

MUNICIPAL YEAR 2021/22 REPORT NO.

COMMITTEE:

Licensing Committee

3 November 2021

REPORT OF :

Principal Licensing Officer

LEGISLATION :

Gambling Act 2005

London Local Authorities Act 1990

Agenda - Part**Item****SUBJECT:**

1. Approval of revised Gambling Policy & Casino Resolution
2. Approval of revised Massage & Special Treatment Conditions

PREMISES:

NONE

WARD:

All

1. GAMBLING ACT 2005 - GAMBLING POLICY & CASINO RESOLUTION

Licensing Committee Chair: Cllr Doug Taylor

Cabinet Member: Cllr George Savva

Executive Director: Sarah Cary

Key Decision: KD 5369

Purpose of Report

1. The Council has a statutory duty, following public consultation, to publish its gambling policy under the Gambling Act 2005 every three years.
2. The existing policy and Local Area Profile was last approved by Council on 30 January 2019.
3. The Council may also, every three years, resolve not to issue casino premises licences under the Gambling Act 2005.
4. On 30 January 2019 Council resolved not to issue casino premises licences under the Gambling Act 2005.
5. The main changes to this policy (Annex 1) and Local Area Profile (Annex 2) reflect the changes to data and statistics. As the Local Area Profile is a separate document to the policy, it could be updated without the need for consultation i.e. to update statistics.
6. The public consultation was undertaken on the proposed gambling policy and 'no casinos' resolution between 13 August and 8 October 2021 and the feedback is detailed below and in Appendix 3.

Proposal(s)

7. To agree the changes to the Sixth Edition Gambling Policy.
8. To agree to continue the resolution to prevent casino operators from locating within the borough.

Reason for Proposal(s)

9. It is a statutory requirement to produce a review of the policy and to consult on it every 3 years.

Relevance to the Council Plan

10. The Gambling Policy directly contributes to two of the three priorities identified in, "A lifetime of opportunities for everyone – Enfield Council Plan 2020-2022."

- **Safe, healthy and confident communities**

11. The Gambling Policy and Local Area Plan provide guidance and statistics which highlights risks that gambling operators may face for new and existing premises. Those risks must be addressed in the operator's local risk assessment, with a view to supporting two of the licensing objectives, namely:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

12. Raising this awareness for licensing officers whose role it is to consider applications internally and externally (i.e. police licensing) and for operators means we can work together with a view to not increasing existing crime levels within communities.

An economy that works for everyone

13. The Gambling Policy reiterates the requirement of the Gambling Act 2005, that local authorities shall "aim to permit", whilst being mindful that the third licensing objective is met, namely:

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

14. The Gambling Policy supports licence holders in creating a fair and equitable environment by advising on the council's view of advice and targeted enforcement. Enforcement action is always taken with regard to the council's enforcement policy. Legally compliant businesses will grow, develop and provide economic benefits that will hopefully result in increased employment of local residents.

Background

15. Under the Gambling Act 2005, the Local Authority must prepare a written Statement of Principles ('policy') which must be reviewed and adopted every 3 years. It sets out how the council will carry out its licensing functions whilst having regard to the guidance issued by the Gambling Commission and the promotion of the licensing objectives.
16. We are aware of frequent dissatisfaction from the public, businesses and Cllrs about the ability of Councils to moderate gambling premises or their licences in the borough despite them raising concerns about potential harm and impact from gambling premises. This has been expressed through recent representations to gambling premises applications, reviews of licences, the public consultation feedback on Enfield's Gambling Act policy and also in response to the Government's review of the Gambling Act. This stems from the overriding principle in the Gambling Act that Councils must 'aim to permit' gambling premises licence applications meaning they must be granted if they satisfy the licensing legislation and objectives, Gambling Commission Codes of Practice and the Council's statement of principles. Therefore, the Council is unable to take account in the Gambling Policy and in making decisions about licence applications of matters such as:
- Moral Objections: we cannot take into account comments based on a dislike of gambling, or a general view that it is undesirable to allow gambling premises in the borough
 - Demand: we cannot take into account issues around the demand or need for gambling premises in the borough
 - Clustering of Premises: we cannot take into account views that there is already a high concentration of gambling premises in an area
17. Since January 2019 we have received 176 gambling applications, however only 6 (3.6%) of these were applications for new licences or for variation of existing licences which *could* have been subject to objections and *could* have been referred to the Licensing Sub-Committee.
18. The Licensing Team have for the first time this year, received objections against grant of a new adult gaming centre licence application and at Licensing Sub-Committee, that licence was refused. Also, for the first time, we received two review applications to revoke bingo premises licences which were submitted by Interested Parties. Upon receipt of external expert gambling legal advice, those review applications were subsequently rejected. Additionally, the licence for the refused adult gaming centre was subsequently issued through an agreed consent order via the appeal process.
19. Since January 2019 we have not received any applications for casino licences in Enfield. We believe that our partner agencies (as well as local residents and businesses) are generally satisfied with the existing gambling policy relating to the no casino resolution.
20. The following information shows the number of licence applications made and current number of licences for gambling between January 2019 to 16 July 2021:

	No. of new Applications received	No. of Closed Licences since	No. of Current Licences

	since January 2019	January 2019	
Betting Premises Licence	0	8	71
Bingo Premises Licence	3	0	5
Adult Gaming Centre Licence	3	0	3
Family Entertainment Licence	0	0	0

21. It is noted that the new bingo and adult gaming centre licence applications are for premises which previously held betting premises licences. These gambling applications are notably on the increase, and this is common nationwide.
22. Since January 2019, every gambling premises has been inspected on a yearly basis and in general, overall compliance has been achieved, which includes operators producing independent local risk assessments to a satisfactory level. We have not received any complaints about open licensed premises in that time.
23. The licence holders have a duty to undertake in house test purchasing and notify us of the results: only successful refusals have been made.
24. The Gambling Act 2005 prohibits the Council from adopting any gambling policy to address the cumulative impact of betting shops 'clustering' together.
25. There has been a remarkable increase of community feeling towards current and new applications within the borough from both members and residents. The strength of feeling is averse to allowing such premises in the borough on moral grounds as well as crime and disorder concerns. Unless specific evidence can be directly related to a gambling premises, and the issues arising can be verified to be as a result of the licensed gambling activity, it is very difficult to refuse an application or review a licence.
26. The Council's Public Health Team have advised that the data they hold in relation to gambling is limited, so have recently embarked on a piece of work with the Safeguarding team and Kings College to pilot a gambling identification questionnaire, which aims to identify if a person has gambling issues and then getting them referred to the right support.
27. The Gambling Act 2005 and the Gambling Commission's statutory Guidance to licensing authorities have not made any significant changes since 2019, therefore it is extremely limiting as to what changes can be made to the policy in this review.
28. A review of the Gambling Act was launched by the Government earlier this year which included a public consultation to which Enfield Council responded. We understand that the outcome of the review is not expected before 2023 at the earliest.

