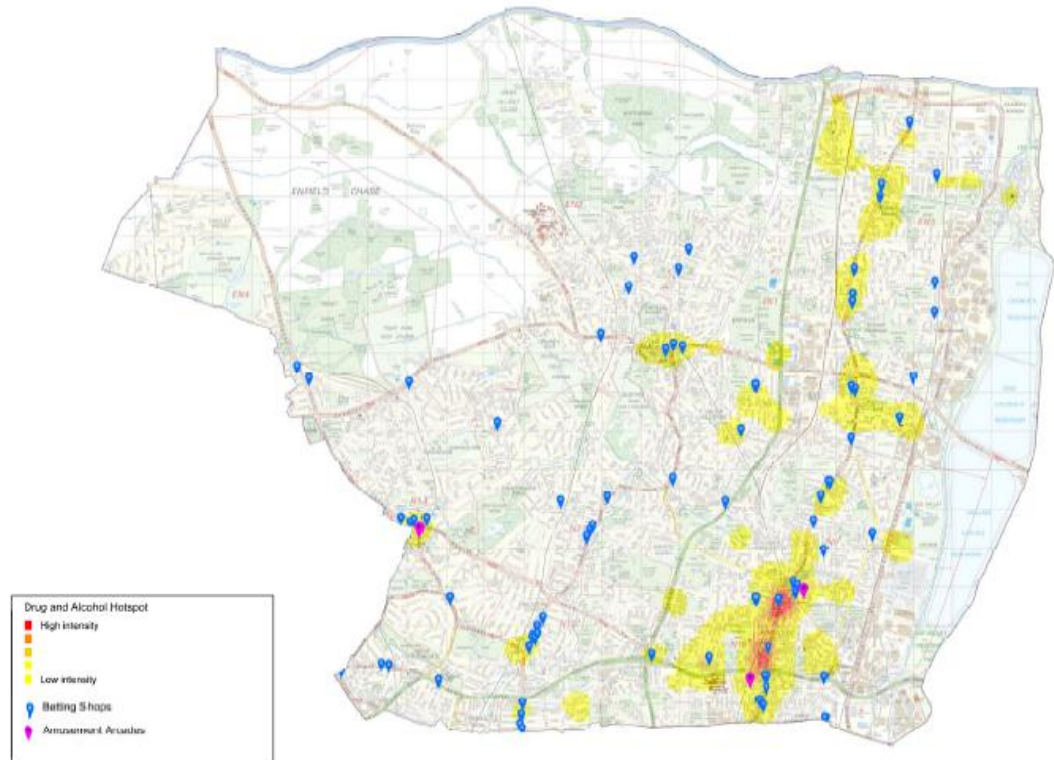
Betting shops w/ Violence Hotspot



Source: LBE Community Safety Unit – Metropolitan Police records April 2014 to March 2015

Figure 14: Map showing distribution of betting shops and drug and alcohol hot spots (namely drug offences and alcohol anti-social behaviour incidents)

Betting Shops w/ Drug & Alcohol Hotspot



Source: LBE Community Safety Unit – Metropolitan Police records April 2014 to March 2015

Figures 13 and 14 highlight similarities with the problem hot spot areas, particularly around Edmonton Green, Upper Edmonton and Lower Edmonton. It is also noted that there are a couple of betting shops within the high intensity hot spot areas.

Community Safety provided a further overview of betting shops and crime:

- The majority of betting shops are victims of criminal damage;
- 1% of all total notifiable offences in licensed premises occur in betting shops;
- In the last 12 months the following has been recorded:
 - 45 criminal offences within 10 metres of betting shops;
 - 9 alcohol related ASB (anti-social behaviour) reports linked to betting shops; and
 - 2 drug related ASB reports linked to betting shops.

Appendix D - Gambling Commission Guidance to Licensing Authorities (Appendix F: Sample of premises licence conditions)

This section provides a sample of conditions that have been attached to premises licences by licensing authorities, with some amended for illustrative purposes. Licensing authorities should note that these are not blanket conditions but have been imposed in a number of circumstances to address evidence based concerns. Part 9 of this guidance provides further details on the principles licensing authorities should apply when exercising their discretion to impose premises licence conditions.

The conditions listed below have been grouped under specific headings for ease of reference. There will inevitably be some overlap between those conditions that address different concerns, for example those related to security and to anti-social behaviour.

1. Security

- 1.1 No pre-planned single staffing after 8pm and, when this is unavoidable, for a Maglock to be in constant use.
- 1.2 A minimum of two members of staff after 10pm.
- 1.3 A minimum of two members of staff will be on duty throughout the whole day.
- 1.4 The premises will have an intruder alarm and panic button.
- 1.5 Maglock systems are employed and access is controlled.
- 1.6 Requirements for full-height security screens to be installed.
- 1.7 A requirement for 50% of the shop frontage to be clear of advertising so that staff have a clear view and can monitor the exterior of the premises.
- 1.8 The premise shall maintain a 'safe haven' to the rear of the counter.
- 1.9 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer throughout the preceding 31-day period.
- 1.10 A member of staff from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This member of staff must be able to show a member of the police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 1.11 A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering the premises.
- 1.12 If at any time (whether before or after the opening of the premises), the police or licensing authority supply to the premises names and/or photographs of individuals which it wishes to be banned from the premises, the licensee shall use all reasonable endeavours to implement the ban through staff training.

2. Anti-social behaviour

- 2.1 The Licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises.
- 2.2 The Licensee shall take all reasonable steps to prevent street drinking of alcohol directly outside the premises and to ban from the premises those who do so.
- 2.3 The Licensee shall place a notice visible from the exterior of the premises stating that drinking alcohol outside the premises is forbidden and that those who do so will be banned from the premises.
- 2.4 Notices indicating that CCTV is in use at the premises shall be placed at or near the entrance to the premises and within the premises.
- 2.5 The Licensee shall place and maintain a sign at the entrance which states that 'only drinks purchased on the premises may be consumed on the premises'.
- 2.6 The Licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.
- 2.7 The Licensee shall install and maintain an ultraviolet lighting system in the customer toilet.
- 2.8 The Licensee shall install and maintain a magnetic door locking system for the customer toilet operated by staff from behind the counter.
- 2.9 Prior to opening the Licensee shall meet with the Crime Prevention Officer in order to discuss any additional measures to reduce crime and disorder.

3. Underage controls

- 3.1 The Licensee shall maintain a bound and paginated 'Think 21 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.
- 3.2 Customers under 21 will have to provide ID.
- 3.3 The premises will operate a 'challenge 25' policy and prominent signage and notices will be displayed showing the operation of such policy
- 3.4 Compulsory third party test purchasing on a twice yearly external system and the results to be reported to the Local Authority and police. In the first twelve months (from the date of the Review) two additional internal test purchase operations to be carried out.⁹⁷
- 97 In some cases it will be more practical to request test purchasing to be carried out on a minimum number of occasions (e.g. at least twice a year) rather than during a specific a timeframe (e.g. once every six months). For example, it would not be practical to impose a condition on premises within a holiday park that requires test purchasing to be carried out 'once every six months' as the park may not be open for business during the winter months.
- 3.5 A physical barrier (i.e. a supermarket metal type or similar) acceptable to the licensing authority, and operated in conjunction with the existing monitored alert system, to be put in place within 3 months from the date of the review.
- 3.6 No machines in the Unlicensed Family Entertainment Centre to be sited within one metre of the Adult Gaming Centre entrance.

4. Player protection controls

- 4.1 Prominent GamCare documentation will be displayed at the premises.
- 4.2 There shall be no cash point or ATM facilities on the premises.
- 4.3 The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in the training shall be formally recorded and the records produced to the police or licensing authority upon request.
- 4.4 New and seasonal staff must attend induction training. All existing staff must attend refresher training every six months.
- 4.5 All notices regarding gambling advice or support information within the vicinity of Chinatown must be translated into both simplified and traditional Chinese.
- 4.6 Infra Red Beam to be positioned across the entrance to the premises. To be utilised whenever:
 - (a) The first member of staff is not positioned within the Cash Box or,
 - (b) The second member of staff is not on patrol.

APPENDIX E Summary of Machine Provisions by Premises

Machine category							
Premises type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)				Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)			
Small casino (machine/table ratio of 2-1 up to maximum)				Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)			
Pre-2005 Act casino (no machine/table ratio)				Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead			
Betting premises and tracks occupied by pool betting				Maximum of 4 machines categories B2 to D (except B3A machines)			
Bingo premises 1				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
Adult gaming centre 2				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
Licensed family entertainment centre 3				No limit on category C or D machines			
Family entertainment centre (with permit)³				No limit on category D machines			
Clubs or miners' welfare institute (with permits)⁴				Maximum of 3 machines in categories B3A or B4 to D			
Qualifying alcohol-licensed premises				1 or 2 machines of category C or D automatic upon notification			
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)				Number of category C-D machines as specified on permit			
Travelling fair				No limit on category D machines			

Appendix F Schedule of Delegation of Licensing Functions and Decisions

Summary of licensing authority delegations permitted under the Gambling Act, applicable to England and Wales only

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of the Licensing Authority Policy statement	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X (if delegated by full council)	
Application for premises licences		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Application for a variation to a licence		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission or responsible authority	X Where no representations received from the Commission or responsible authority
Application for a provisional statement		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		X Where objections have been made and not withdrawn	X Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X indicates the lowest level to which decisions can be delegated

Appendix G Risk Assessment Form

Premises Name:		Premises Licence Number (If Applicable):	
Premises Address:			
		Post Code:	
Category of gambling premises licence:			
Name of person completing the assessment:			
Date original assessment carried out:			
Notes:			
<p>This risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.</p> <p><u>Risks:</u> Area of consideration that may impact on one or more of the licensing objectives</p> <p><u>Local Risks:</u> These are the identified factors that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises</p> <p><u>Licensing Objectives:</u> these are the three licensing objectives under the Gambling Act 2005 to which the risk factors have been identified as potentially impacting. For ease of reference within this assessment the objectives have been given codes that should be used to replace the full objective. These codes are CD for the Crime and Disorder objective, FO for the Fair and Open objective and CV for the protection of children and the vulnerable.</p> <p><u>Control Measures:</u> These are measures that the operator can put in place to mitigate the risk to the licensing objectives from the risk factors. These control measures are split into three categories, systems, design and physical.</p>			

1: Local Area			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
1.1			Systems Design Physical
1.2			Systems Design Physical
1.3			Systems

			Design
			Physical
1.4			Systems
			Design
			Physical

2: Gambling Operation

No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
2.1			Systems
			Design
2.2			Physical
			Systems
2.3			Design
			Physical

			Design
			Physical
2.4			Systems
			Design
			Physical

3: Premises Design (Internal and External)

No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures						
3.1			<table border="1"> <tr><td data-bbox="1200 391 2092 427">Systems</td></tr> <tr><td data-bbox="1200 427 2092 528"></td></tr> <tr><td data-bbox="1200 528 2092 564">Design</td></tr> <tr><td data-bbox="1200 564 2092 665"></td></tr> <tr><td data-bbox="1200 665 2092 702">Physical</td></tr> <tr><td data-bbox="1200 702 2092 805"></td></tr> </table>	Systems		Design		Physical	
Systems									
Design									
Physical									
3.2			<table border="1"> <tr><td data-bbox="1200 805 2092 842">Systems</td></tr> <tr><td data-bbox="1200 842 2092 943"></td></tr> <tr><td data-bbox="1200 943 2092 979">Design</td></tr> <tr><td data-bbox="1200 979 2092 1080"></td></tr> <tr><td data-bbox="1200 1080 2092 1117">Physical</td></tr> <tr><td data-bbox="1200 1117 2092 1220"></td></tr> </table>	Systems		Design		Physical	
Systems									
Design									
Physical									
3.3			<table border="1"> <tr><td data-bbox="1200 1220 2092 1257">Systems</td></tr> <tr><td data-bbox="1200 1257 2092 1323"></td></tr> </table>	Systems					
Systems									

Actions following assessment:

Local Area:

Action	Person/Dept tasked	Date tasked	Date completed

Gambling Operation

Action	Person/Dept tasked	Date tasked	Date completed

Premises Design (Internal and External)

Action	Person/Dept tasked	Date tasked	Date completed

Signed: _____ **Date:** _____

Print Name: _____

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Gambling Policy

Consultation About you / Your organisation

Q1 Are you responding as a resident or as a representative of an organisation?

