

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.

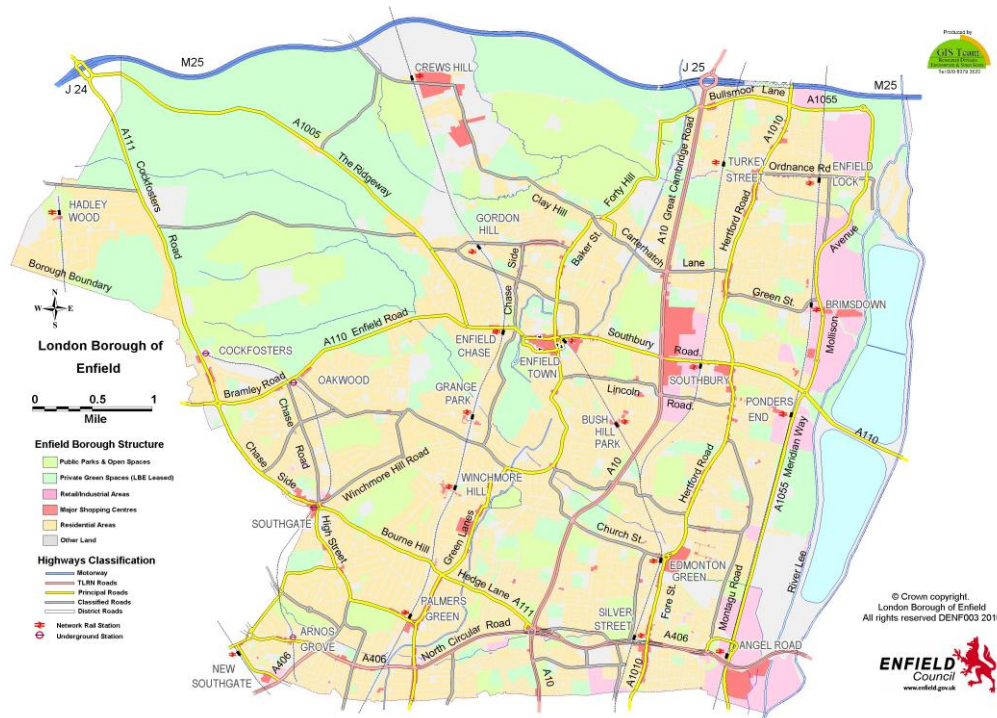
1.1.5 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with such a right. The council will have regard to the Human Rights Act when considering any licensing issues, and particularly in respect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

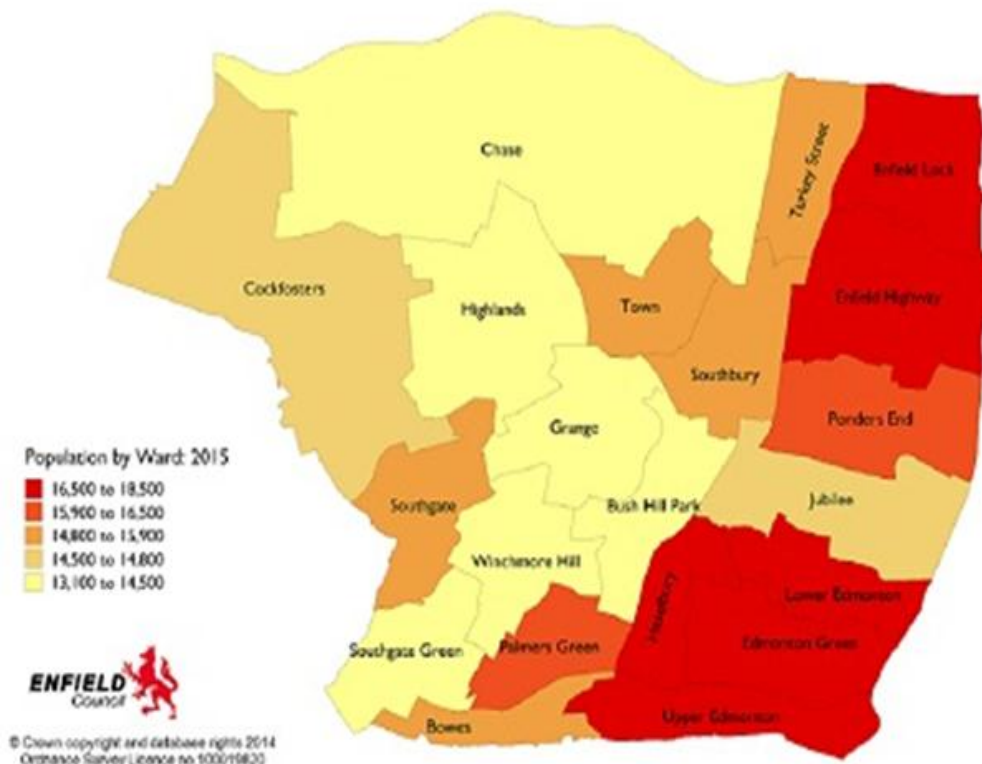
1.2.1 Enfield is London’s northernmost Borough and covers 32 square miles. There are five major roads passing through, including the M25 in the north. About one third of the Borough is residential comprising some 119,916 homes. Another third is Green Belt land (predominantly in the north and west) comprising 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.