Local Area Profile

29. The Local Area Profile has been amended with updated statistics, including the removal of any referencing to wards, pending the ward boundary changes next May.
30. There has not been any significant changes to the hot spot areas previously identified as those potentially at higher risk of being exposed to gambling premises.
31. The updated Local Area Profile is produced in Annex 2.

Benchmarking/Review of other Council's Gambling Policies

32. A review was carried out with a number of London/neighbouring authorities to compare the proposed revision of Enfield's Policy with their policies. The purpose was to see if there were any approaches in their policies we could consider to strengthen our policy even further. From the responses received, authorities have been consistent and in line with the policy approach that Enfield are proposing.

Public Consultation

33. The public consultation took place between 13 August and 8 October 2021 (8 weeks).
34. Nine responses were received during the consultation period. The responses comprised the following:
- 5 were received from residents,
 - 1 was received from a ward councillor,
 - 3 were received from an organisations, one known to be from the Betting & Gaming Council (BGC), the new standards body for the UK's regulated betting and gaming industry.
35. A summary of the responses to the consultation is provided in Annex 3 and includes a summary of the amendments made to the proposed Gambling Act policy as a result of feedback received during the public consultation.
36. Public Health agreed with the "no casino" resolution and wanted to restrict the number of betting shops within an area.
37. The proposed policy was amended as considered necessary in the light of the feedback received and is detailed in Annex 1 and Annex 2 (the Local Area Profile document).

Main Considerations for the Council

38. To implement a policy within the remit of the gambling law and statutory guidance, and for officers and the Licensing Sub-Committee to adhere to that policy.

Safeguarding Implications

39. One of the Licensing Objectives in the Gambling Act is to protect children and vulnerable persons. The policy seeks to support this objective through identifying areas of vulnerability in the local area profile and expect gambling operators to have regard to this when they prepare their own risk assessments for their premises.

Public Health Implications

Covid

40. Gambling premises have been required by law to close throughout certain times during the Covid pandemic. This will impact on the outcome of the statistics gathered in relation to crime and disorder for example, compared to previous years.

Other

41. Whilst many people enjoy gambling without any adverse consequences it is estimated that 0.5% of the population are 'problematic gamblers' with 3.5% of the population adversely affected by its consequences. UK gamblers lose £13.8 billion per year and although local data is unavailable Enfield is unlikely to be an exception to this.

Equalities Impact of the Proposal

42. An equalities impact assessment is being undertaken.

Environmental and Climate Change Considerations

43. There are no discernible direct impacts on carbon emissions arising from the proposals in this report. In term of wider environmental impacts, these will most likely be related to the local issues which arise from the operation of certain types of premises.

Risks that may arise if the proposed decision and related work is not taken

44. The key risk is that the policy (statement of principles) and 'no casino' resolution are not approved and published by 30 January 2022 as required by the Gambling Act 2005. If not, the 'no casino' resolution will lapse, and the Council will be non-compliant by not having a revised statement of principles in place.
45. Failure to approve the Policy and 'no casino' resolution would also pose a risk to the Council's reputation.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

46. None.

Financial Implications

47. Through the issuing of licences in line with the Gambling Act the Council receives circa. £50k per annum which contributes towards the operation of the licensing service. The recommended updates to the Gambling Act policy proposed in this report will not impact on the level of income that the Council currently receives.

Legal Implications

48. Under section 349 of the Gambling Act 2005 the council are required to review their Gambling Policy every 3 years.

49. It is possible for any person or organisation to challenge the policy adopted by judicial review.

50. Under section 166 of the Gambling Act 2005 the Council can adopt a “no casinos” resolution. If this is not renewed every 3 years it automatically lapses. Since the Gambling Act 2005 came into force the council has always chosen to adopt such a resolution. It is also possible for any person or organisation to challenge the “no casinos” resolution adopted by judicial review

Workforce Implications

51. There are no workforce implications.

Property Implications

52. There are no property implications.

Other Implications

53. None

Options Considered

54. There is no suitable alternative option. It is a legal requirement to consult on, and approve, a policy under the Gambling Act 2005 every 3 years.

Conclusions

55. To note the results of the public consultation.

56. To approve the Gambling Policy as per the draft in Annex 1.

57. To approve the ‘no casino’ resolution for a further 3 years.

2. MST Conditions Committee Report

BACKGROUND INFORMATION

1. Special treatment premises are licensed under the London Local Authorities Act 1991. Special treatments include the following and other treatments of a like:
 - Massage
 - Manicure, pedicure and artificial nail treatments
 - Acupuncture
 - Tattooing
 - Cosmetic piercing
 - Chiropody
 - Light treatments including UV sunbeds and laser treatments
 - Vapour
 - Sauna.
2. Section 10 of part 2 of the Act provides the council with the power to prescribe standard licence terms, conditions and restrictions. It also provides the ability to exclude or amend a specific condition on an individual licence. This section states that:
 - The borough council may make regulations prescribing standard conditions applicable to all, or any class of, licences, that is to say terms, conditions and restrictions on or subject to which licences, or licences of that class, are in general to be granted, renewed or transferred by them.
 - Where the borough council have made regulations under this section, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or amended.
3. Since the introduction of this legislation this council has applied a set of standard general conditions to special treatments licences and supplemented these with additional conditions.
4. The current standard and special conditions for special treatment premises have been in force since they were last revised in 2017 and now require updating to reflect changes in legislation and industry practices.
5. This report presents proposed revised standard licence conditions which, if adopted, will apply to all special treatment licensed premises within the borough. A copy of the revised standard conditions is attached at Annex 1.
6. This report also presents proposed revised special licence conditions, unique to the treatment offered. A copy of the revised special conditions is attached at Annex 2.
7. The revised conditions are based on the recommended conditions for special treatment premises originally produced by the London Special Treatment

Working Group, of which Enfield Council is a participating member, and are considered as best practice.

KEY ISSUES FOR CONSIDERATION

Growth in the industry

8. Over recent years we have seen considerable increase in both the types of treatment being offered and the numbers of premises offering treatments.
9. The industry has seen an exponential increase in training providers providing 'unregulated' qualifications. This is of particular concern with training for high risk and permanent treatments such as micropigmentation (a cosmetic form of tattooing).
10. The Tattooing industry has seen a rise in demand for 'guest artists'. These are individuals that have amassed a following, particularly via social media and have become popular by demand. These guest artists travel and work in different tattoo studios across the country, staying at each studio for a period of 7-14 days at a time.

The revised conditions

11. The conditions are to address general health and safety, infection control and underage concerns for all premises.
12. The main changes in the revised conditions are:
 - The revision of the Councils General Licensing Conditions for Special Treatment Licensing
 - The revision of Specific Treatment conditions for the most common treatments, bringing them up to date with current legislation and best practice
 - The removal of conditions that are otherwise covered by other legislation (i.e. health and safety).
 - The requirement for all practitioners to hold a Regulated Qualification for the treatments that they wish to offer, where a regulated qualification exists for that treatment.
 - The introduction of a 'guest practitioner', temporary amendment to the licence.
 - The requirement for licence holders to hold Public Liability and Indemnity Insurance.
13. These revised conditions are recommended as the basic minimum standards for management of special treatments establishments. As has been mentioned, these conditions can be adjusted, or new conditions added to reflect local priorities and situations that may not be London-wide. These conditions will be supplemented by best practice guidance relevant to the treatment types at the time of application.