- Resident: 1,2,3,4,5,7
- Representative of an organisation: 6,8

About you

Q2 Please tell us your name and postal address:

1 – EN1 1EF; 2 – EN3 6SL, 3 – N14 6LR, 4 – N21 3PD, 5 – Not completed, 7 – EN2

Q3 How old are you?

- | | | | | | |
|----------------------------------|------|----------------------------------|----|--|----|
| <input type="checkbox"/> 18 – 24 | 5, | <input type="checkbox"/> 35 - 39 | | <input type="checkbox"/> 50 - 54 | |
| <input type="checkbox"/> 25 – 29 | 1, 7 | <input type="checkbox"/> 40 – 44 | 2, | <input type="checkbox"/> Over 55 | 4, |
| <input type="checkbox"/> 30 – 34 | 3, | <input type="checkbox"/> 45 - 49 | | <input type="checkbox"/> Prefer not to say | |

Q4 Are you male or female?

- Male 3,5, 7
- Female 1,2,4

About your organisation

Q5 Please tell us the name and the address (in Enfield) of the organisation you represent?

6 – Red Card Gambling Support Project Ltd, Edmonton, N9 7HX

8 – William Hill Organization Ltd, 50 Station Road, London, N22 7TP (22 shops in the borough)

In addition, four responses were received by email direct rather than via the website from Coral bookmakers (employs 13,000 across 2,200 shops in the UK), Ladbrokes, the Association of British Bookmakers (ABB – represents over 80% of high street betting market such as William Hill, Ladbrokes, Coral, Paddy Power and almost 100 smaller independents) and Paddy Power (251 betting offices in Ireland and 325 betting offices in the UK). Their responses to the consultation are summarised under the most relevant questions below.

Your views on the Policy

Q6 To what extent do you agree or disagree the Council's approach to the licensing of gambling premises is clear?

- Strongly agree 4, 6,
- Tend to agree
- Neither agree nor disagree 2, 7
- Tend to disagree 1,
- Strongly disagree 5, 8
- Don't know 3,

Q7 Please tell us why you disagree.

Respondent 1 - Enfield council do not push gambling premises to reduce antisocial behaviour or impose more staff be present within shops that have bad antisocial behaviour

LA RESPONSE: Please refer to Section 1.9 of the Policy: the Police and/or the Licensing Authority provide advice to the premises when notified of any incidents. If the incidents at the premises show inadequate improvement, the Police and/or Licensing Authority will take the appropriate enforcement action (which could include review of the licence), in accordance with the council's enforcement policy, Gambling Commission Guidance and the Regulators Code. Bet-Watch Enfield (see paragraph 2.7 of the policy) is also a forum used to discuss any concerns about alleged antisocial behaviour associated with betting shops. The narrative in Figure 14 in Appendix C of the Policy provides a narrative of the reported crime and antisocial behaviour associated with/near betting shops in the last 12 months. **No amendment is needed to the proposed Gambling Act policy.**

Respondent 5 - I couldn't understand it

LA RESPONSE: We accept that the policy deals with matters of a technical nature, and is primarily aimed to inform those operating gambling premises. **No amendment is needed to the proposed Gambling Act policy.**

Q8 To what extent do you think the Council's approach to licensing of gambling premises is fair?

- Strongly agree 4, 6,
- Tend to agree
- Neither agree nor disagree 1, 5,
- Tend to disagree 7,
- Strongly disagree 2, 8,
- Don't know 3,

Q9 Please tell us why you disagree.

Respondent 2 - *Even with a policy there is still far too many gambling establishment in the borough especially in the more deprived areas.*

LA RESPONSE: The Gambling Act states that the Licensing Authority must “aim to permit” gambling that is not a source of crime and disorder, is conducted in a fair and open way and protects children and other vulnerable persons from being harmed or exploited. The guidance to the Act is clear that Licensing Authorities cannot take account of the number of gambling establishments in the borough when determining applications. This guidance is reflected in paragraph 1.7.2 of the Policy. However, the new policy aims to make operators aware of the profile of the borough of Enfield, and Figure 9 in Appendix C provides information on the location of deprived areas to assist gambling operators to take into account local risks when preparing their risk assessment. Gambling Operators are required to share their risk assessment with the Licensing Authority when making a new application or variation application from an existing premises. Overall since 2007, there has been a small increase in the number of betting shops. In 2007 there were 78 licensed betting shops in the borough and currently there are 80. Since 2007, some betting shops have closed and new ones have been licensed. **No amendment is needed to the proposed Gambling Act policy.**

Respondent 7 - *If people want to gamble their money away let them.*

LA RESPONSE: One of the Licensing Objectives to which the council and gambling operators must have regard is the ‘protection of children and other vulnerable persons from being harmed or exploited by gambling. Operators are required to have measures in place to identify and signpost problem gambling. **No amendment is needed to the proposed Gambling Act policy.**

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Respondent 8 and ABB’s response –

- *The Licensing Authority should not seek in the Policy to undermine the ‘aim to permit’ principle by imposing burdens/additional hurdles on operators above that outlined in the Act.*
- *Objection to the phrase “invisible and insidious” nature of gambling – as not all gambling is harmful – only problem gambling behaviour. ABB response stated the phrase should be removed*

Ladbroke’s and ABB’s Responses – *Concerned that guidance alters the regime in the Act and increases burdens on already responsible businesses. Considers that the existing guidance and regime, including changes to the planning law, offers adequate protection for communities.*

LA RESPONSE: The Policy has been drafted in accordance with the guidance issued to licensing authorities by the Gambling Commission. The Policy properly acknowledges the ‘aim to permit’ principle, but also embraces the ability permitted in section 153 for the authority to set out the matters it will take into account when making decisions about applications. **The foreword has been amended to make it clear that the “invisible and insidious” nature of gambling refers to problem gambling.**

Paddy Powers’ response - *Paragraph 2.19 suggests that the Authority may require additional information to be contained within premises licensing plans, and only the requirement set out in the Act can be requested.*

LA RESPONSE: Paragraph 2.19 refers to plans of tracks and mostly reflects the guidance issued by the Gambling Commission and will be amended to mirror the recently published final 5th edition of the guidance.

Q10 Do you think the local area profile will assist gambling premises operators prepare their risk assessment?

- Yes 3, 4, 6
- No 1, 2, 7, 8
- Don't know 5,

Q11 Please tell us why you said 'no'

Respondent 1 - Risk assessments that are carried out are not done to correct measures, more in favour of the company to save money, not for the safety of staff and the community

Respondent 2 - They don't care all they care about is profit

LA RESPONSE: The requirement for gambling operators to undertake a risk assessment having regards to the local area is a new requirement that comes in on 6 April 2016. The adequacy of the risk assessment will be considered during applications for new and varied licences, and of course by the Gambling Commission as part of their enforcement/compliance activities. **No amendment is needed to the proposed Gambling Act policy.**

Respondent 7 – Gambling shops have too many constraints

LA RESPONSE: The Gambling Act 2007 and associated guidance sets out the regulation of the gambling industry. **No amendment is needed to the proposed Gambling Act policy.**

- **Respondent 8** – Figures 4-14 are of limited value to operators in assessing gambling related harm
- **ABB's response** – As above. Maps dealing with unemployment and deprivation unhelpful unless authority considers them automatically vulnerable. Crime hotspot maps (figures 13-14) not relevant as to whether betting shops are a source of crime and disorder. Appendix C maps should identify actual pre-deposition to vulnerability to gambling related harm.
- **LA Response:** The figures in Appendix C are provided to 'map' the characteristics of the local area. The respondent has not stated what would be helpful to operators. We will keep the local area profile data under review and consider any feedback provided as to how it could be more useful. All licensing decisions are made in accordance with Section 153 (aim to permit) and the policy. **No amendment is needed to the proposed Gambling Act policy.**
- **ABB's response** – In paragraph 2.4 the policy states will give careful consideration to premises located near schools, youth clubs and other establishments used by children and those who may be vulnerable. The policy should acknowledge that betting shops have been located in such areas for over 50 years and operators have developed policies and procedures to ensure only those able to access them do so.
- **Paddy Powers' response** – the policy should recognise that existing policies and procedures may already address the local area and provide sufficient controls. Careful consideration of premises near schools and other such premises and crime and disorder hotspots should be risk based and evidenced (not theoretical risks).
- **LA RESPONSE:** Paragraph 2.4.4 already makes it clear that this does not preclude any application, each case decided on its merits and that the applicant should demonstrate how potential concerns will be addressed. **Paragraph 2.4.4 of the policy will be amended to emphasise that operators are encouraged to provide information in their application that demonstrates they have existing policies and procedures to mitigate any risks.**
- **Paddy Power's response** – As a regulator, the authority should take an evidence based approach in accordance with the Regulators' Code towards the local area profile and risk assessment. Operators should be allowed to assess their existing processes. Identification of theoretical risk factors (paragraph 6.2) such as area demographics, ethnicity, proximity to other premises (including medical centres and places of worship), trends relating to benefit payments and deprivation should only be included where local evidence is available, which quantifies the ascertainable risk to be mitigated.

Q12

If there is any further information the Council should provide for the local area profile, let us know.

***Respondent 4** - Proximity of betting shops to bus stops that serve schools*

LA RESPONSE: A map showing the locations of bus stops was prepared, but it does not show those bus stops that serve schools so was not included. **No amendment is needed to the proposed Gambling Act policy.**

***Respondent 6** - there has to figures of unemployment and homelessness, as well as crime figures as we know that gambling has a huge affect on other social issues such as the for mentioned. There is clear evidence that the number of young adults indulging in gambling are increasing in our boroughs and cities so the council need to look at what support there is out there for those suffering and for those more vulnerable and at risk. We want to help as an organisation that offer support,advice,treatment.*

LA RESPONSE: Figures 10 in Appendix C show the numbers of persons claiming job seekers allowance (JSA) as an indication of unemployment. We do not hold any data for unemployed persons not claiming JSA. We do not have homelessness data represented on a borough map. We will contact Red Card Gambling Support Project Ltd to explore how their service can be promoted and accessed. **No amendment is needed to the proposed Gambling Act policy.**

Q13 If you have any suggestions for amending the Policy, let us know.