1

<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:

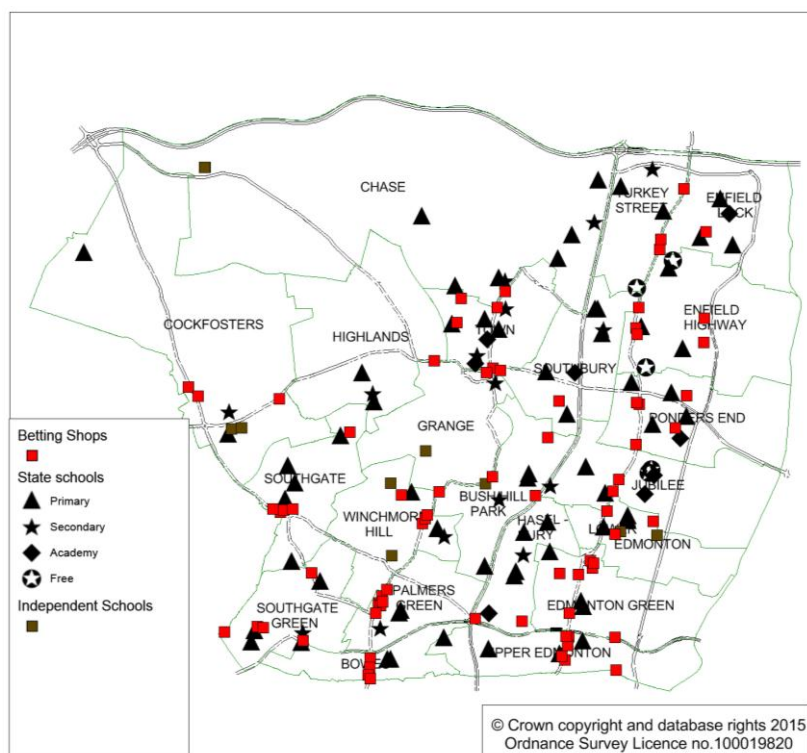
- a casino;
- an adult gaming centre;
- a betting premises, other than a track.

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

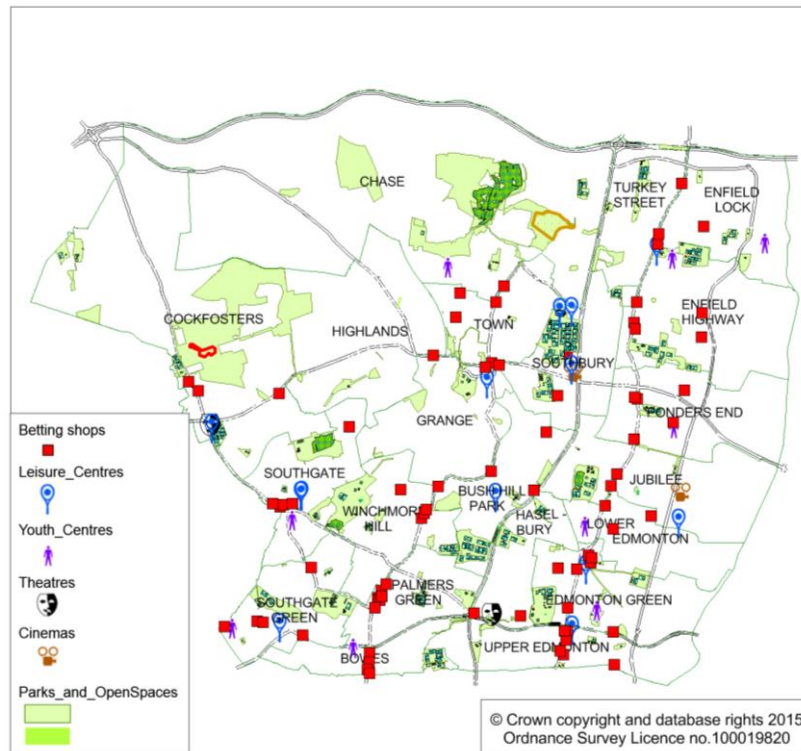


Source: Enfield Council GIS server June 2015

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.