Consultation

14. There is no requirement for consultation for standard conditions under the London Local Authorities Act 1991.
15. The council's health and safety team have been consulted with and contributed to the drafting of the proposed standard licensing conditions for premises offering special treatment.

Policy implications

16. These standard licence conditions are intended to help ensure the health, safety and wellbeing of the staff working in licensed special treatments establishments and the customers who use them. They provide the minimum standards considered necessary to ensure that special treatments are provided in safe and hygienic manner.

Community impact statement

17. Through the licensing process it is intended to encourage a wide and diverse range of special treatments, in which customers may have confidence that they are provided to good standards and by fully qualified and insured practitioners. This will be supported through advice and support for responsible operators and effective enforcement action against irresponsible operators.
18. The standard conditions also promote minimum qualification levels for operatives. This approach not only ensures that treatments provided are safe and hygienic but that operatives are suitably trained and have acquired a skills base for their future careers.
19. With regards to the acceptance of regulated qualifications only, it is suggested that 'Grandparenting' rights are applied to those who have previously been licensed under the Act, either by this Council or any other of the London boroughs. Consideration must also be taken for those that have recently completed qualifications that were previously accepted by the Council. It is therefore recommended that a defined 'cut off' date is applied to the acceptance of all prior accepted qualifications.
20. Providing a means for Licence holders of tattoo studios to apply for a temporary variation for a 'guest practitioners, will provide them with the necessary flexibility and enable them to further promote their business. It will also enable the council to monitor the 'guest practitioners' and ensure that they are complying with the conditions imposed by the licence.
21. Current licence holders will be written to and informed of the changes in writing at the time of renewal (1 month Prior to renewal) and on the issuing of new, renewed, amended or transferred licenses at the time of issuing.

Resource implications

22. The addition of a requirement to only accept Regulated Qualifications is likely to reduce the impact on the service, as there will no longer be a requirement to scrutinise the suitability of each 'unregulated' qualification.

RECOMMENDATION

23. That the licensing committee approves the revised standard conditions for licensed special treatments establishments and the revised special conditions attached as Annex 1 and Annex 2 with this report.

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

Contact Officer :
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LONDON BOROUGH OF ENFIELD

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

**Sixth Edition
31 January 2022**



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FOREWORD:

This is the sixth 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 31 January 2021.

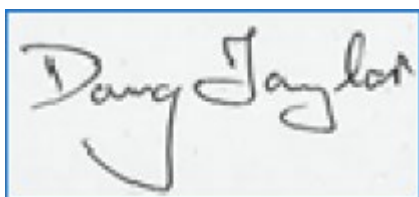
This Policy sets out how the Council, as the Licensing Authority, will seek to balance leisure opportunities with the protection that children, vulnerable people and communities need and expect.

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 continue to follow the Gambling Commission guidance to Licensing Authorities (last updated May 2021) to provide a local area profile of the borough, which is now presented in a supplementary document to this Policy. We hope that this brings a clearer understanding of the local characteristics. Unlike alcohol control, where the harms are readily apparent in drunken behaviour and nuisance, problem gambling can be less visible and have devastating impacts on the person, their relationships, their family, on their health and cause significant debt. Enfield is particularly concerned that significantly higher risks are associated with gaming machines.

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.

A handwritten signature in black ink, reading "Doug Taylor", enclosed within a blue rectangular border.

Councillor Doug Taylor
Chairman, Licensing Committee

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 2021. 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, and 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 (as amended) 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 The profile of London Borough of Enfield is found within the separate Local Area Profile document which supplements this Policy.

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 website (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 13 August 2021 and 8 October 2021 and, as far as practicable, the Council followed the Consultation Principles issued by the government (last updated in 2018) 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 17 November 2021 and was published on the Council's website by 31 January 2022.

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
- The Council's Public 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 website.

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 Unless the person making the representation is a locally elected councillor or Member of Parliament, the London Borough of Enfield as licensing authority will require written evidence that they represent identified interested parties. A letter from one of these persons will be 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 2018 and General Data Protection Regulations 2018 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 Gambling Commission have highlighted that local authorities in general are likely to receive very few, or no complaints about gambling. Unlike other regulated areas, such as alcohol, gambling is much less visible as a concern for residents. As a result, the Gambling Commission advises the Council to proactively conduct inspections, to build up the picture of whether a premises can establish true compliance, and can assess whether the necessary protections, especially for the young and vulnerable are in place and working effectively.

1.9.4 The Council's Inspection Programme requires all new licensed premises to be inspected shortly after the licence has been issued, and every premises should expect at least one inspection per year. Inspections of premises are also 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 Council continues to adopt and implement 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.

1.9.7 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.

1.9.8 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.

1.9.9 The Council also keeps itself informed of developments as regards the work of the

Office for Product Safety & Standards in its consideration of the regulatory functions of local authorities.

1.9.10 The Council's enforcement policy details the licensing authority's approach to inspections, criminal investigations and prosecutions and is available on the Council's website.

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 The Council are mindful of the report published by NatCen in 2017¹ about gambling behaviours from the findings of the 2015 English and Scottish Health Surveys and Welsh Omnibus.

1.12.2 The Council are also aware of the GamCare annual review (2018-2019)² which presents gambling data.

¹ <http://www.natcen.ac.uk/media/1464625/gambling-behaviour-in-great-britain-2015.pdf>.”

² <https://d1ygf46rsya1tb.cloudfront.net/prod/uploads/2019/12/GamCare-Annual-Report-2018.19-FINAL-11.12.19.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 (version updated October 2020) places further onus on premises to complete a risk assessment based on code 10, the social responsibility code of the Code of practice provisions. 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 (7.5) that: “In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean that 32 High Street cannot be the subject of separate premises licences for 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 (7.32) 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 (7.33) 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 - version updated October 2020), set out additional matters, including prescribing restrictions on gambling activities on premises, that the council should take into account when considering licence applications for premises licences.

2.2.2 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.

2.2.3 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 (7.23) 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 close 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
- Establishments likely to attract or house population groups likely to be vulnerable to risk of problematic gambling.

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 the separate Local Area Profile document attached to this Policy.

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 the separate Local Area Profile document attached to this Policy.

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 information provided in the application by the operator, the local area profile, the risk assessment and whether any additional conditions are required to mitigate risk by reference to the LCCP produced by the Gambling Commission.

Planning:

2.4.7 The Gambling Commission Guidance to Licensing Authorities states:

- In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing

objectives. One example 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 must comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control, building and other regulations, and must 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. For

example, in considering an application for a premises licence or permit that is in an area noted for particular problems with disorder, organised criminal activity etc, the Council will consider what, if any, controls (e.g. conditions) might be appropriate to prevent those premises being associated with or used to support crime. These might be conditions identified by the operator's own risk assessment or conditions the Council consider appropriate due to the local area profile. The Council is aware of the distinction between disorder and nuisance. Issues of nuisance cannot be addressed via the Gambling Act provisions. For example, noise from music, gambling machines or customers from a gambling premises cannot be addressed under the Gambling Act but can using other legislation. This licensing objective is concerned with crime or disorder. Examples of this are if the premises were associated with gang activity, violence, drugs, or organised crime.