Respondent 1 - *Compulsory double manning gambling premises at night where there has been at least three instances where police or local community officers have attended within 6 months. Make Betwatch meetings for licence holders within community compulsory.*

LA RESPONSE: If gambling premises are shown to have a pattern of crime associated with them then the licence can be reviewed and measures appropriate to the issues; which might include increased staffing, would be sought through additional conditions to the licence. The Licensing Authority cannot require Betwatch meetings to be compulsory. **No amendment is needed to the proposed Gambling Act policy.**

Respondent 6 - *find suitable local gambling support avenues for problem gamblers.*

LA RESPONSE: All gambling premises are required under the Social responsibility code provision 3.3.1, must make information readily available to their customers on how to gamble responsibly and how to access information about, and help in respect of, problem gambling and well as having other measures in place. **No amendment is needed to the proposed Gambling Act policy.**

Respondent 8 and Paddy Powers' response –summarised below:

- *Amend foreword to reference the desirability of licensed and regulated supply over illegal supply of gambling*
- *Make reference to the significant level of regulation under the operating licence and Licensing Conditions and Codes of Practice to which operators have to adhere and obtain an operators licence from the Gambling Commission before a premises licence*
- **LA RESPONSE:** Paragraph 1.9.5 of the policy is amended to state that we will also target enforcement towards illegal gambling as it is potentially higher risk/harm due to the lack of regulation and oversight that legitimate licensed gambling is subject to. Paragraph 2.1.2 has been amended to reflect the fact that applicants for premises licence have been subject to the operating licence and Licensing Conditions and Codes of Practice before applying.
- **Respondent 8 and ABB's response** - *In paragraph 1.7.2, the Authority cannot circumvent the law by considering the number of premises (cumulative impact) where there is a risk to the licensing objectives as only the risk posed by the particular premises can be considered*
- **LA RESPONSE:** Paragraph 1.7.2 has been amended as it was not clear that it meant that an application for a licence is assessed on its impact in the locality.
- *In paragraph 1.7.4, the authority cannot widen the definition of those with “business interests”. It is clear that there is a second category for “interested parties”. The definition should be given its normal meaning.*
- **LA RESPONSE:** The 5th edition of the guidance to Licensing Authorities states such groups could be considered to be interested parties or having business interests. **Paragraph 1.7.4 of the policy has been ‘qualified’ to make it clear that when considering ‘business interests’ in the widest context that this will be in accordance with the criteria in paragraph 1.7.3.**

- *In paragraphs 1.11 and 1.12, wider strategies should not be included if not relevant to the licensing objectives and not be used to hide exclusionary policies relating to betting shops*
- **Ladbroke's response** – *Paragraph 1.11 refers to strategies that may not have direct impact on the licensing objectives, but may indirectly impact on them and then goes onto to say conditions will only be attached where reasonable and proportionate to be consistent with the licensing objectives. Council needs to apply the agreed licensing objectives and not seek to extend them to other factors.*
- **LA RESPONSE: The section about wider strategies has been removed in the final version of the 5th edition of guidance to local authorities so will be deleted from our policy.**
- *In paragraph 1.13, the Authority has failed to use the latest data from the English and Scottish health surveys (separate and combined). Also there has been selective use of data and quotes aimed at stigmatising "FOBTs" and betting shops generally. This betrays an element of bias in the policy which would be unlawful.*
- **Ladbroke's response** – *Comments made in relation to the 2010 Gambling Prevalence Study – no significant rise in problem gambling despite increased participation (and most recent survey suggesting it has remained static) and problem gambling levels remain low.*
- **ABB's response** – *Later health surveys ignored, which found that gambling is not rising and problem gambling is static and perhaps falling. This section should be removed as it does not assist the local authority with its 'aim to permit' principle in the Gambling Act*
- **Paddy Powers' response** – *cannot see the relevant of this information in paragraph 1.13 and should be removed.*
- **LA RESPONSE: Paragraph 1.13 has been amended to reflect the executive summary of the 'Findings from the Health Survey for England 2012 and Scottish Health Survey 2012' and a weblink to the full report. It has not been removed as it provides information on gambling prevalence and behaviours.**
- *In paragraph 2.4.2, the authority can have 'special consideration' to risk controls where there is evidence that premises could be accessed by children and vulnerable persons but cannot have a general exclusion policy in a location due to theoretical risk*
- **LA RESPONSE:** paragraphs 2.4.4 – 2.4.6 make it clear that each application is considered on its merits, that the risk assessment undertaken by the operator based on location will be considered and the Authority will consider any other measures it considers necessary to mitigate the risk. **The Policy will be amended in paragraph 2.4.5 to emphasise that the risk assessment undertaken and controls identified by the operator will be considered.**
- *In paragraph 2.4.3, cannot see relevance of maps showing social deprivation as betting shops cater for demand in areas of high density/footfall. Cannot understand what further controls could be put in place to further reduce gambling related harm in deprived areas. Location of schools and youth centres is irrelevant if the operator has age restriction controls.*
- **LA RESPONSE:** The 5th edition guidance issued by the Gambling Commission to Licensing Authorities permits licensing authorities to provide a local area profile in their policy to 'map out' the key characteristics of the local area. The purpose of the maps in Appendix C is to provide operators with information pertaining to the characteristics of the local area to assist them when undertaking their own risk assessments and identifying risk controls.

- **ABB's response** – *Important that any risk identified in the local area profile are supported by substantive evidence and not perceived risks. Otherwise this would be disproportionate and distort the 'aim to permit' principle by reverse the burden of proof from the local authority to prove the risks to the operator to mitigate potential risks.*
- **LA RESPONSE:** Appendix C is provided to 'map' the characteristics of the local area. All licensing decisions are made in accordance with Section 153 of the Act ('aim to permit' principle) and the policy. **No amendment is needed to the proposed Gambling Act policy.**

If you have any other comments you would like to make, let us know.

Respondent 8 – summarised below:

- *Betting shops are not a significant societal issue or public health concern; albeit a serious issue for a minority*
- **LA RESPONSE:** Comments noted. **No further amendments needed to the policy.** The ‘Findings from the Health Survey for England 2012 and Scottish Health Survey 2012’ referenced in 1.13 of the policy reports research into the prevalence of gambling, use of different means of gambling and data/risks in relation to problem gambling
- *The Authority cannot simply provide a list of theoretical risks related to gambling harm. The risks have to be real, evidenced and apparent.*
- **LA RESPONSE:** The policy throughout makes it clear that decisions on applications will be made in accordance with Section 153 of the Act and the Licensing Authority’s statement of policy, and that decisions will be evidence based and each application considered on its own merits. **No amendments needed to the policy.**
- *We accept that the Authority has enforcement responsibilities, but again when making reference to enforcement, there should be consistency with the principles of better regulation and good enforcement; with intervention being at the lowest level to achieve the desired outcome*
- **LA RESPONSE:** Paragraph 1.9 of the policy references the Regulators’ Code and the Council’s Enforcement Policy which provides more detail of application by the Council of the principles in the Regulators’ Code. **No amendments needed to the policy.**
- *There will be more references to problem gambling organisations from the betting sector because it constitutes some 70% of the commercial gambling industry. Also there are processes in place for sign posting. Rising referral numbers are in fact an indication of enhanced responsible gambling processes within betting shops. This exposition contains little balance. Problem gambling levels are stable and possibly falling (certainly not rising).*
- **LA RESPONSE:** Comments noted. **No further amendments needed to the policy.** The ‘Findings from the Health Survey for England 2012 and Scottish Health Survey 2012’ referenced in 1.13 of the policy reports research into the prevalence of gambling, use of different means of gambling and data/risks in relation to problem gambling.
- *In part 2.6, the policy does not make clear distinction between nuisance and disorder – narrative provided.*
- **ABB’s response** – *In paragraph 1.7.2, should include nuisance in the list as not being a valid reason to reject an application*
- **LA RESPONSE:** The narrative provided by the respondent in relation to paragraph 2.6 does not seem to reflect the content of the policy at this part. Paragraph 2.6.2 makes it clear that ‘issues of nuisance cannot be addressed via the Gambling Act provision’. **No amendments needed to the policy.**
- *In paragraph 2.9.1, door supervisors are not an effective control in betting shops as staff watch the door and door supervisors cannot police the street.*
- **LA RESPONSE: No amendments needed to the policy**

- *In section 6.2 and Appendix G (Risk Assessment template), the template is unsuitable and complex. Will be adapting own existing risk assessment process.*
- **Ladbroke's response** – *Concerned about the over-prescription of the risk assessment in the policy (Appendix G) as they undertake their own risk assessments and encourage the council to allow operators to complete the assessment in line with their own practices*
- **ABB's response and Paddy Powers' response** – *Do not believe it is for the licensing authority to prescribe the form of the risk assessment. Operators should be allowed to use their own risk assessments.*
- **LA RESPONSE: The policy will be amended at 6.5.2 to make it clear that the template is provided for use or reference as to the types of matters it expects the operator to have considered, but operators can use their own risk assessment.**
- *In paragraph 6.2.3, refute that need to provide the sort of information listed as deemed unreasonable, disproportionate and ultravires. Considers having to provide granular detail to each local authority is against better regulation principles and will approach the Better Regulation Delivery Office. Considers that provision of gaming trends in relation to benefit payment days are irrelevant as is the proximity of betting shops to refreshment and entertainment facilities. Consider that the list is prescriptive and of theoretical risk not evidence as being legitimate risk factors to gambling harm. Requests that this approach is reconsidered otherwise will consider challenging the policy.*
- **Ladbroke's response** – *Concerned that the elements of a risk assessment of the local area to be considered (eg proximity to schools, gaming trends that reflect benefit payments, street drinking, increased footfall) are suggested risks and not evidence based and fails to acknowledge existing policies operator has in place to manage local changes. Do not accept that proximity of young people to a betting shops poses a local risk and already have age identification measures in place.*
- **ABB's response** – *local area risk assessments are required from 6 April 2016. Paragraphs 6.2.3, 6.3.3 and 6.3.4 contain criteria that should be considered in the local area risk assessment that cannot be relevant. It is for the authority to identify matters that are relevant to the licensing objectives. Paragraph 6.2.3 should be removed and replaced by the statement at 6.2.4.*
- **LA RESPONSE: The Licence Conditions and Codes of Practice (February 2015) states (albeit from April 2016) licensees should share their risk assessment with the licensing authority when applying for a new licence or to vary a licence, or otherwise on request. Further, it states that in making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy. The 5th edition Guidance to Licensing Authorities states that the Council's statement of policy should set out the factors it is likely to take account of when considering applications, may take account of the local area profile and will include considerations such as proximity of gambling premises to schools and vulnerable adult centres. **The Policy is amended to acknowledge that operators may have existing measures in place to deal with the matters identified in the local area. Paragraph 6.2.1 of the policy is amended to emphasise further to para 6.1.2 that the requirement to produce risk assessments comes in on 6 April 2016. Paragraphs 6.2.3, 6.3.3 and 6.3.4 are amended to make it clear that the lists are examples of matters that should be considered.****
- **ABB's response** – *Paragraph 6.6.3 should be removed as the terms 'sensitive' building' and 'vulnerable community' are not defined in the Act or policy, specifying within 400 metres is arbitrary and in any case is unnecessary as operators will have considered sensitive premises or vulnerable persons in their risk assessment.*
- **LA RESPONSE: The authority considers that is a relevant matter to ensure that the operator has had regard to the local area within approx. 5 minutes walk (approx. 400 metres) , but para 6.6.3 is amended to make it clear that operators are encouraged to ensure that premises/locations where children, young persons and vulnerable are/resort within 400m are considered.**

- In paragraph 6.6.4, it states that as there have been no complaints or age restricted sales that this must show it is low risk as betting shops are already located in areas of children and young persons.
- **LA RESPONSE:** This does not in itself show there is low risk. The test purchases conducted have been few in number and only test at that point in time.
- *In figure 14 (crime hotspots), statements provided about limited evidence of drug, notifiable crime and the recording of CAD data and that crime has to be shown to be associated with gambling premises to be a risk to the licensing objectives.*
- **LA RESPONSE: The narrative accompanying Figure 14 provides appropriate context of crime data in relation to betting shops and so no amendment to the policy is required.**
- *The sample conditions in Appendix D should be removed as they are unworkable and seek to extend over and above the mandatory and default conditions.*
- **Ladbroke's Response** – *Concerned that the pool of conditions are prescriptive and go beyond that which was agreed by the Regulator*
- **ABB's Response** – *Additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so. Paragraph 2.8 should be amended to acknowledge that premises are already subject to mandatory and default conditions and additional conditions should only be added if these need supplementing.*
- **Paddy Powers' response** – *Existing mandatory and default conditions are already imposed, so additional conditions to (new and) variations of existing licences should only be added where there is clear evidence of risk and existing measures are insufficient. Use of a pool of conditions will encourage their use rather than case by case basis.*
- **LA RESPONSE:** These conditions emanate from the draft 5th edition guidance to Licensing Authorities from the Gambling Commission that was placed on consultation March- 22 June 2015. The pool of conditions has been removed from the final version of the 5th edition guidance by the Gambling Commission published in September 2015 and placed instead on their website to make them easier to update. **The pool of conditions are provided as examples for use should they be needed, and will now be referenced by a link to the Gambling Commission's website rather than appended to this policy.** The policy is clear (paras 2.8.2 and 2.8.4) that additional conditions are only imposed if the Licensing Authority consider they are needed to mitigate risk to the licensing objectives and considered on a case by case basis, but a new **paragraph 2.8.1 will be added to make this even clearer.**

Respondent 2 - *Stop approving licenses for so many betting shops*

LA RESPONSE: The Gambling Act states that the Licensing Authority must “aim to permit” gambling that is not a source of crime and disorder, is conducted in a fair and open way and protects children and other vulnerable persons from being harmed or exploited. There is a presumption in the Act therefore in favour of licensing betting shops unless the Council considers that these objectives cannot be met and so the licence application would be refused.