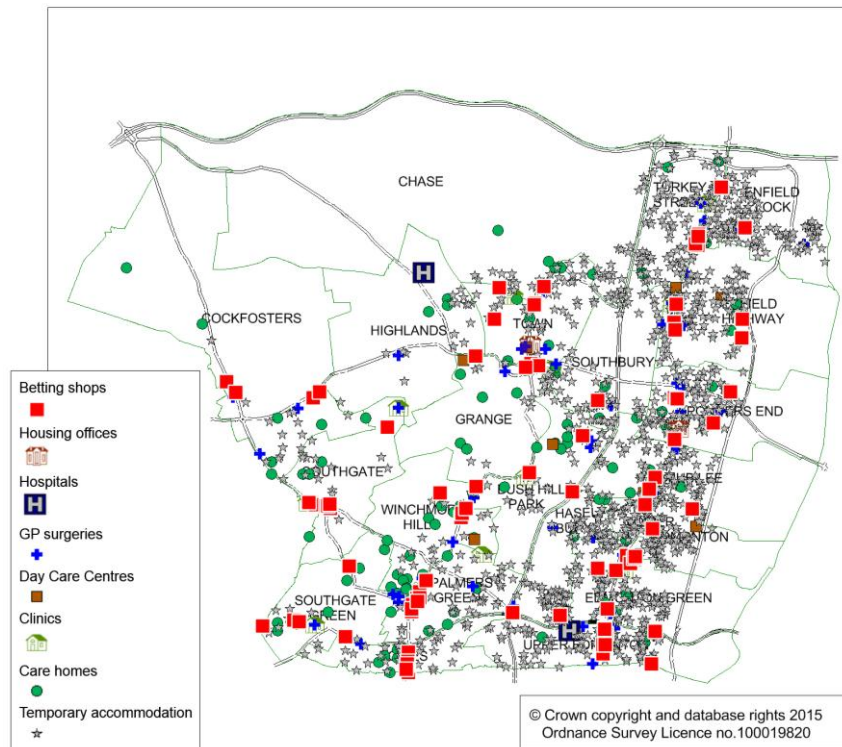
Figure 5: Map showing distribution of betting shops and relevant leisure facilities



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.

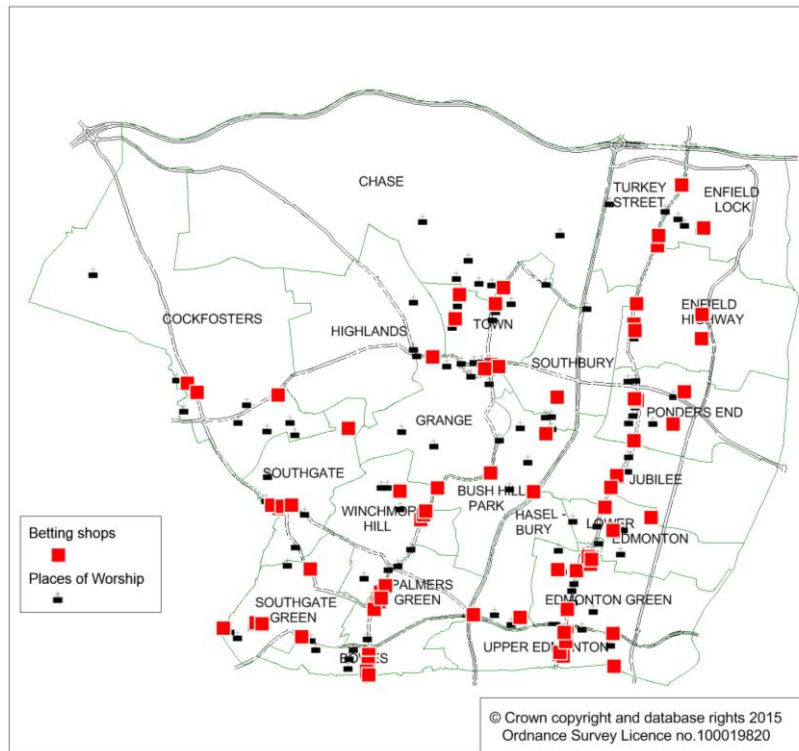
Figure 6: Map showing distribution of betting shops and medical facilities, care homes, and temporary accommodation etc.