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. If the Council suspect gambling is not being conducted in a fair and open way, it would be brought to the attention of the Gambling Commission. 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, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs". The Council will consider this licensing objective on a case by case basis.

2.6.7 Geofutures Gambling and Place research for Westminster and Manchester City Councils³ identified the following groups as vulnerable to gambling-related harm:

- children, adolescents and young adults (including students)
- people with mental health issues, including those experiencing substance abuse issues (problem gambling is often ‘co-morbid’ with these substance addictions⁸)
- individuals from certain minority ethnic groups, such as Asian/Asian British, Black/Black British and Chinese/other ethnicity
- the unemployed
- the homeless
- those with low intellectual functioning
- problem gamblers seeking treatment
- people with financially constrained circumstances
- those living in deprived areas.

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

2.6.9 The Licence Conditions and Codes of Practice (LCCP, Code 3.2) prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

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. Additional conditions would only be imposed where there is clear evidence to the risk to the licensing objectives in the circumstances of a particular

³ ‘Exploring area-based vulnerability to gambling-related harm: Developing the gambling-related harm risk index’ and ‘Exploring area-based vulnerability to harm: who is vulnerable?’, Heather Wardle, Gambling and Place Research Hub, Geofutures, 9th February 2016’

case such that the mandatory and default conditions are needed to be supplemented.

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 (including the locality and any identified local risks) 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 information provided in the application by the operator, the local area profile, the risk assessment and whether any additional conditions are required to mitigate risk by reference to the LCCP.

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.

2.8.7 The Council will have consideration for the Gambling Commission's "Code of practice for gaming machines in clubs and premises with an alcohol licence" ³ 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 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 second and third licensing objectives 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.

2.12 Casinos

2.12.1 On 17 November 2021 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 2022 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 may be available for use on the premises without time restrictions i.e. can be played 24 hours per day.

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. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take into account of the structure and layout of their gambling premises' in order to prevent underage gambling.

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. Some 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, also known as self-serve betting terminals (SSBTs), are not gaming machines: they merely automate the process that can be conducted in person and, and the Act exempts them from 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), also referred to by the Social Responsibility (SR) code 3.2.7(3) in the LCCP.

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 C provides a Summary of Machine Provisions by Premises.

2.14.5 The council will be kept up to date on the outcome of the DCMS proposed changes to gaming machine stakes and prizes, which will be available on the Gambling Commission's website.⁴

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 two of the licensing objectives (i.e. gambling is open and fair, and protection of children and vulnerable persons from being harmed or exploited by gambling) 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

⁴ <http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/Gaming-machine-categories.aspx>

- 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 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 Specifically, the Council endorses the requirements of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) which states that a plan must show:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

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 C.

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.

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 E.

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 2018 (LCCP)

6.1 LCCP

6.1.1 The Gambling Commission updated the LCCP in January 2018 with a commencement date of April 2018. Details regarding the LCCP can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk.

6.2 Risk Assessments

6.2.1 A risk assessment is required from all operators. In accordance with SR Code Provision 10.1.1, all licensees must assess local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, have policies, procedures and control measures to mitigate those risks. This is a social responsibility code provision and compliance is mandatory. It is a condition of an operating licence that there is compliance with social responsibility code provisions.

6.2.2 Operators shall submit the risk assessment to licensing authorities upon application 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 shall 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.

6.2.4 The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. 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 Gambling Operation

6.3.1 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.

6.4 The Design of the Premises

6.4.1 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, young people and vulnerable 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.

6.5 Local Area Profile

6.5.1 Enfield's local area profile is our assessment of the local environment and the maps in Section 1 of the Local Area Profile document identifies the key characteristics of Enfield. It is intended that the local area profile will provide us, operators and the public with a better understanding and awareness of the gambling-related risks in the Borough. In this context, risk includes actual and potential risk and also takes into account any future or emerging risks.

6.5.2 Our local area profile takes account of a wide number and range of factors and information. It enables us better to serve our local community by providing clarity for operators as to the relevant factors we will consider in our decision making and it enables us to make evidence-based decisions from a clear and published set of factors and risks

6.5.3 We expect that the local area profile will lead to improved premises licence applications and that operators will be able to incorporate controls and measures within their applications to mitigate risk. Through this pro-active approach to risk, we expect to achieve a reduction in non-compliance and enforcement action.

6.5.4 We accept that the local environment can change, and we must therefore retain the ability to review and quickly update the local area profile so that we remain aware of the current and emerging risks. For this reason, we have not included our local area profile within the body of this Policy, and we have published it as a

separate document. This will allow us to update factual information within the local area profile and to quickly assess new or emerging risks from which to inform our decisions without the need for full consultation.

6.5.5 We expect operators to update their local risk assessments to take account of any changes in Enfield's local area profile. To assist, we will inform all operators when we make any changes to our local area profile.

7. Further Information

Further information about the Gambling Act 2005, this Statement of Principles, the application process and related matters can be obtained from licensing@enfield.gov.uk. Or www.enfield.gov.uk.

Information is also available from:

The Gambling Commission
4th Floor
Victoria Square House
Birmingham
B2 4BP
Telephone: 0121 230 6666
Website: www.gamblingcommission.gov.uk

The Department for Culture, Media and Sport
100 Parliament Street
London
SW1A 2BQ
Email: enquiries@dcms.gov.uk

Website: www.gov.uk/government/organisations/department-for-digital-culture-media-sport

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.

‘Vulnerable person’ means (Public Health):

- children, adolescents and young adults (including students)
- people with mental health issues, including those experiencing substance abuse issues (problem gambling is often ‘co-morbid’ with these substance addictions)
- individuals from certain minority ethnic groups, such as Asian/Asian British, Black/ Black British and Chinese/other ethnicity
- the unemployed
- the homeless
- those with low intellectual functioning
- problem gamblers seeking treatment
- people with financially constrained circumstances
- those living in deprived areas.

Appendix B Access to Premises

Casinos

- The principal 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 other 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 unless that shop is itself a licensed betting premises (for example, 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.

Section 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: 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		

¹Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight¹⁰⁴ category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

² Adult gaming centres are entitled to make available for use 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 and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

¹⁰⁴ The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009

Appendix D 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		
Changes to the Local Area Profile attached to this Policy		Full Licensing Committee	
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

LONDON BOROUGH OF ENFIELD

GAMBLING ACT 2005

**GAMBLING LOCAL AREA
PROFILE**

January 2022



1.1 Introduction and Background

1.1.1 The Council is the licensing authority under the Gambling Act 2005 (the Act) and is responsible for issuing premises licences and permits for gambling venues. When the Council exercises its functions in respect of gambling, it must have regard to the Act and its regulations, gambling codes of practice, the Council's Statement of Licensing Policy and the Gambling Commission's Guidance to Local Authorities (GLA).