Respondent 6 - *As an Enfield /Edmonton resident i would like to do something in my community with regards to helping young adults steer clear of GAMBLING. Also the council definitely need to identify where the most vulnerable and at risk young adults are and how they can be supported. Gambling figures are rising in Enfield so the council need to sought help from outside agencies if need be, as EDUCATION/AWARENESS is the key.*

LA RESPONSE: Identifying individuals that are the vulnerable to gambling harm is difficult. Gambling operators have duties to identify customers and signpost them to help for problem gambling. Recently published research¹ has identified *groups* of persons who may be vulnerable to gambling-related harm, which includes children and young people. The local area profile we have developed in Appendix C seeks to identify locations and places vulnerable persons may be. **No amendment is needed to the proposed Gambling Act policy.**

Ladbroke's response – concerned that council intends to apply policies that are not evidence based such as in paragraph 6.4 which states “in assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk” Whilst it is not clear who the document refers to when it mentions ‘stakeholders’, this is a potentially worrying development as there are a variety of myths in the public domain around gambling habits and trends. We would therefore encourage the Council to only to accept risks which can be substantiated with robust evidence.

LA RESPONSE: Paragraph 6.4 is be amended to remove reference to stakeholder perceptions.

Ladbroke's response – Already operate robust age restrictions and design premises to mitigate risk (examples were given).

LA RESPONSE: Comments noted. **No amendment to the policy needed.**

ABB's response – recent media coverage has suggested that there has been a proliferation in betting shops. The numbers have remained relatively stable (figures provided for UK). Problem gambling rates in the UK are stable (0.6%) and possibly falling.

LA RESPONSE: Comments noted. **Information from recent surveys on problem gambling has been updated in paragraph 1.13 of the policy.**

ABB's response – Examples provided of working in partnership with local authorities.

LA RESPONSE: Comments noted. **No amendment to the policy is needed.**

ABB's response – Foreword of the policy recognises that gambling is a legitimate leisure industry but the rest of the policy appears to view it as not a legitimate industry and ones that requires heavy regulation.

LA RESPONSE: The policy has been prepared in accordance with the guidance issued by the Gambling Commission and states the matters the authority will take into account when making decisions on applications. **No amendment to the policy is needed.**

¹ 'Exploring area-based vulnerability to gambling-related harm: Who is Vulnerable? Findings from a quick scoping review' by Heather Wardle (Gambling and Place Research Hub – Geofutures) 13 July 2015

ABB's response – *In paragraph 1.16 it refers to the promotion' of the licensing objectives, whereas the licensing authority must only 'have regard' to the licensing objectives.*

LA RESPONSE: Paragraph 1.16 has been amended accordingly.

Paddy Powers' response - *Requests for information of a commercial or sensitive nature (such as in paragraph 6.4) are not necessary for the authority to consider the application.*

LA RESPONSE: Paragraph 6.4.1 is clear that the operators may want to consider providing such information. (This is to assist the authority in determining the application). **No amendments needed to the Policy.**

MUNICIPAL YEAR 2015/16 REPORT NO.

COMMITTEE :
Licensing Committee
14 October 2015

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Explosives Regulations 2014

Agenda - Part	Item
SUBJECT : Adoption of conditions for explosives licences	
PREMISES : All	
WARD : All	

1. SUMMARY

This report sets out the additional licensing conditions proposed to apply to operators wishing to sell fireworks.

2. RECOMMENDATIONS

The Committee is requested to consider and approve the proposed conditions.

3. BACKGROUND

3.1 The Explosives Regulations 2014 came into force on 1 October 2014. Under these Regulations a license from the Licensing Authority is required to store more than 5kg of explosives.

3.2 It has always been a requirement for persons storing explosives to obtain a license from the Licensing Authority, however, these new Regulations state under Regulation 13(7) Local Authorities may impose such conditions as it considers appropriate so long as they relate to ss (a)-(c);

(a) the storage and display of those articles in areas where they can be purchased;

(b) the prevention of risk of fire arising in respect of those articles; and

(c) the safe use of fire escapes in that area.

3.3 Any conditions applied should be reasonable, justifiable and clear to the license holder. The licence is granted to a person (or company) and not to the site.

4. CURRENT SITUATION

4.1 A licence is required if storing the following amounts. The cost of the license is set down by Regulations:

- between 5kg and 2,000kg of explosives if this includes hazard type 1 and 2 explosives
- between 5kg and 2,000kg of hazard type 3 explosives
- between 5kg and 2,000kg of combination of hazard type 3 and hazard type 4 explosives
- between 5kg and 2,000kg of hazard type 4 explosives or
- between 5kg and 2,000kg of small arms ammunition and percussion caps.

This includes both the amount held on the shop floor and at the rear of the premises.

4.2 There are the following restrictions on the times of sales of fireworks;

- i) 15th October to 10th November
- ii) 26th December to 31st December
- iii) On the 1st day of the Chinese New Year and the 3 days immediately preceding it
- iv) On the day of Diwali and the 3 days immediately preceding it

5. WHY A CHANGE IS NEEDED

5.1 This is the first time that Licensing Authorities have been able to set conditions on licenses for the sale of fireworks. In order to ensure a consistent approach across London, Authorities have been working together to develop a set of standard conditions which can be applied to all licenses and a pool of model conditions that can be attached where appropriate. This piece of work has been led by the FELG (Fireworks Liaison Enforcement Group) representative for London Trading Standards Authorities (LoTSA). The conditions as cited in appendix 1 and 2 are based on this framework.

6. RISK MANAGEMENT IMPLICATIONS

6.1 The storage of explosives presents an inherent danger to persons and property. It is anticipated that through the setting of conditions we can ensure a level trading platform for businesses whilst maintaining high standards of safety.

7. INTRODUCTION OF THE CONDITIONS

7.1 Based on consultation across London and the desire to achieve a consistent approach to licensing conditions the Licensing authority will issue all new licenses with the standard licence conditions (see Appendix 1). There is a suite of model conditions which can be applied to premises according to need (see Appendix 2).

8. DECISION

- 8.1 Whilst it is for the Licensing Authority to impose any conditions it is considered good practice that the committee are aware of these and ratify them to that effect.

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 020 8379 8453

Appendix 1

Standard Conditions for Fireworks Licences in London Borough of Enfield

1. Undertake a suitable and sufficient risk assessment regarding the storage and display of fireworks under your control. This must have regard to the separation distances where relevant as referred to in Regulation 27 of the Explosive Regulations 2014 (<http://www.legislation.gov.uk/ukxi/2014/1638/contents/made>) If you have five or more staff this must be written down and made available for inspection by an Authorised Officer (*) More information can be found on www.hse.gov.uk
2. A documented fire risk assessment must be undertaken to;
 - i) Identify the fire hazard
 - ii) Identify people at risk
 - iii) Evaluate, remove or reduce the risk

More information can be found at www.gov.uk

3. Storage in the “shop” area must be controlled to prevent unrestricted public access to fireworks. Fireworks must be kept in suitable, lockable cabinets / cupboards/containers if sited in the public area.
4. If the storage is in a restricted area where only staff will have access, then it must be a cabinet /cupboard/container that can be closed at times except when accessing the fireworks.
5. Nothing else should be stored with the fireworks in the cabinet/cupboard/container.
6. Fireworks storage cabinets / cupboards/ containers must not be sited in a shop window nor sited directly near heating appliances.
7. Cupboards/ cabinets/ containers in the sales area should contain a maximum of 12.5kg of fireworks and the maximum quantity permitted to be stored in the sales area is defined by the size of the retail area and can be calculated using Table 1 below.
8. Where a premise is licensed to store more than 250kg a site plan is required and this area should be marked ‘store’ on the plan.
9. Reserve stock should be left in transit boxes, but if decanted it should be placed in fire resistant containers or if in a dedicated storage area it must be stacked neatly and raised off the floor.
10. If Hazard Type 3 or more than 75 kg net of Hazard Type 4 fireworks are kept in a store within, or adjoining, a building containing domestic/sleeping accommodation, suitable steps must be taken to protect residents of those premises in the event of a fire. Otherwise the licence will be amended to limit the max amount to 75kg.
11. Passage ways / escape routes must be kept clear and free from obstruction at all times.
12. A maximum of 2kgs of fireworks at any one time can be displayed to a customer.

13. Sales to persons under 18 are not permitted. In order to prevent sales to minors, the "Challenge 25" age verification policy shall be operated at the premises. This means that whilst fireworks may be sold to persons aged 18 years or over, any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID. The only forms of ID that may be accepted shall be:
 - b. a proof of age card bearing the PASS hologram logo;
 - c. a passport; or
 - d. a UK photo driving licence.
14. Notices advertising that the premises operates a "Challenge 25" scheme shall be displayed in a clear and prominent position at the retail entrance to the premises and inside at the premises serving area.
15. A book, or other form of record, a version of which must be in English, shall be kept in which shall be recorded the date, time and circumstances of any challenge made in accordance with the "Challenge 25" scheme. This shall be kept on the premises at all times they are open and shall be made available for inspection immediately upon request by an Authorised Officer (*). Management shall frequently check the book to ensure all staff are using it.
16. All staff whose responsibilities include the retail sale of fireworks shall receive training before fireworks are put on sale at the start of each season. The training shall include:
 - a) the operation of the "Challenge 25" scheme;
 - b) types of acceptable ID; and
 - c) the method of recording challenges.
17. Such training must be recorded, a version of which must be kept in English, and these records shall, on request, be made available to an Authorised Officer.

Footnote:

(*) Authorised Officer means Local Authority officer; Police; Community Support Officer; Fire Officer or similar.

Table 1

Table 1. Maximum quantities on the shop floor		
Total floor area of the sales area (square metres)	Maximum quantity of fireworks that may be kept under a licence requiring a separation distance of 0 m	Maximum quantity of fireworks that may be kept under a licence requiring a separation distance of greater than 0 m
	(net weight – kg)	(net weight – kg)
up to 20	12.5	20
up to 40	15	25
up to 60	20	35
up to 80	25	50
up to 100	30	60
up to 150	35	70
up to 200	40	80
up to 250	45	90
up to 300	50	100
up to 350	55	110
up to 400	60	120
up to 450	65	130
up to 500	70	140
500 and over	75	150

Appendix 2 Model Conditions for Fireworks Licences

1. Live CCTV shall be installed to act as a deterrent and to monitor the areas in and around the fireworks store. The CCTV system serving the premises shall:
 - be maintained fully operational and in good working order at all times;
 - make and retain clear images that include the points of sale of fireworks and facial images of the purchasers of the fireworks; and
 - show an accurate date and time that the images were made.
2. All CCTV images shall be retained for a period of not less than 31 days in a format that can be viewed on readily available equipment without the need for specialist software.
3. The original CCTV images, or a copy, shall be provided to any Authorised Officer within 72 hours of a request having been made.
4. No fireworks shall be sold if the CCTV equipment is inoperative for any reason.