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.

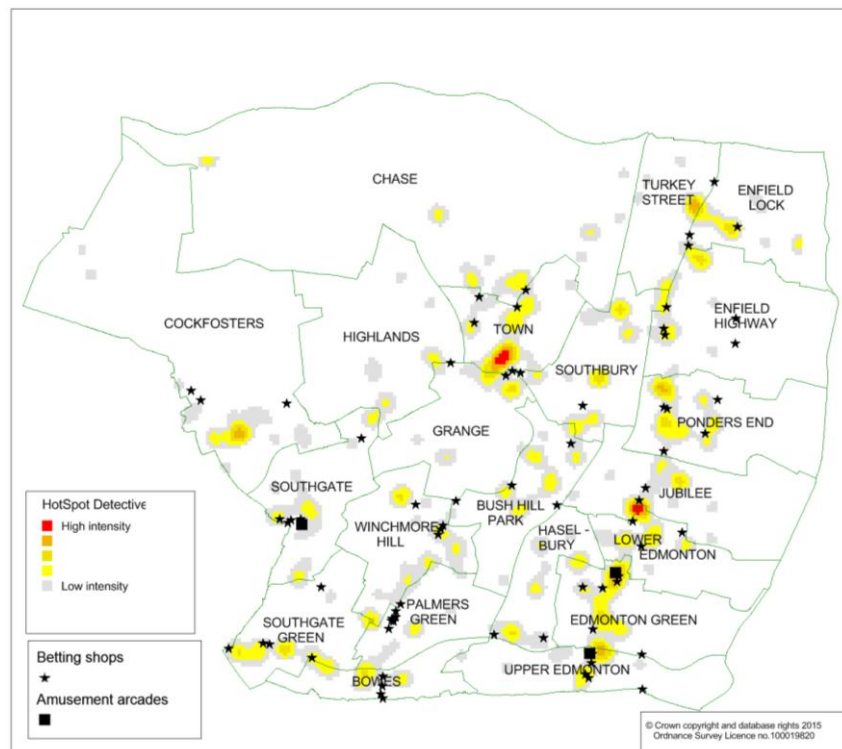
Figure 7: Map showing distribution of betting shops and places of worship



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)

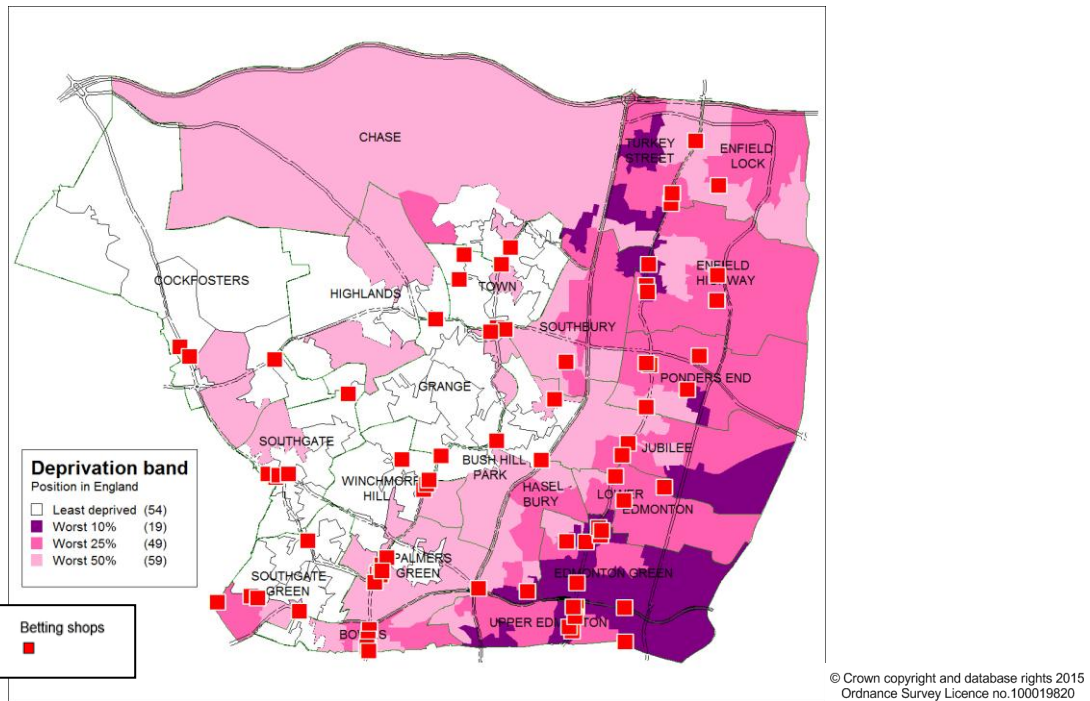


Source: Enfield Council GIS server June 2015

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.