1.1.2 The Act also requires the Council to 'aim to permit' gambling and therefore aim to issue premises licences if applications are reasonably consistent with the following licensing objectives:

- a) preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime
- b) ensuring that gambling is conducted in a fair and open way, and
- c) protecting children and other vulnerable persons from being harmed or exploited by gambling

1.1.3 In its GLA, the Gambling Commission recommends the approach the Council should take to gambling licensing and regulation. In September 2015, the Gambling Commission issued a revised GLA (5th edition) with many changes for licensing authorities that fall under three broad themes:

- increased focus on risk and regulation
- greater attention to local area risk, and
- encouraging partnership and collaboration between stakeholders to mitigate risk

1.1.4 In addition, changes to the Gambling Licence Conditions and Codes of Practice (LCCP) that took effect in April 2018, require all industry operators to undertake local area risk assessments to identify the risks their gambling venues pose to the licensing objectives.

1.2 What is a gambling local area profile?

1.2.1 A local area profile is an assessment of the key characteristics of Enfield in the context of gambling-related harm. The information obtained for the assessment helps to provide a better understanding of the types of people that are at risk of being vulnerable to gambling-related harm; where they are located and any current or emerging problems that may increase that risk. Our local area profile will help us to develop our Statement of Licensing Policy and set out our expectations of operators of gambling premises.

1.3 Creating Enfield's local area profile

1.3.1 Although there is no legal requirement on the Council to complete a local area profile, we feel there is significant benefit for operators, our residents, business, visitors to Enfield and the Council to have an evidence-based awareness of the potential and actual risks of vulnerability to gambling-related harm.

1.3.2 In this context and in response to the changes in the GLA, we have completed an assessment of the key characteristics of the Borough to identify areas of higher risk of vulnerability to gambling-related harm. This assessment is Enfield's local area profile. In developing our local area profile, we have had regard to the study 'Exploring area-based vulnerability to gambling-related harm: Developing the gambling-related harm risk index' and 'Exploring area based vulnerability to harm: who is vulnerable?', Heather Wardle, Gambling and Place Research Hub, Geofutures, 9th February 2016', which was commissioned by Manchester City Council and the City of Westminster.

1.4 Our approach

1.4.1 The data which identify potential vulnerability to gambling-related harm in Enfield is visualised on maps in Section 3 below.

1.4.2 Our approach is based on the possible risk to gambling-related harm and does not mean that just because an area is seen as being at higher risk that all people in that area will suffer harm or be at risk of suffering harm.

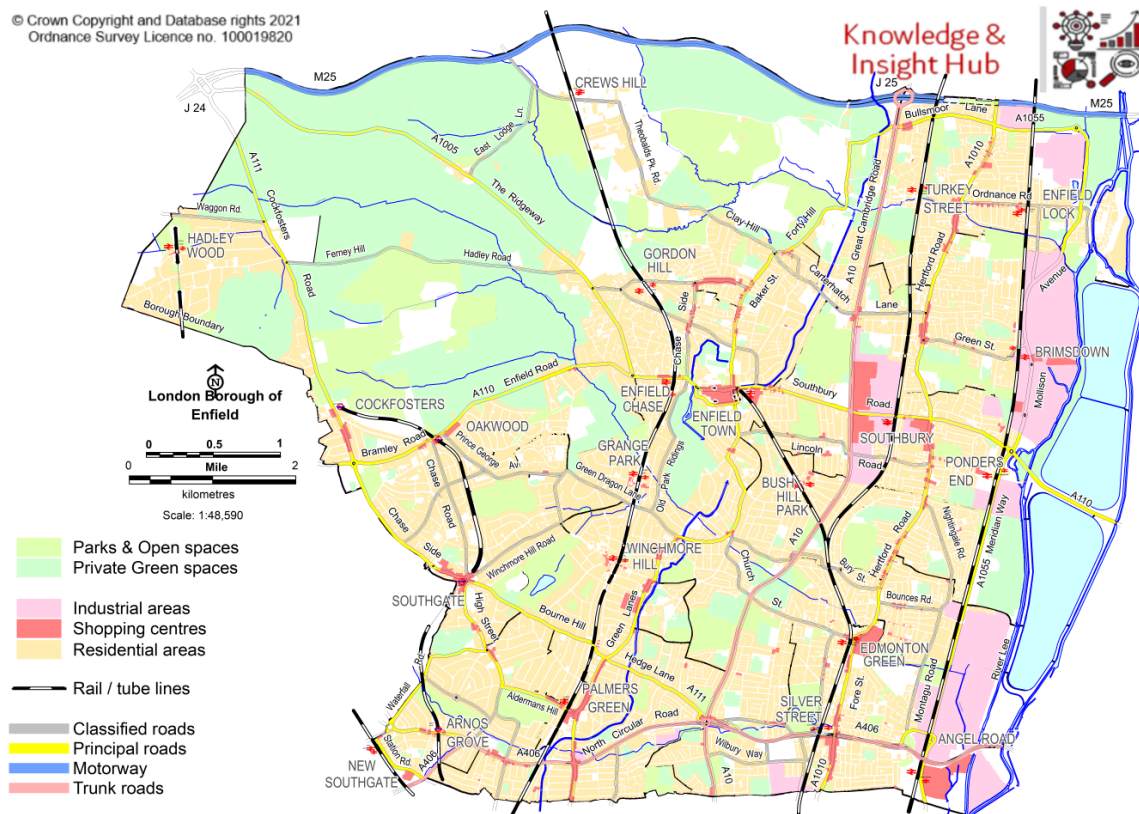
2.1 Profile of London Borough of Enfield