ISO containers (International Standards Organisation)

5. Fireworks shall be stored in one ISO container only.
6. A 3m no parking zone shall be maintained around the perimeter of the ISO container in which the fireworks are stored. This shall be achieved by the use of solid metal fencing at least 2 metres high.
7. The fencing surrounding the ISO container shall remain locked when not in use.
8. Customers shall be prohibited from entering the secure fenced area.
9. Any gate permitting access to the fenced area shall be locked when not in use.
10. Live CCTV shall be installed to monitor the areas surrounding the ISO container.
11. Smoking shall not be permitted within the vehicle exclusion zone and ISO container in which the fireworks are stored. 'No smoking' signs shall be displayed.

These conditions are site specific and should be amended after an inspection of the premise has been made and an officer has made an assessment to determine what is needed.

Footnote:

(*) Authorised Officer means Local Authority officer; Police; Community Support Officer; Fire Officer or similar.

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MUNICIPAL YEAR 2015/16 REPORT NO.

COMMITTEE :
Licensing Committee
14 October 2015

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Health and Social Care Act 2008
London Local Authorities Act 1991.

Agenda - Part	Item
<p>SUBJECT : Adoption of conditions for Special Treatments Licences</p> <p>PREMISES : All</p> <p>WARD : All</p>	

1. SUMMARY

1.1 This report sets out the additional licensing conditions proposed to apply to operators wishing to offer laser and/or intense pulse light treatments (IPL) (Optical Radiation), on their premises' special treatments licence issued under the London Local Authorities Act 1991.

2. RECOMMENDATIONS

2.1 The Committee is requested to consider and approve the proposed conditions for premises offering laser / IPL treatments.

3. BACKGROUND

3.1 In April 2002 the Care Standards Act 2000 came into effect. Under this legislation all establishments offering laser and intense pulse light treatments had to be registered with the National Care Standard Commission (NCSC) in England (or equivalent body in Scotland, Wales or Northern Ireland). Later the Health & Social Care Act 2003 amended the Care Standards Act 2000 and the Care Quality Commission (CQC) became the enforcement authority for registering and monitoring establishments offering laser and intense pulse light treatments.

3.2 Under the CQC registration regime, establishments offering laser and intense pulse light treatments are required to implement and comply with the national minimum standards as set out by them.

4. CURRENT SITUATION

4.1 Relevant parts of the Care Standards Act 2000 relating to registration of establishments offering laser and/or intense pulse light treatments have ceased to have effect from 30th September 2010, being repealed by the Health and Social Care Act 2008. From 1st October 2010 operators of laser and intense pulse lights used for non-surgical cosmetic aesthetic purposes such as hair removal by a health care or non-health care professional are not be required to register with the CQC under the

Health and Social Care Act 2008. The regulation of the use of lasers and intense pulse light in the beauty industry has reverted back to the local authority.

4.2 In Enfield, as in most other London local authorities, beauty treatments are regulated by requiring the proprietor to apply to the local authority for a Special Treatments Licence under the London Local Authorities Act 1991. Special treatments licensing regulate the provision of a wide range of treatments including massage, body piercing, tattooing, sun beds etc.

4.3 The London Local Authorities Act 1991 defines what an 'establishment for special treatment' is, and includes those where treatment of persons requiring massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric or other special treatment of a like kind or vapour, sauna or other baths takes place or is intended to take place. From 1st October 2010, it also covered treatments administered using Class 3B or Class 4 Lasers or Intense Pulse Light (IPL) for non-surgical cosmetic aesthetic purposes as these are treatments involving the use of light.

5. WHY A CHANGE IS NEEDED

5.1 From 1st October 2010, the local authority has been responsible for regulating laser and intense pulse light treatments for non-surgical cosmetic aesthetic purposes. Lasers and intense pulse lights are hazardous devices that can easily burn or blind operators or to members of the public receiving treatment or those in the immediate vicinity. However, when they are used with care, by properly trained operators and in carefully designed environments; they can deliver a range of useful cosmetic treatments for hair removal, skin resurfacing, tattoo and pigmentation removal etc. Because of the potential for harm, it is important that the local authority ensure that appropriate standards (by way of licence conditions) are implemented to regulate the use and operation of laser and intense pulse light treatments.

5.2 The proposed conditions will apply to premises offering laser / IPL treatments. There will be no change in the current licensing conditions for licensed premises offering special treatment other than laser / IPL. The proposed conditions are based on the national minimum standards that premises offering laser / IPL treatments were required to adhere to under the CQC's registration regime.

5.3 There are currently 139 Licensed Massage and Special Treatment premises within the borough 30 of which offer IPL/Laser treatments. The number of salons wishing to provide IPL/Laser treatments is increasing exponentially to meet consumer demand. We therefore expect to receive many more applications that include IPL/Laser treatments in the near future.

6. RISK MANAGEMENT IMPLICATIONS

6.1 Lasers and intense pulse lights are hazardous devices and if used incorrectly or in an unsuitable environment, can cause significant harm to the operator or others. Failing to regulate the use of laser / intense pulse lights for non-surgical cosmetic aesthetic purposes could result in poor standards and procedures in premises offering such treatments and increases the risk of harm to members of the public and persons working in this industry.

7. INTRODUCTION OF THE MODEL CONDITIONS

7.1 Based on national guidance and a consistent approach across London, the Licensing Authority have issued the revised conditions on all licences however these now need formal adoption by the full Licensing Committee.

7.2 The list of proposed conditions can be seen in Annex 1.

8. DECISION

8.1 The licensing committee may be minded to:

- Adopt the proposed conditions in full as the standard licensing conditions for operators offering treatments involving the use of laser and/or intense pulse light;
- Propose modifications to the proposed licensing conditions for operators offering laser and/or intense pulse light treatments;
- Reject the adoption of the proposed licensing conditions for operators offering treatments involving the use of laser or intense pulse light, but this will mean that such providers are subject only to the current standard conditions on special treatments licences;

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 020 8379 8453

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Annex 1

Special Conditions for treatments using Intense Optical Radiation (e.g. laser/IPL)

1) Non Surgical Lasers/IPL

- a) The licence holder shall produce the 'treatment protocol' document which shall be kept on site. (*Appendix A outlines the information required in this document*). The licence holder may wish to attain the services of an Expert Medical Practitioner to complete this.
- b) The licence holder must produce suitable laser/IPL safety instructions (Local Rules). These should be read and understood by all staff that may be exposed to the risks from the equipment. Evidence of understanding should be documented. The local rules must be up to date and reflect current equipment, facilities and working practices. *An example of suitable content is given in Appendix B*
- c) The 'local rules ' shall be updated if there are any changes made to the equipment in use, changes in procedure or treatment room if these affect the safe use of the laser/IPL.
- d) The licence holder shall perform a suitable and sufficient risk assessment, with regards to the risks from optical radiation. They shall provide evidence that they have employed the services of a Certificated Laser Protection Adviser (LPA) to assist with this. The LPA should be tasked to write a report which includes written recommendations for suitable controls. Risk assessments must be reviewed at appropriate intervals or where any changes are made that may affect the risk management.

Training

- e) All Authorised Users must hold a qualification that meets the current National Occupational Standards (NOS) at level 3 in a relevant subject (Epilation). For all new applications from 1st January 2014 the NOS will be at VTCT Level 4 for IPL and Laser.
- f) Staff members involved in the use of the equipment or safety management shall also attend a suitable laser safety management course, e.g. Laser Core of Knowledge. Laser operators should be able to demonstrate appropriate training and competence for each type of treatment offered.

- g) A suitably qualified member of staff on the premises shall be identified as the laser protection supervisor they will have day to day to responsibility of ensuring the local rules are followed.
- h) A treatment register shall be completed every time the laser/IPLS is operated, including the following information:
- the name of the person treated (including a second means of identification);
 - the date and time of treatment;
 - the name and signature of the laser/IPLS operator;
 - the nature of the laser/IPLS treatment given
 - the treatment parameters
 - any accidents or adverse effects.

Laser/IPL Controlled Area

- i) The area around working lasers/IPLS shall be controlled to protect other persons while treatment is in progress. The controlled area shall be clearly defined and not used for other purposes.
- A suitable safety warning sign or light entry system which complies with current British Standards shall be in place on the door of the controlled area.
- j) All lasers/IPLS shall comply with current standards (BS EN 60601-2-22 for medical lasers and BS 60601-2-57 and shall display labels identifying them, their wavelength or range of wavelengths and the maximum output power of the radiation emitted. The labels shall be clearly visible on the front or side of the machine.
- k) The door to the controlled area shall be fitted with a suitable device which can be operated from the outside in an emergency
- i) Any windows in the controlled area shall be fitted with opaque blinds approved by the LPA .
- l) The controlled areas shall be kept clear of clutter, mirrors shall be avoided and jewellery shall not be worn.
- m) Surfaces within the controlled area shall be of a matt or eggshell finish.

- n) Protective eyewear shall be worn by everyone within the controlled area whenever there is a risk of exposure to laser/IPLS . All protective eyewear shall be marked with the wavelength range and protection offered as detailed in the local rules document. They shall be in a clean serviceable condition.
- o) The laser protection supervisor shall ensure that the key to any laser/IPLS equipment is kept in a secure and separate area when not in use and that only authorised users have access to the key.
- p) Lasers/IPLS shall be serviced in accordance with manufacturer's instructions and a record kept of servicing and repairs with the local rules document.

APPENDIX A

Laser /IPLS Treatment Protocol Document

A treatment protocol must be produced by an expert medical practitioner (EMP) in relation to the licence holders equipment/premises.

The treatment protocol sets out the necessary pre-treatment checks and tests, the manner in which the laser/IPLS is to be applied, the acceptable variations in the settings used, and when to abort a treatment.

The treatment protocol should be signed and dated by the EMP to confirm authorisation, should be reviewed annually and include a projected date for review.

A separate treatment protocol should be in place for each laser/IPLS in use at the licensed premises.

The treatment protocol must include the following:

- name and technical specifications of the equipment
- contraindications
- treatment technique – general
- treatment technique – hair reduction
- client consent prior to treatment
- cleanliness and infection control
- pre-treatment tests
- post-treatment care
- recognition of treatment-related problems
- emergency procedures
- permitted variation on machine variables
- procedure in the event of equipment failure

APPENDIX B

CONTENT OF LASER/IPLS LOCAL RULES DOCUMENT

1) Potential Hazards

List all types of hazards including fire, skin and eye injuries, electrical etc

2) Device Description

Description of all devices including output, serial numbers etc..

3) Treatment Protocol

Reference to separate document produced by the Expert Medical Practitioner.

4) Written Procedures

Supported by reference to user manual/training manual etc

5) Adverse Incident Procedure

a) Details of actions that shall be taken in cases of emergency e.g eye exposure

b) Name, address and tel no of local accident and emergency department.

c) Any incidents must also be reported to Croydon Council, list of their contact details,

6) Emergency Shutdown Procedure

Instructions as set down in manufacturers manual or treatment protocol.

7) Register of Authorised Users

Details of trained personnel with signed declarations of individuals.

8) Laser Protection Advisor

Contact details of the LPA

9) Laser Protection Supervisor

a) One Authorised User shall be nominated Laser Protection Supervisor to ensure that the register is maintained and the local rules are adhered to

b) Name of the laser protection supervisor

10) Record of laser use

A register shall be kept which will separately record the following information every time the IPL is operated

The name and date of birth of the person treated
date of treatment
the operator
the treatment given
any accident or adverse effects.