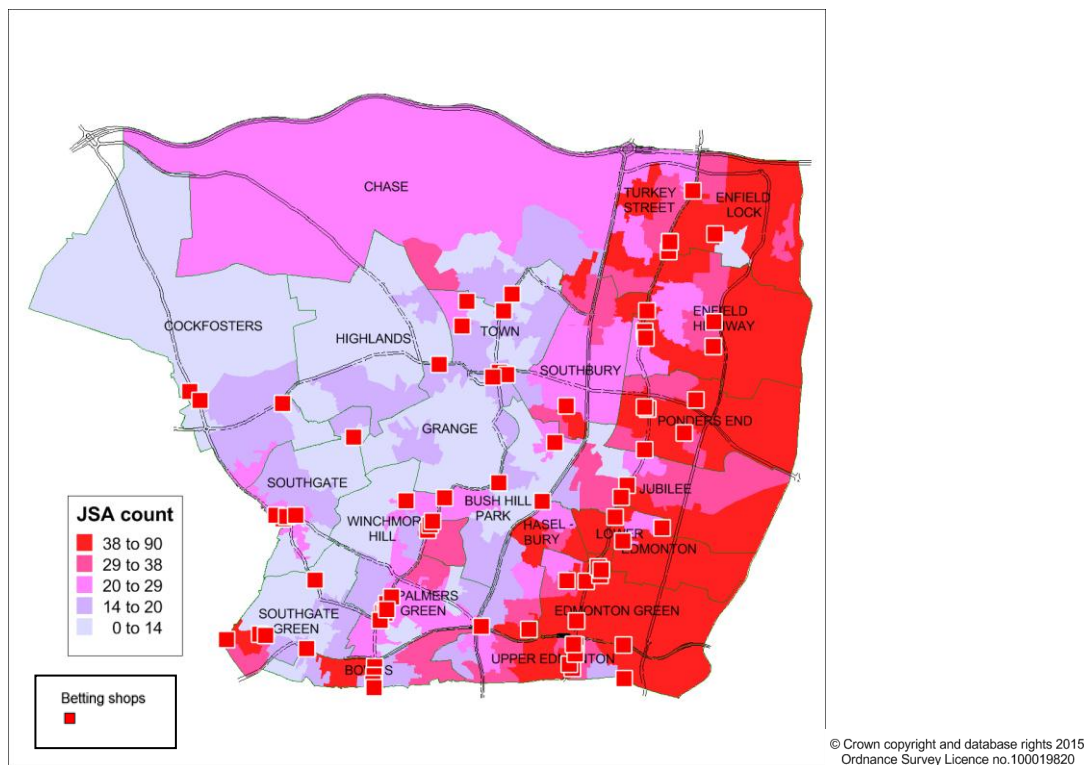
NB. This map does not include temporary accommodation in the hotspots as it would be heavily imbalanced to it. Please refer to Figure 6 for this information.

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



Source: Indices of Deprivation 2010 (DCLG)