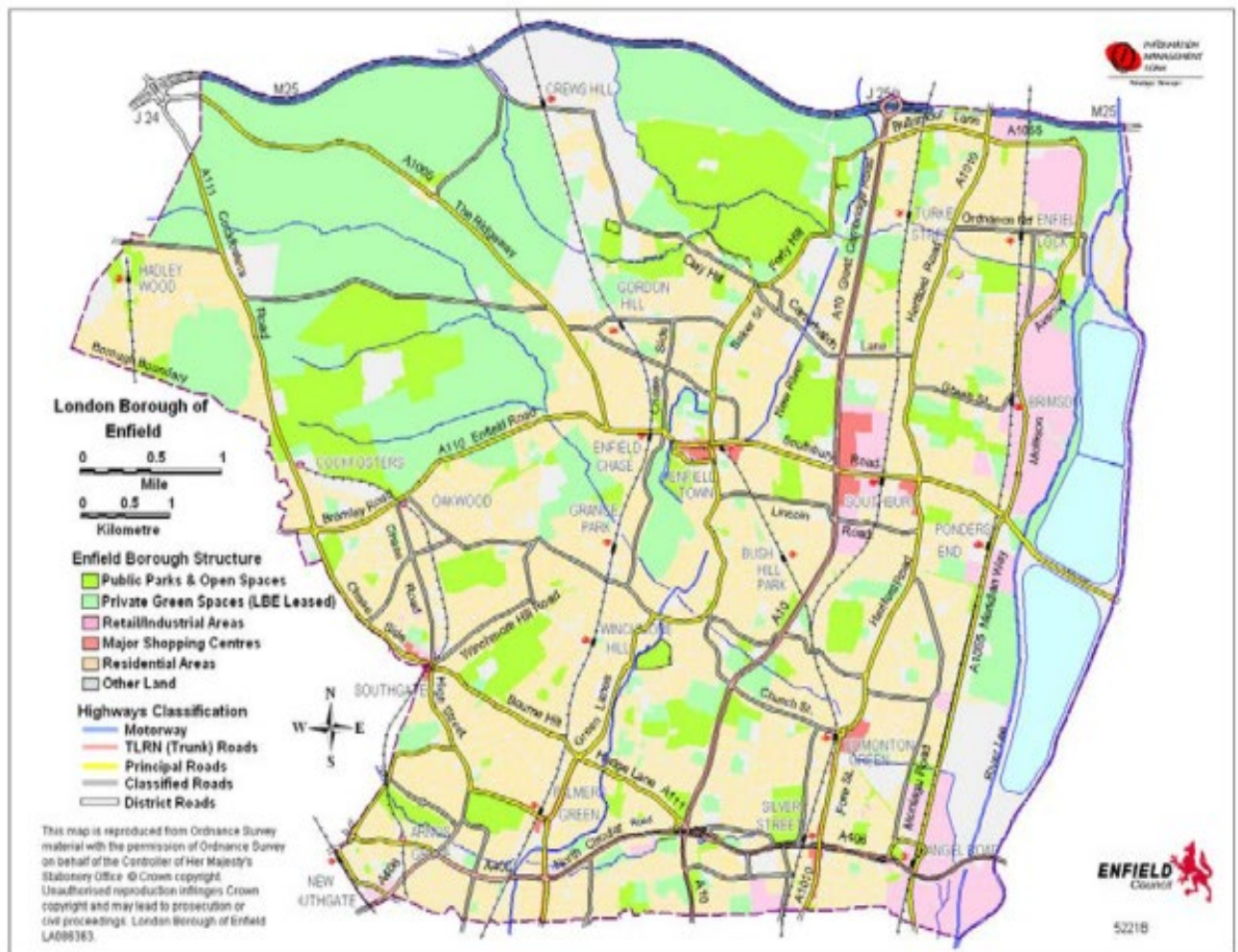
2.1.1 Enfield is London's northernmost Borough and covers an area of 8219 hectares (82.2 square kilometres, or 31.7 square miles). Enfield has good links to the national motorway system, the north of the borough being bounded by the M25, accessed at junctions 24 and 25. It also has two trunk roads – the A10 (London to Cambridge) and A406 (London's North Circular Road).

2.1.2 In 2019/20, the total dwelling stock in Enfield was estimated by the Office for National Statistics at 126,255.

2.1.3 40% of the Borough's area is designated 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). Figure 1.1 below shows a map of the borough.

Figure 1.1:

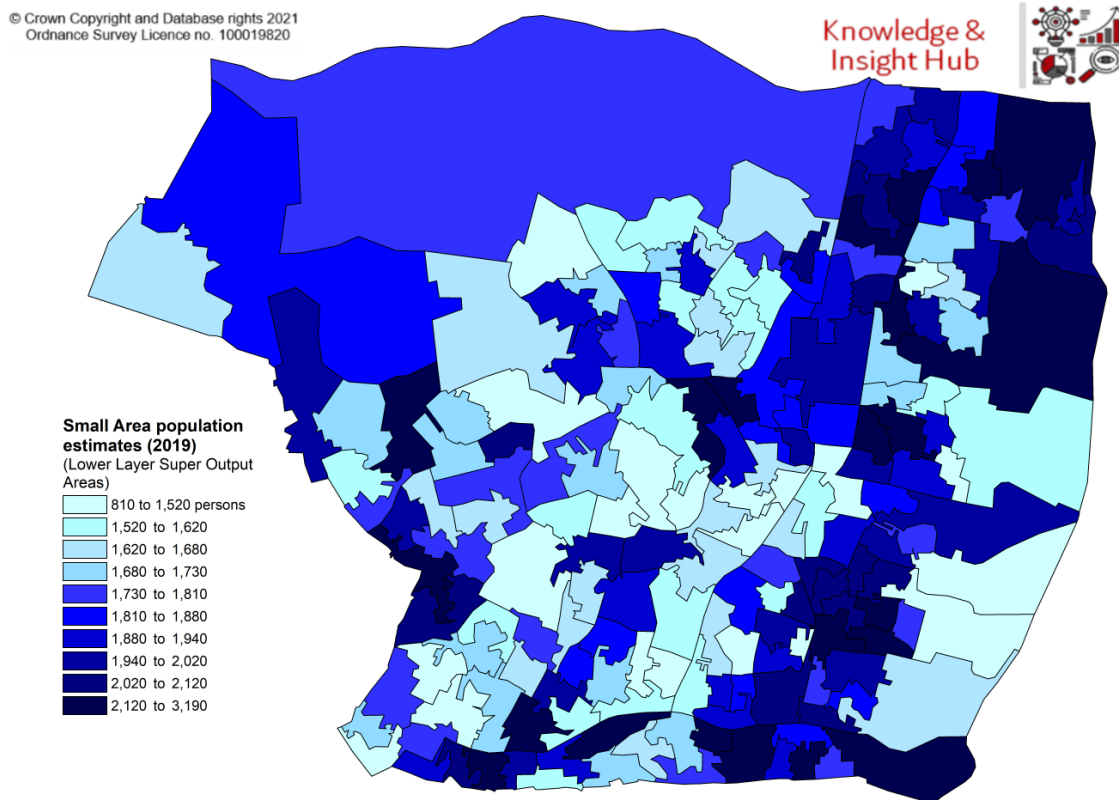




2.1.4 At Mid-2020 the population was estimated to be 333,587 (according to the [Office for National Statistics](#)) an increase of 6.8% since 2011, making Enfield the 5th largest amongst the 33 London boroughs. 2.1.5 Females and Males made up 50.9% and 49.1% respectively of the total population. The breakdown across the borough is seen in the map, Figure 1.2 below:

Figure 1.2:

Source: ONS mid-year small area population estimates 2019



2.1.6 The latest projections to use are the ONS 2020 Mid-Year Estimates. The five-year age band results for persons for Mid-2020 are in Fig 2.1:

Figure 2.1 Source: ONS mid-year estimates 2020

Age band	Males	Females	Persons
0-4 years	11,949	11,351	23,300
5-10 years	12,599	11,920	24,519
10-14 years	12,197	11,494	23,691
15-19 years	10,418	9,474	19,892
20-24 years	9,640	8,527	18,167
25-29 years	12,045	11,397	23,442
30-34 years	12,206	12,805	25,011
35-39 years	12,017	13,464	25,481
40-44 years	11,131	12,168	23,299
45-49 years	10,645	11,385	22,030
50-54 years	11,072	11,755	22,827
55-59 years	9,968	10,922	20,890
60-64 years	8,047	8,154	16,201
65-69 years	5,828	6,645	12,473
70-74 years	5,152	5,845	10,997
75-79 years	3,784	4,734	8,518
80-84 years	2,761	3,759	6,520
85-89 years	1,603	2,451	4,054
90+ years	757	1,518	2,275
All Ages	163,819	169,768	333,587