11) Laser/IPL Operator Training

a) All laser/IPL 'authorised users' shall hold the Core of Knowledge Training Certificate together with specific training on the use of on site equipment provided by the supplier of the Laser/IPLS.

b) Details of all training shall be recorded in the Register of Authorised Users or a separate Training Register.

12) Controlled Area designation and access

a) The room in which the laser/IPLS is used shall be designated a 'Controlled Area' and the laser shall only be used in this area. Approved warning signs shall be fitted to the door i.e. 'Controlled Area', 'Eye Protection' etc

b). A notice should be fixed to the laser/IPLS indicating that its use is subject to the Local rules.

13) Register of Authorised Users

A register shall be kept of personnel authorised to operate the equipment.

14) Safe Operation of device

- a) No more than one laser/IPL shall be switched on during the client treatment.
- b). When the laser/IPL is in operation the number of persons in the room shall be kept to a minimum.
- c) The laser/IPL shall not be enabled to fire unless it is directed towards the treatment site or a beam stop.
- d) The Authorised User shall be careful to avoid reflections of the beam from Instruments/equipment in close proximity to the beam path, matt/non reflective surfaces etc shall be provided.
- e). Whenever the device is unattended by an Authorised User, the laser shall be switched off and the key withdrawn and placed in safe custody by the Authorised User.

15) Operator responsibility

- a) It is the responsibility of the equipment Authorised User to be aware of the nature of the hazard involved and to be familiar with the manufacturer's operating instructions.
- b) During the operation of the laser (or IPL) the Authorised User is responsible for the safety of all persons present, including the client and themselves.

16) Protective eyewear

Protective eyewear shall be provided and clearly marked for the laser. It is important that the correct goggles are used e.g. the use of a coloured sticker or other identifier on the goggles matches a similar identifier on the laser or IPL. The Authorised User shall instruct all personnel in the Controlled Area to wear goggles suitable for the laser being used.

17) Application of local rules

- a). The laser shall only be used in accordance with these local rules.
- b). Authorised Persons shall sign statements that they have read and understood these local rules.

c) The local rules shall be kept in the treatment room/s at all times.

MUNICIPAL YEAR 2015/16 REPORT NO.

COMMITTEE :
Licensing Committee
14 October 2015

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Pet Animals Act 1951

Agenda - Part	Item
<p>SUBJECT : Adoption of Revised conditions for Pet Shop Licensing</p> <p>PREMISES : All</p> <p>WARD : All</p>	

1. BACKGROUND INFORMATION

1.1 Local authorities in England, Scotland and Wales issue licences to the proprietors of pet shops and other pet vendors under the provisions of the Pet Animals Act 1951.

1.2 Before granting a licence the local authority must be satisfied that the animals are:

- a. Kept in accommodation that is suitable (with regard to size, temperature, lighting, ventilation and cleanliness)
- b. Supplied with appropriate food and drink
- c. Adequately protected from disease and fire.

1.3 The local authority may:

- Attach conditions to the licence
- Inspect the premises at all reasonable times
- Refuse a licence if the standards at the premises are unsatisfactory or revoke a licence if the terms of the licence are not being complied with.

1.4 This authority currently has a set of standard conditions which are applied to all pet shop licences. These are complemented by premises specific conditions as appropriate. The standard conditions derive from model conditions compiled by animal welfare professionals, which are reviewed/updated on yearly basis.

2 KEY ISSUES FOR CONSIDERATION

2.1 The model conditions:

2.2 A copy of the revised model conditions is attached to this report in Appendix 1.

2.3 The revised model conditions have been written in accordance with the working group's recommendations for the basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops.

2.4 The working group advises that "the model conditions should not be considered as a complete manual on animal husbandry". They are intended by the working group as a "living document which will be revised from time to time to take into account new knowledge of animal physiology and behaviour, as well as advances and developments in standards of animal welfare".

2.5 The revised model conditions provide a more comprehensive and detailed assessment of the situation than its predecessor. In particular they provide specific considerations in respect of each species likely to be offered for sale as pets. The conditions also provide guidance alongside some clauses for purpose of providing greater clarification of the expectations placed upon premises management.

2.6 The Revised model conditions comprise 10 sections as follows:

- Schedule A – General conditions
- Schedule B – Dogs
- Schedule C – Cats
- Schedule D – Rabbits and guinea pigs
- Schedule E – Other small mammals
- Schedule F – Ferrets
- Schedule G – Birds
- Schedule H – Reptiles and amphibians
- Schedule I – Fish
- Appended further information and useful contacts.

2.7 Subject matter covered by the conditions includes:

- Licence display
- Accommodation
- Exercise facilities
- Register of animals
- Stocking numbers and densities
- Health disease and acclimatisation
- Food and drink
- Food Storage
- Observation
- Excreta and soiled bedding disposal
- Transportation
- Transportation Containers
- Sale of livestock
- Dangerous wild animals
- Pet care advice
- Staff training and knowledge
- Fire and other emergency precautions
- Additional conditions

3 ANIMAL WELFARE ACT 2006

3.1 Providing some context to the pet shops licensing regime under the Pet Animals Act 1951 is the more recent Animal Welfare Act 2006. Under the 2006 Act, those responsible for animals, including pet vendors, have a responsibility towards the welfare of the animal in their care. It is an offence to cause unnecessary suffering to a protected animal, whether by act or omission. Vendors also have a legal 'duty of care' towards the animals in their care. Vendors must therefore take such steps as are reasonable in all the circumstances to meet the welfare needs of the animals, to the extent required by good practice. The Acts define an animal's needs as including:

- Its need for a suitable environment
- Its need for a suitable diet
- Its need to be able to exhibit normal behaviour patterns
- Any need to be housed with, or apart from, other animals
- Its need to be protected from pain, suffering, injury and disease.

3.2 During premises inspections prior to the issue of a licence it is important that these five needs are addressed. The Department for the Environment, Food and Rural Affairs (Defra) has produced various codes of practice under the Animal Welfare Act 2006, which outline in more detail certain species' needs.

3.3 The Animal Welfare Act 2006 also increased the minimum age at which a person can buy an animal from 12 to 16 and prohibited giving animals as prizes to unaccompanied children below this age.

4 INTRODUCTION OF THE MODEL CONDITIONS

4.1 It is proposed that, if adopted, the revised model conditions be applied as the new standard conditions attached to all new pet shop licences issued from 1 November 2015 and to all renewals from 1 January 2015. Pet shop licences are due for renewal annually on 31 December.

4.2 Currently there are 21 licensed pet shops operating within the borough. All licensed operators will be provided with copies of the new standard conditions in advance of their next renewal date. They will be advised that the content represents best management practice and asked to review and upgrade their practice, where necessary, with a view to full compliance by that date. Supporting advice and information will be provided to operators to help with compliance where necessary.

5 CONSULTATION

5.1 All pet shops licence holders have been briefed by a licensing officer during the routine annual licensing inspections in January 2015 in anticipation of the revised conditions being adopted. As such, most of the pet shops in the borough are currently compliant with the revised conditions and thus will not have to make any significant adjustment to their normal operating practices

6 RECOMMENDATION

6.1 That the Council's amended Licensing conditions written in accordance with the 'Model Conditions for Pet Vending Licensing 2013' published by the Chartered Institute of Environmental Health attached to this report, be adopted to form this authority's standard conditions attached to pet shop licences issued under the Pet Animals Act 1951, with effect from 1 January 2016.

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 020 8379 8453

PET SHOP LICENCE CONDITIONS

PET ANIMALS ACT 1951

Schedule A- General Conditions

1.0 The Pet Shop Licence

1.1 A copy of the licence should be suitably displayed to the public in a prominent position at all times.

1.2 The maximum number and types of animals permitted to be kept on the premises to which the licence refers are set out in the licence and shall not be exceeded unless authorisation has been approved by the licensing authority on a case by case basis.

1.3 A copy of the current public liability insurance certificate must be suitably displayed in a prominent position viewable by the public at all times.

1.4 The licensee must inform the Council of any change in circumstances relevant to the Licence conditions.

1.5 The Local Authority Licensing Team contact details must be displayed in a prominent position viewable by the public at all times.

2.0 Accommodation

2.1 Animals shall at all times be kept in accommodation and environment that is suitable to their species with respect to situation, size, temperature, lighting, ventilation and cleanliness and not exposed to draughts. All accommodation must be kept in good repair.

2.2 Animals shall not be kept or displayed for sale outside the premises during unsuitable weather unless they have adequate protection appropriate to their species.

2.3 Housing must be constructed of non-porous materials or be appropriately treated to ensure that it can be easily cleaned.

2.4 No animals shall be displayed for sale in a window, cage, hutch, box or other receptacle in such a position that it can be interfered with by other animals or interfered with unnecessarily by unauthorised persons.

2.5 All livestock for sale must be readily accessible and easy to inspect, with cages sited so that the floor of the cage is readily visible.

2.6 All accommodation must be cleaned daily or as often as it is necessary for the species to maintain good hygiene standards.

2.7 Where animals are kept in cages, hutches, boxes or other receptacles, which are placed on top of other cages, hutches, boxes or other receptacles, effective means should be provided for preventing water, food or other droppings falling onto or contaminating the animals' food or other surroundings which are underneath.

2.8 All accessories provided in the accommodation must be suitable for the species.

2.9 Exhibition animals kept in the shop should be provided with suitable accommodation and any animals not for sale should have a clear notice stating that.

2.10 Animals must be safely confined at all times and not allowed to wander freely within the premises. Adequate precautions must be taken to prevent the escape of animals from the premises.

2.11 Animals must not be displayed within close proximity as to cause distress to themselves or other animals (e.g. cats/kittens must not be housed near to rodents or birds).

2.12 Animals must not be kept or displayed in a shop window whether for sale or not.

2.13 Windows or doors must not be left open if they cause any animal to suffer from draughts, fluctuating or extremes of temperature.

2.14 Windows or doors must not be left open if this causes the temperature in the shop to fall below the temperature required for any animal kept in conditions suitable for its species the pet shop.

2.15 No animal is to be exposed to strong light or heat or to be deprived of adequate warmth not suitable for its species.

2.16 No lights are to be left on in the pet shop at night, apart from small night-lights necessary for some species to feed for more than 12 hours in each 24.

2.17 All tropical fish, amphibians and reptiles must be kept in an environment with a suitably controlled temperature that is species specific. A thermometer must be displayed in a clearly visible position at all times in every cage or tank containing such animals.

2.18 All animals must have sleeping areas that are kept clean, warm and dry.

2.19 Areas reserved for puppies/dogs must be provided with a sleeping area of a size specified in Schedule B (1.1,1.2 and 1.3).

2.20 The establishment must, at all times, be laid out and operated in accordance with an approved plan to be attached to the licence. Any proposals to alter or change the layout must be submitted to and approved by the licensing officer of the council before carrying out the work.

2.21 Where wood has been used in the construction, it must be smooth and treated to render it impervious. Wood should not be used in exposed construction of walls, floors, partitions, doorframes or doors in the animal enclosures. There must be no projections liable to cause injury.

3.0 Exercise Facilities

3.1 Once dogs have had their full course of vaccinations they must be walked for a minimum of 10 minutes twice a day.

3.2 Suitable and sufficient exercise facilities must be available. Exercise areas must not be used as bedding areas. (See Schedule B (1.1,1.2 and 1.3))

4.0 Register of Animals

4.1 A livestock purchase register must be maintained for all livestock except fish, detailing the name, address and telephone number of the seller/breeder, the date of sale and a brief description of the animal purchased.

4.2 Proof of age for puppies and kittens must be supplied to an inspector on request.

4.3 A livestock sales register must be kept for all customer purchases of livestock except fish, detailing the name, address and telephone number of the purchaser, the date of sale and a brief description of the animal sold to include breed, sex, age and colour.