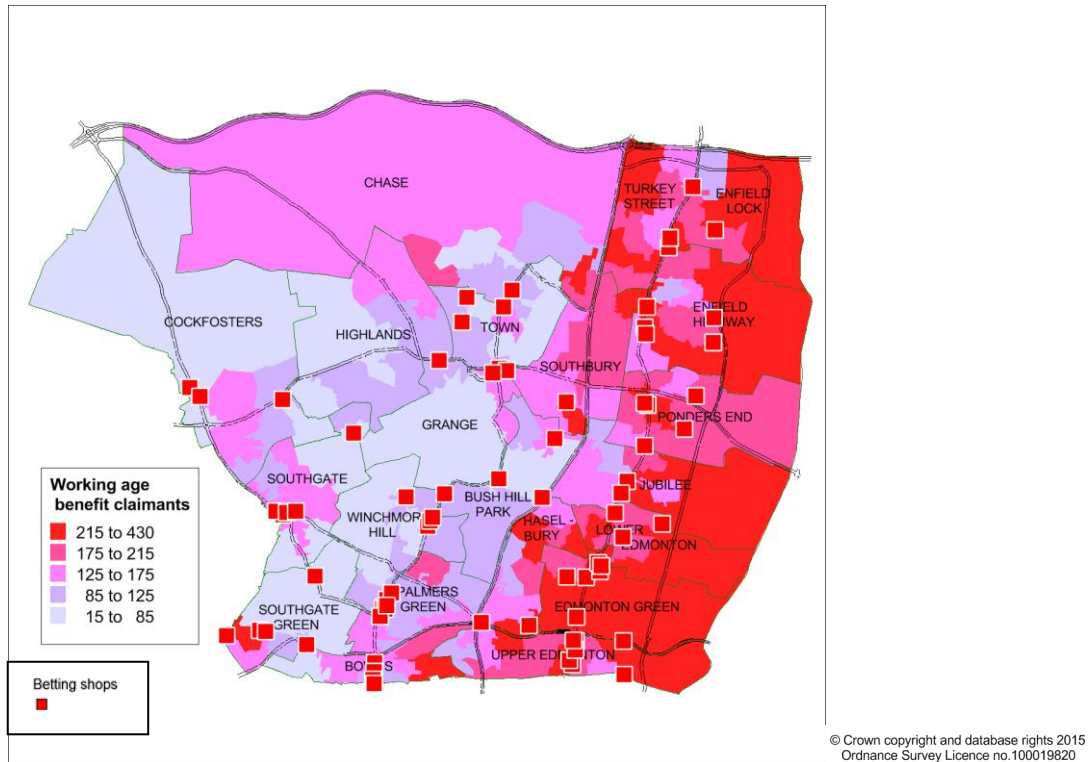
Figure 10: Map showing distribution of betting shops and areas of unemployment