2.1.7 The child, working age and older population results by gender are shown in Figure 2.2:

Figure 2.2:

Age band	Males	Females	Persons
0 to 15	39,073	36,847	75,920
16 to 64	104,861	107,969	212,830
65+	19,885	24,952	44,837
Total	163,819	169,768	333,587

Source: ONS mid-year estimates 2020

2.1.8 The breakdown of the 22 different ethnic groups in Enfield is shown in Figure 3:

Figure 3:

Ethnicity	Estimated population size	% of total population
White British	118,466	35.3%
White Irish	7,309	2.2%
Greek	4,549	1.4%
Greek Cypriot	16,302	4.9%
Turkish	24,209	7.2%
Turkish Cypriot	6,432	1.9%
Kurdish	4,264	1.3%
White Other	25,381	7.6%
White & Black Caribbean	4,664	1.4%
White and Asian	4,348	1.3%
White and Black African	2,471	0.7%
Other mixed	6,890	2.1%
Indian	11,937	3.6%
Pakistani	2,829	0.8%
Bangladeshi	6,432	1.9%
Chinese	2,732	0.8%
Other Asian	12,852	3.8%
Somali	9,157	2.7%
Other Black African	24,763	7.4%
Black Caribbean	17,725	5.3%
Other Black	8,357	2.5%
Other Ethnic Group	13,354	4.0%

Source: 2019-based in-house ethnicity estimates. NB totals do not sum to ONS totals owing to differences in data sources.

3.1 The Local Area

3.1.1 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.

3.1.2 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.

3.1.3 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.

3.1.4 The Gambling Commission guidance advises that Licensing Authorities can provide a local area profile of their borough in their Gambling Act policy. This has many benefits but should 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.

3.1.5 The maps in Section 4 includes data and an overview of characteristics of the borough:

- Figure 4: Map showing distribution of gambling premises and educational establishments;
- Figure 5: Map showing distribution of gambling premises and relevant leisure facilities;
- Figure 6: Map showing distribution of gambling premises and medical facilities, care homes, and temporary accommodation etc.;
- Figure 7: Map showing distribution of gambling premises and areas of deprivation;
- Figure 8: Map showing distribution of gambling premises and areas of unemployment;
- Figure 9: Map showing distribution of gambling premises and areas where residents claim Universal Credit;
- Figure 10: Map showing distribution of gambling premises and areas of poor mental health;
- Figure 11: Map showing distribution of gambling premises and all ASB Call hotspots in Enfield between April 2018 and March 2019;
- Figure 12: Map showing distribution of gambling premises and all ASB Call hotspots in Enfield between April 2019 and March 2020;
- Figure 13: Map showing distribution of gambling premises and all ASB Call hotspots in Enfield between April 2020 and March 2021;
- Figure 14: table showing ASB call types recorded by Police within 20 metres of a gambling premises between March 2018 and March 2019;
- Figure 15: table showing ASB call types recorded by Police within 20 metres of a gambling premises between March 2019 and March 2020;
- Figure 16: table showing ASB call types recorded by Police within 20 metres of a gambling premises between March 2020 and March 2021.

3.1.6 If an application for a new licence or variation is submitted that is within 400 metres of a premises/location where children, young persons and vulnerable persons are likely to be present, then 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.

3.1.7 If the operator does not put forward measures to overcome the risks, or the Council considers that the operator's proposed measures do not adequately mitigate the risk, the council will consider what measures are needed which can include additional conditions or even refusal of the application if appropriate.

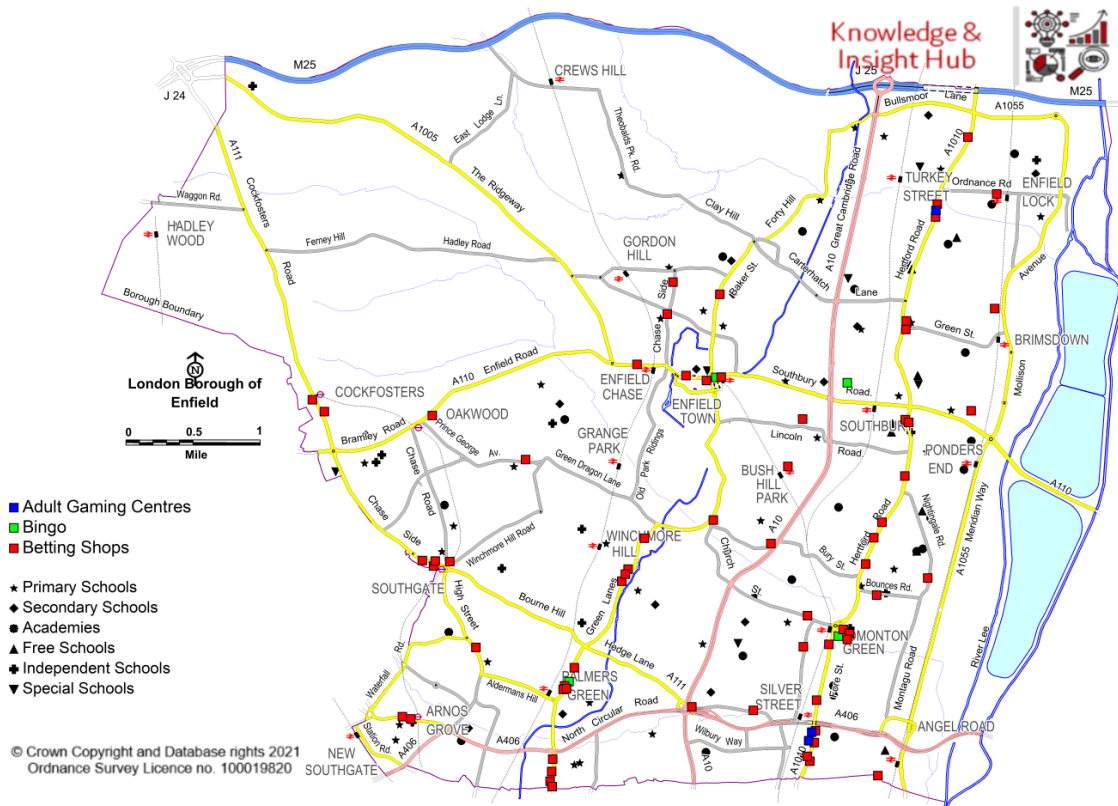
3.1.8 For gathering local information, a report was produced on the number of underage gambling complaints and failed test purchases at betting shops. Since 1st April 2018, no complaints and no sales have been recorded, compared to two complaints and nil sales between 1st April 2015 and 31st March 2018.

3.1.9 Council enforcement officers carried out inspections at all betting shops between 2019-2020, and were deemed to be compliant.