4.4 Both registers must be kept on the premises and shall be available for inspection by authorised officers from the Council at all reasonable times.

NB: The purpose of the register is to ascertain the source of livestock and for emergency contact of purchaser.

5.0 Stocking Numbers and Densities

5.1 The maximum number of animals to be stocked on the premises will be governed by the accommodation available, as stated in the stocking density list detailed in appendices 1 to 4 attached to these licence conditions.

6.0 Health, Disease and Acclimatisation

6.1 All stock for sale must be in good health and free from obvious parasitic infestation as far as can be reasonably determined without veterinary inspection.

6.2 Any sick or injured animals must be isolated immediately and receive appropriate care and treatment without delay.

6.3 If any animal is kept isolated a log must be kept outlining symptoms, treatment and isolation periods.

6.4 Veterinary attention must be started within 12 hours of the onset of symptoms.

6.5 Inexperienced staff must not treat sick animals unless under appropriately experienced supervision.

6.6 Facilities must be provided to isolate sick animals – isolation facilities must meet all licence conditions

6.7 All animals must receive appropriate inoculations where required for the species as advised by the veterinary surgeon within 7 days of entering the premises for sale. Veterinary advice must be sought whenever necessary.

6.8 No animal shall be offered for sale unless it has received its first inoculation where required for the species as advised by the veterinary surgeon.

6.9 Where animals remain unsold vaccination courses must be completed whilst in the pet shops possession.

6.10 Any animal with an obvious significant abnormality, which would materially affect its quality of life, must not be offered for sale. When in doubt, veterinary advice should be sought.

6.11 Certain species animals must be allowed a suitable acclimatisation period before sale.

- Seven days for canines and felines**
- Five days for all other domestic mammals**
- Five days for avian & reptilian Species**
- 3 Days for fish and invertebrates (wild caught only)**

6.12 All necessary precautions must be taken to prevent the outbreak and spread of disease. No animal which is suffering from or could reasonably be suspected of having come into contact with any other animal suffering from any infectious or contagious disease or which is infested with parasites shall be brought into or kept on the premises unless effectively isolated.

6.13 Individual litters of puppies and kittens must be kept separate from other litters.

6.14 All necessary precautions must be taken to prevent harbourage or the introduction to the premises of rodents, insects or other pests (excluding livestock for sale or for feeding). Any infestation must be adequately and promptly treated.

7.0 Food and Drink

7.1 Animals must be supplied with adequate amounts of food and drink appropriate to their needs, suitable for the species concerned and at suitable intervals.

7.2 A permanent supply of fresh, clean water must be available at all times.

7.3 A suitable and sufficient number of receptacles must be provided and cleaned at regular intervals and be constructed and positioned to minimise faecal contamination and spillage.

7.4 Puppies and kittens up to the age of 6 months must be fed at least 3 times a day at regular intervals, every day and must have a permanent supply of clean water.

7.5 If complete food is being fed to puppies and kitten, this should be done according to manufacturers or veterinary recommendations.

7.6 No live vertebrate animals are to be fed to reptiles.

8.0 Food Storage

8.1 All food, excluding live foods intended for feeding to livestock on the premises, must be stored in impervious closed containers. Meat and perishable foods must be kept in a fridge or freezer.

8.2 The containers and equipment used for feeding must be kept in a clean and sound condition.

9.0 Observation

9.1 All livestock must be attended to at regular intervals, at least once daily, appropriate to the species and unusual/outstanding observations recorded.

9.2 All puppies and kittens up to the age of 6 months must be visited and attended to at least once every two hours and a log sheet must be kept detailing these inspections.

10.0 Excreta and Soiled Bedding Storage and Disposal

10.1 All excreta and soiled bedding must be kept in a hygienic manner and stored in impervious containers with close-fitting lids, away from direct sunlight.

10.2 Excreta and soiled bedding must be removed from the premises on a regular basis at least weekly and disposed of to the satisfaction of the Local Authority in accordance with current regulations and good waste management practice.

11.0 Transportation

11.1 When receiving stock, the licensee must make every effort to ensure that it is transported in a suitable manner. Any livestock received or consigned shall be transported according to the regulations laid down in current legislation such as the EU Welfare in Transport Regulation EC Number 1/2005 and Welfare of Animals (Transport) Order 2006.

12.0 Transportation Containers

12.1 Livestock must be transported or handed to purchasers in suitable containers for the species. An adequate supply of containers must be kept in stock at all times.

13.0 Sale of Livestock

13.1 No mammals (see 13.2) shall be displayed or sold unweaned or, if weaned, at an age which it should not have been weaned. In the case of non-mammals, livestock must be capable of feeding itself.

13.2 Puppies and kittens must not be kept on the premises unless fully weaned and at a minimum of 10 weeks of age.

13.3 No animals shall be directly imported to a pet shop, except by licensees who have satisfied the Council as to their ability to quarantine or handle consignments of animals under suitable conditions.

13.4 Puppies and kittens must not be breed on the premises.

14.0 Dangerous Wild Animals

14.1 When dangerous wild animals are kept, the cages must be of a secure construction appropriate to the species.

14.2 The Local Authority should be notified in the event that the pet shop wishes to offer for sale, for the first time, any animal on the Schedule to the Dangerous Wild Animals Act 1976. Consideration should be given to comply with any special requirement specified in the Act for the safe accommodation or care of the animal.

14.3 Licensees selling animals on the Schedule to the Dangerous Wild Animals Act 1976 should inspect the purchaser's licence to keep such an animal and inform the issuing authority of the details of the purchase before the animal is sold.

14.4 No dogs shall be kept on the premises that fall within The Dangerous Dogs Act 1991 - Section 1.

14.5 Parentage of all dogs must be demonstrable where parentage is in question.

15.0 Pet Care Advice

15.1 Purchasers must be given proper advice in the form of pet care leaflets or other similar written instructions on the care of the animal and, where necessary, on the maintenance and use of any accessories. Purchasers must also be given advice on the complexity of keeping any particular species.

15.2 Appropriate reference materials must always be available for use by staff.

Guidance: It is required that all purchasers are given advice on the complexity of keeping a particular species. This is so the customer may make an informed decision on whether a particular species is suitable for their level of experience, lifestyle etc. A reliable means of doing this is by using the EMODE leaflet which may be found by visiting <http://emergentdisease.org/assets/documents/emode-brochure-screen.pdf>

16.0 Staff Training and Livestock Knowledge

16.1 No animals should be stocked or sold unless the staff (or at least one member of the staff) is familiar with the care and welfare of the animal stocked and has a recognised qualification or suitable experience.

16.2 In respect of new licence applications, at least one member of staff working at the licensed premises must hold or shall be currently studying to obtain the City and Guilds Pet Shop Pet Store Management Certificate or some other appropriate recognised qualification.

16.3 The licensee must formulate a written training policy for all permanent staff and will be required to demonstrate that systematic training is carried out.

16.4 No child under 16 years of age should be left in charge of animals in the absence of the licensee.

16.5 No animal shall be sold to any person under the age of 16 years old.

17.0 Fire and Other Emergency Precautions

17.1 Suitable emergency precautions and written procedures must exist and be made known to all staff including arrangements for evacuation of livestock.

17.2 Entrances and exits must be clear of obstructions at all times and accommodation be designed to allow for rapid and safe removal of the animals in an emergency.

17.3 Mains interlinked smoke detectors and fire-fighting equipment must be provided, maintained, regularly serviced and sited as advised by the Local Fire Protection/Prevention Officer and in consultation with the Local Authority.

17.4 The licensee or a designated key holder, must be at all times within reasonable distance of the premises (i.e. no more than 20 minutes travelling time) and available to visit the premises in case of emergency. A list of key holders must be lodged with the local Police and with the Council.

17.5 When the premises are closed a highly visible notice must be displayed at the front of the shop "In case of an emergency dial 999". In addition, the telephone number of the local Police station and emergency key holder must also be displayed.

17.6 When pet shops are sited within other premises, the licensee or key holders must have access at all times to the premises containing the livestock.

17.7 All electrical installations and appliances must be maintained in a safe condition.

18.0 Additional Conditions

18.1 In the interests of animal welfare, under no circumstances shall the licensed premises, at any time, be used to hold Pet Animal Auctions.

18.2 The sale or keeping of poultry is only permissible with prior consent from the Local Authority.

18.3 The sale or keeping of birds of prey is prohibited.

18.4 The sale or keeping of all primates is prohibited.

Schedule B – Dogs

The minimum kennel size must be:

- 1.1 For a batch of small breed puppies – max 6 pups – 1.5m² for sleeping, plus 2m² for exercise
- 1.2 For a batch of medium breed puppies – max 4 pups – 2m² for sleeping, plus 2m² for exercise
- 1.3 For a batch of large breed puppies – max 2 pups – 2m² for sleeping, plus 2m² for exercise

These are minimum requirements, for larger batches the size of the pens should be adjusted pro-rata accordingly. Ideally the puppies should have free access to the exercise area at all times. Any covered pens should have a minimum height of 1.8m or removable covers to allow adequate access by staff for cleaning.

These are minimum standards and meeting the correct size of pens alone are not a defence if the welfare of the animals are in question.

Guidance

The kennel area should be large enough to allow separate sleeping and activity areas. The kennel should allow each puppy to be able to walk, turn around and wag its tail without touching the sides of the kennel. The puppies should have sufficient room to play, stand on their hind limbs and to lie down without touching another individual. The kennel size required will increase in relation to the size and number of puppies housed at any one time. The length and the width should be sufficient to allow all the puppies to lie outstretched without their noses or tails touching the walls or other individuals. In certain circumstances it is permissible to have separate exercise areas to sleeping areas but in such cases puppies must be given access to the exercise area at least four times a day. Any separate exercise area should be fully cleaned and disinfected between its use by different batches of puppies.

- 1.4 Suitable and sufficient exercise facilities must be available and accessible where appropriate.
- 1.5 Extreme temperatures must be avoided. Puppies are relatively sensitive to high/low temperatures. Temperatures shall not go below 12°C or exceed 26°C
- 1.6 General bedding must include an adequate amount of absorbent material.
- 1.7 Any soiled material must be removed at least four times a day or as required to ensure the puppy does not have to lie in a soiled area.
- 1.8 A specific lying place must be provided lined with soft material,
- 1.9 Puppies must be fed at least four times daily, at appropriate intervals.

1.10 Puppies must have frequent, quality contact time with staff.

Guidance

“Suitable intervals” for puppies to be visited are frequent, as they require to be socialised. It is recommended that this should be a minimum of 4 times per day with 20 minutes of interaction per batch.

1.11 Ideally, single puppies must not be left alone in a kennel, but where they are, special attention should be paid to specific human interaction. When they are mixed they should be of similar size, age and temperament and there should be good supervision of mixing. Mixing must only occur if puppies have received their first inoculation.

1.12 There must be environmental enrichment in all kennels. Toys should only be given under supervision and should be easily cleaned or replaced between batches.

Schedule C – Cats

1. The minimum pen floor area for a batch of up to 4 kittens, up to 12 weeks of age, must be 1 m², with a minimum height of 0.6m (for example, 0.6m x 1 x 1) No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional kitten must have 0.25m² additional floor space.

Guidance

Kittens require adequate space to play together and to have space for a litter tray and bed. Varying heights to enable climbing should each also be provided. There should be adequate space for feeding, drinking, sleeping and litter tray to be kept separate.

2. Extreme temperatures must be avoided.

Temperatures should not normally go below 15⁰C or exceed 26⁰C.

Disposable or washable bedding must be provided and kept clean.

The sleeping area must be kept away from the litter tray and food.