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

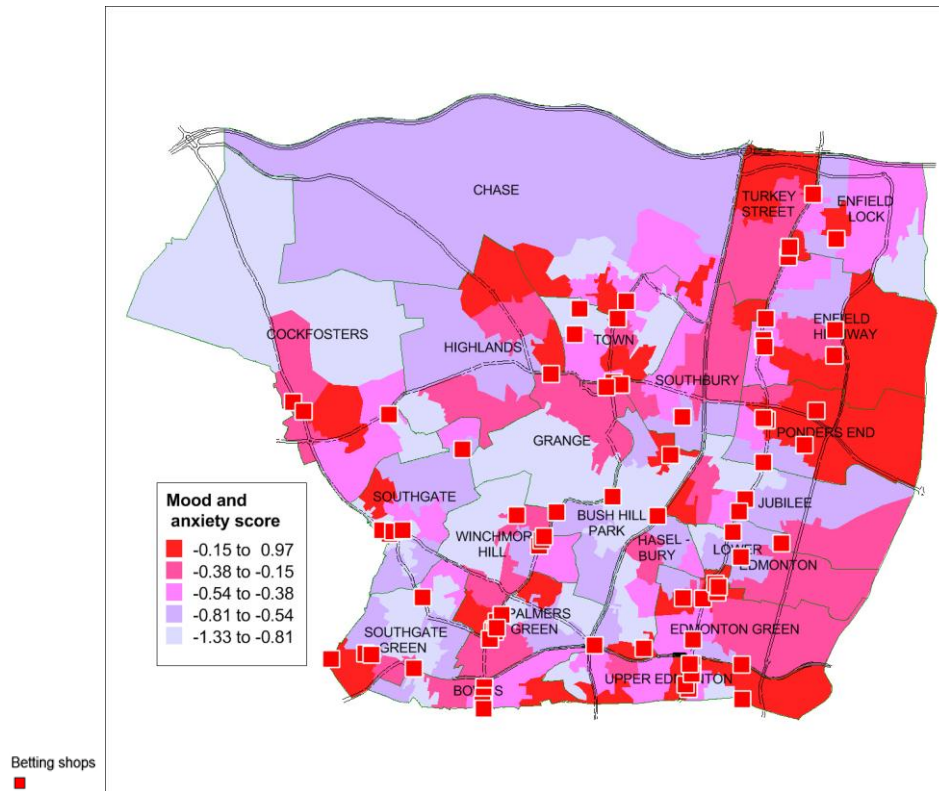


NB. Key relates to actual number of people in that area

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



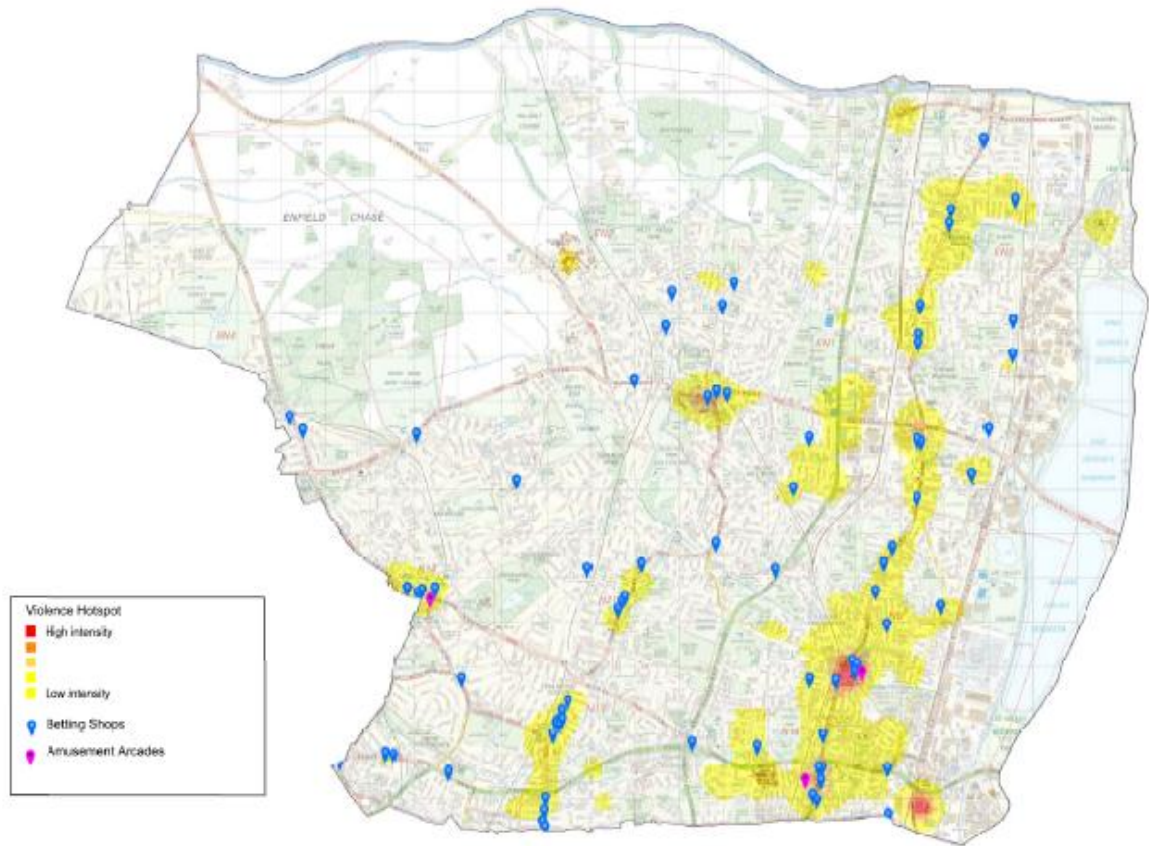
© Crown copyright and database rights 2015
Ordnance Survey Licence no.100019820

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)

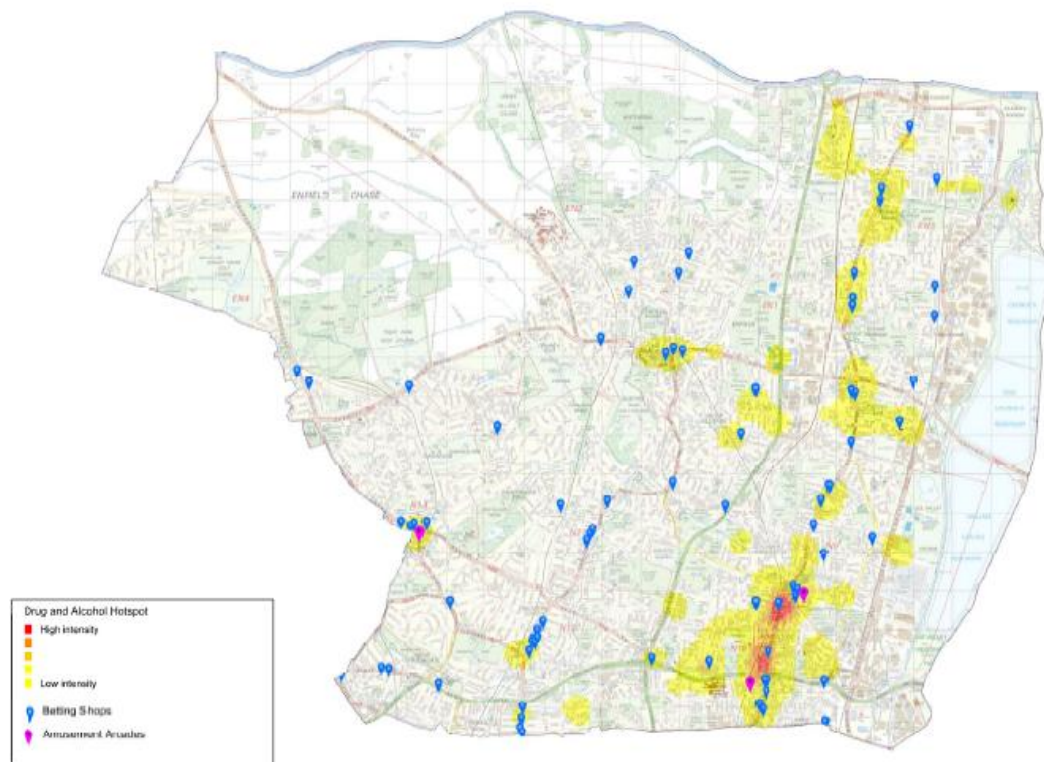
Betting shops w/ Violence Hotspot



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 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 | | | <table border="1"> <tr> <td data-bbox="1205 391 2092 430">Systems</td> </tr> <tr> <td data-bbox="1205 430 2092 526"></td> </tr> <tr> <td data-bbox="1205 526 2092 566">Design</td> </tr> <tr> <td data-bbox="1205 566 2092 662"></td> </tr> <tr> <td data-bbox="1205 662 2092 702">Physical</td> </tr> <tr> <td data-bbox="1205 702 2092 805"></td> </tr> </table> | Systems | | Design | | Physical | |
| Systems | | | | | | | | | |
| | | | | | | | | | |
| Design | | | | | | | | | |
| | | | | | | | | | |
| Physical | | | | | | | | | |
| | | | | | | | | | |
| 2.2 | | | <table border="1"> <tr> <td data-bbox="1205 805 2092 845">Systems</td> </tr> <tr> <td data-bbox="1205 845 2092 941"></td> </tr> <tr> <td data-bbox="1205 941 2092 981">Design</td> </tr> <tr> <td data-bbox="1205 981 2092 1077"></td> </tr> <tr> <td data-bbox="1205 1077 2092 1117">Physical</td> </tr> <tr> <td data-bbox="1205 1117 2092 1220"></td> </tr> </table> | Systems | | Design | | Physical | |
| Systems | | | | | | | | | |
| | | | | | | | | | |
| Design | | | | | | | | | |
| | | | | | | | | | |
| Physical | | | | | | | | | |
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| 2.3 | | | <table border="1"> <tr> <td data-bbox="1205 1220 2092 1260">Systems</td> </tr> <tr> <td data-bbox="1205 1260 2092 1323"></td> </tr> </table> | Systems | | | | | |
| Systems | | | | | | | | | |
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| | | | |
|-----|--|--|-----------------|
| | | | 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 430">Systems</td></tr> <tr><td data-bbox="1200 430 2092 526"></td></tr> <tr><td data-bbox="1200 526 2092 566">Design</td></tr> <tr><td data-bbox="1200 566 2092 662"></td></tr> <tr><td data-bbox="1200 662 2092 702">Physical</td></tr> <tr><td data-bbox="1200 702 2092 805"></td></tr> </table> | Systems | | Design | | Physical | |
| Systems | | | | | | | | | |
| | | | | | | | | | |
| Design | | | | | | | | | |
| | | | | | | | | | |
| Physical | | | | | | | | | |
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| 3.2 | | | <table border="1"> <tr><td data-bbox="1200 805 2092 845">Systems</td></tr> <tr><td data-bbox="1200 845 2092 941"></td></tr> <tr><td data-bbox="1200 941 2092 981">Design</td></tr> <tr><td data-bbox="1200 981 2092 1077"></td></tr> <tr><td data-bbox="1200 1077 2092 1117">Physical</td></tr> <tr><td data-bbox="1200 1117 2092 1220"></td></tr> </table> | Systems | | Design | | Physical | |
| Systems | | | | | | | | | |
| | | | | | | | | | |
| Design | | | | | | | | | |
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| Physical | | | | | | | | | |
| | | | | | | | | | |
| 3.3 | | | <table border="1"> <tr><td data-bbox="1200 1220 2092 1260">Systems</td></tr> <tr><td data-bbox="1200 1260 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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