3. A litter tray and appropriate litter must be available at all times and cleaned and disinfected At least once daily with an appropriate disinfectant which is safe for use with cats and cleaned as appropriate. The disinfectant should be anti-viral and used in accordance with manufacturers' instructions, as some disinfectants are toxic to cats.
4. Kittens must be fed at least four times daily, at appropriate intervals.
5. Batches must not be mixed and if several batches are kept in one area then the pen must have solid sides.
6. There must be environmental enrichment in all cages such as toys, climbing frames and platforms.
7. Toys must be cleaned or replaced between batches

Schedule D – Rabbits

- 1. Rabbits must be correctly sexed and housed in same sex groups.**
- 2. The minimum enclosure size must be: 0.4m² for up to 4 standard juvenile rabbits and a height of 0.4m. 0.5m² for up to 2 giant breed juvenile rabbits and a height of 0.5m. These are minimum requirements, for larger batches, larger breeds or adult rabbits the size of the pens should be adjusted pro-rata accordingly.**
- 3. There must be environmental enrichment in all enclosures. A hiding place must be provided.**
- 4. Extreme temperatures must be avoided.**
- 5. The ambient temperature shall not go lower than 12°C or exceed 20°C.**
- 6. Rabbits must be provided with a suitable substrate and bedding material in sufficient amounts.**
- 7. Visibly soiled substrate and bedding must be removed daily. The pen should be thoroughly cleaned and disinfected before introducing a new animal.**
- 8. The disinfectant must be effective against both viral, bacterial and parasitic infection and safe for use on rabbits.**
- 9. If batches are mixed you must ensure all animals are free from obvious parasitic infection.**
- 10. Rabbits must have a constant supply of fresh hay and water, and be offered an appropriate amount of dry food for the breed and age.**
- 11. Feed dishes should be suitable to ensure feed does not get contaminated by urine or faeces.**
- 12. Animals must be provided with an appropriate diet and any new feeds must be introduced slowly.**

Schedule E – Other small mammals

1. All small mammals must be correctly sexed and housed in single sex groups unless a solitary species (or sold as a breeding pair),
2. Animals must at all times be kept in suitably sized accommodation.
3. Animals must be provided with a suitable substrate in sufficient amounts.
4. Animals must be provided with a suitable bedding material in sufficient amounts.
5. Animals must be provided with places to hide. Accessories and enrichment should be provided, suitable to the species.
6. Suitable food and drink receptacles must be provided and positioned to avoid faecal contamination.
7. All rodents must be fed a suitable diet, ad lib and have free access to hay where required.
8. All rodents must be fully weaned on admission.
9. Minimum accommodation requirements for small rodents

Area in square metres

No. of Animals	1-4	5	6	7	8	9	10	Minimum Cage Height (m)	Minimum Cage Depth (m)
Mice, Hamsters, Gerbils	0.068	0.079	0.09	0.100	0.113	0.124	0.135	0.30	0.25
Rats	0.135	0.157	0.18	0.202	0.225	0.247	0.27	0.30	0.28
Guinea Pigs, Degus	0.225	0.263	0.3	0.338	0.375	0.413	0.45	0.30	0.30
Chinchillas	0.25	0.375	0.5	0.625	0.75	0.875	1.0	0.45	0.45
Chipmunk	0.25	0.375	0.5	0.625	0.75	0.875	1.0	0.90	0.45

Schedule F – Ferrets

- 1. Ferrets must be at least eight weeks old.**
- 2. Ferrets must be housed with batch companions.**
- 3. Ferrets must be housed in groups or pairs of either sex. Adult hobs (males) require individual accommodation.**
- 4. Batches of ferrets must not be mixed.**
- 5. The minimum pen floor area for a litter of up to 4 ferrets, up to 12 weeks of age, must be 1 m², with a minimum height of 0.6m. No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional ferret must have 0.25m² additional floor space.**
- 6. Sleeping quarters must be draught free and dark.**
- 7. Ferrets must have suitable bedding.**
- 8. Extreme temperatures must be avoided. Temperatures shall not go below 12°C or exceed 26°C.**
- 9. Ferret kibble must be provided at appropriate intervals.**
- 10. Water must be supplied in both a heavy based bowl and a water bottle attached to the side of the enclosure.**

Schedule G – Birds

- 1. There must be adequate perching space for all birds at the same time. Outdoor aviaries must include sufficient sheltered and non-sheltered space. Cage size must be adequate to allow birds to open their wings fully in all directions.**
- 2. Cages must include appropriate environmental enrichment.**
- 3. Perches must be positioned so that birds do not defecate on each other and must be of appropriate size and shape for each species**
- 4. Ambient temperature must be appropriate for the species. Extremes of temperatures must be avoided.**
- 5. There must be adequate drinkers/feeders adequate for the number of birds and these must be cleaned regularly. Bowls etc. must be positioned so that birds do not defecate in food/water**
- 6. Cages must be constructed from materials suitable to the type and size of birds. Materials must be safe to birds and in good repair.**
- 7. Windproof nest boxes must be provided in all outside housing and inside where appropriate.**
- 8. Flooring must be drop-through or easily washed/hosed.**

9. Stocking Densities for birds in cages:

Type	Length of Bird (cm)	Floor Area (m ²) housing up to 4 birds	Linear cms per additional bird on either cage length or depth ^{*3}
Budgerigar		0.15	5
Canary		0.15	5
Cockatiel		0.48	7.5
Finches	Less than 12.5	0.113	5
	12.5 – 17.5	0.15	5
	more than 17.5	0.225	7.5
Parakeets and Lovebirds ^{*1}	less than 25	0.42	7.5
	25-30*1	0.48	7.5
	more than 30*1	0.675	7.5
Parrots	less than 30	0.225	10
	30 – 35*2	0.4050	15
	more than 35*2	0.4725	20
Chickens		1.6	
Bantams		1.6	
Quail		16	

- *1. It is recommended that, wherever possible, these species are displayed for sale in aviaries or flights rather than cages per se.
- *2. It is recommended that, wherever possible, these species are displayed for sale in aviaries or flights if more than two birds are housed together.
- *3. The extra-linear centimetre per additional bird, is intended to refer to an increase in either width or length or a combination of the two ie, a 20cm increase could refer to 20cm width, 20cm length or say 10cm width combined with 10cm length.

10. Stocking densities for birds in Aviaries and Flights

Type	Length of Bird (cm)	Number of Birds per 'Standard' Aviary (1.8 x 0.9 x 1.8 m)
Budgerigar		18
Canary		18
Cockatiel		8
Finches	Less than 12.5	24
	12.5 – 17.5	18
	more than 17.5	12
Parakeets and Lovebirds * ¹	less than 25	10
	25-35	6
	more than 35	4
Parrots	less than 30	10
	30 – 35	6
	more than 35	4
Chickens		4 (min height 0.9m)
Bantams		6 (min height 0.9m)
Quail		8 (min height 0.9m)

Schedule H – Reptiles and Amphibians

1. Stocking and density must be appropriate to the species.

Guidance

Most reptiles and amphibians are not social and may, therefore, be kept individually.

Communal enclosures should not be stocked as to appear overcrowded, common sense should be observed. Mixing of species, although possible, should be undertaken with caution. Some species may require or seek seclusion or privacy either sporadically or permanently and provision for this should be made.

Snakes: may be housed individually or in small groups, of the same species. Snakes known to be cannibalistic, e.g. king snakes (*Lampropeltis* sp), should be housed individually.

Lizards: only species of similar size and from similar habitat and geographical areas should be kept communally. Lizards known to be cannibalistic, e.g. *Gambelia* sp, should be housed individually. Generally adult male lizards in breeding condition should not be housed together and groups of lizards housed communally should be regularly observed for signs of aggression.

Tortoises and Terrapins: only terrapins of similar size and habit and from the similar geographical area should be kept communally. Tortoises of different species should be housed individually. Also, adult males in breeding condition should be housed individually.

Frogs and Toads: only species of similar size, and from similar habitats and geographical areas, should be kept communally. Mixing of taxa (e.g. frog & toad) is not generally recommended. Cannibalistic species, such as horned frogs (*Ceratophrys* sp.) and African bull frogs (*Pyxicephalus* sp.) should be housed individually.

Newts and Salamanders: only species of similar size and from similar geographical areas should be kept together. Generally mixed taxa [e.g. lizards and tortoises] are not recommended, although paludaria which combine fish with small reptiles and/ or amphibians of appropriate species are acceptable.

2. The enclosure size must be appropriate to the species and adjusted according to its size.

Guidance

Snakes: the length of the enclosure should be no less than two-thirds the overall length of the snake,.

Lizards: the length of the enclosure should be three times the full length of the lizard, or larger.

Tortoises and Terrapins: the length of the enclosure should be a minimum of 90cms, or four times the length of the animal, or larger. For aquatic species [turtles, terrapins] the enclosure should allow the animal to swim adequately, i.e. have water depth at least 4 times that of the animal, although some terrapins

(e.g. *Cuora* sp., *Terrapene* sp. and *Glyptemys* sp.) do not require such deep water. Terrapins must also have an adequate land basking area.

Frogs and Toads: the length of the enclosure should be minimum 30cm x 30 cm x 30cm, or at least three times the length of the animal, or larger. For sedentary species, such as horned frogs (*Ceratophrys* sp.) and African bull frogs (*Pyxicephalus* sp.) the enclosure can be smaller. Fully aquatic species should be able to swim adequately, i.e. water depth should be at least 4 times the depth of the animal.

Newts and Salamanders: the length of the enclosure should be minimum 30cm x 30 cm x 30cm, or at least three times the full length of the amphibian, or larger. Aquatic species should be able to swim adequately, i.e. water depth should be at least 4 times the depth of the animal.

Height and Width: of the enclosure should be appropriate to the species, with arboreal species requiring more height than terrestrial species.

3. Temperature, humidity, lighting and ventilation must be appropriate to the species.
4. Animals shall have areas of shade so that they can escape from the light if desired.
5. Substrate appropriate to the species must be present and must be appropriate to the species concerned.
6. Enrichment must be provided appropriate to the species. Décor shall be appropriate to the species and shall not be harmful, e.g. sharp rocks, toxic or injurious plants. Décor must be secure and not able to fall and cause injury.
7. Enclosures must be furnished in such a fashion as to allow inhabitants to exhibit natural behaviour, e.g. climb or hide where appropriate.
8. Food and water must be provided in the appropriate manner for the species.
9. Handling must be kept to a minimum at all times.
10. All staff shall receive training on how to handle animals and animals which may be aggressive should only be handled by competent staff. Staff and customers must wash hands after handling specimens, and any equipment used should also be disinfected.
11. Customers handling animals prior to purchase must be supervised and offered facilities to wash their hands afterwards.

Schedule I – Fish

1. Water quality is a key determinant of fish welfare. To assess it, levels of ammonia and nitrite must be checked first. Only if such measurements exceed the recommended standards below, or there is an unexplained problem, is there any need to proceed further.

2. Minimum water standards must be:

- **Cold Water Species**

Free Ammonia max 0.02mg/l

Nitrite max 0.2mg/l

Dissolved Oxygen min 6mg/l

Nitrate max 50mg/l above ambient tap water

- **Tropical Freshwater Species**

Free Ammonia max 0.02mg/l

Nitrite max 0.2mg/l

Dissolved Oxygen min 6mg/l

Nitrate max 50mg/l above ambient tap water

- **Tropical Marine Species**

Free Ammonia max 0.01mg/l

Nitrite max 0.125mg/l

Nitrate max 100mg/l

pH min 8.1

Dissolved Oxygen min 4.0 mg/l

3. Water quality must be checked regularly and records kept of all tests. Centralised systems must be tested weekly. 10% of individually filtered tanks or vat must be tested weekly on aquaria or vats in which visual inspection indicates unusual behaviour or deaths, water quality inspections should be undertaken.

4. Holding systems must be cleaned and checked regularly.

5. No aquatic organisms should be exposed to excessive light or heat, or lack of adequate warmth.