4.1 Local Area Profile

Figure 4: Map showing distribution of gambling premises and educational establishments

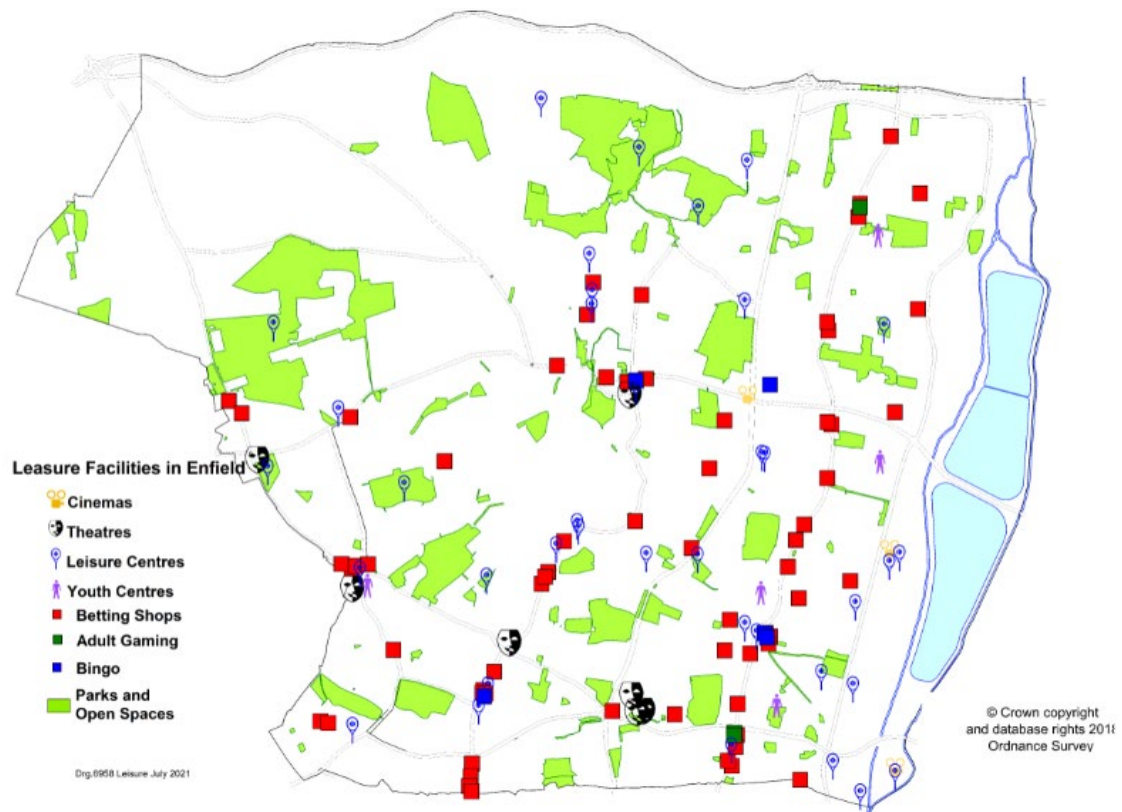
Source: Enfield Council GIS server February 2021



4.1.1 First of all, the actual distribution of existing gambling premises 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 around Edmonton Green shopping centre, Enfield Town and Southgate. Further away, significant clusters of betting shops are noted along Green Lanes, in the Bowes and Palmers Road Green centres.

4.1.2 Figure 4 identifies the educational establishments, and the map highlights that particularly in Enfield Town, they are in close proximity to the existing gambling premises.

Figure 5: Map showing distribution of gambling premises and relevant leisure facilities

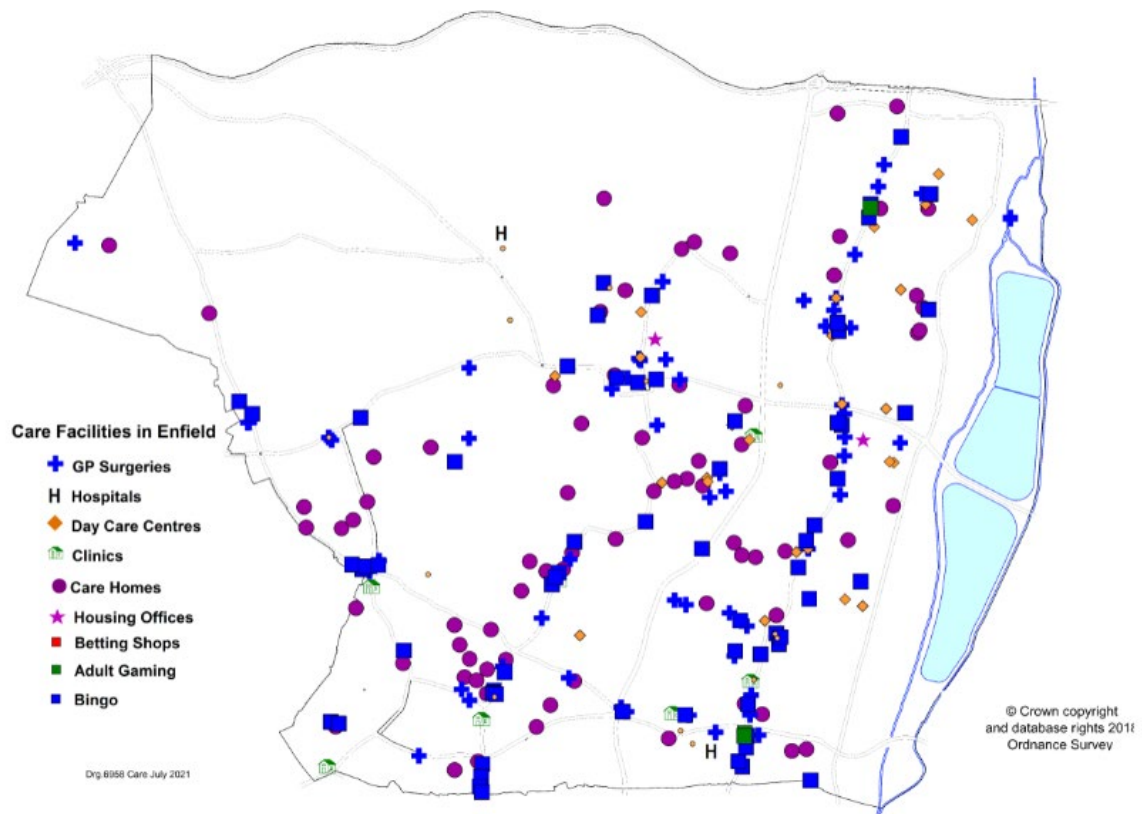


Source: Enfield Council GIS server February 2021

4.1.3 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. For the majority 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, and the leisure centre near around Edmonton Green shopping centre which appear to be in the near vicinity of gambling establishments.

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

Source: Enfield Council GIS server February 2021



4.1.4 Figure 6 shows the clinics in Fore Street, Edmonton and in Enfield Town are central to the locations of the gambling establishments in that area. The map also identifies that there are a larger number of care homes in Palmers Green and south of the North Circular, around the Green Lanes area, which appear to be relatively close to the multiple betting shops in those areas.

Figure 7: Map showing Areas of Deprivation and gambling premises

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Source: Indices of Deprivation 2019

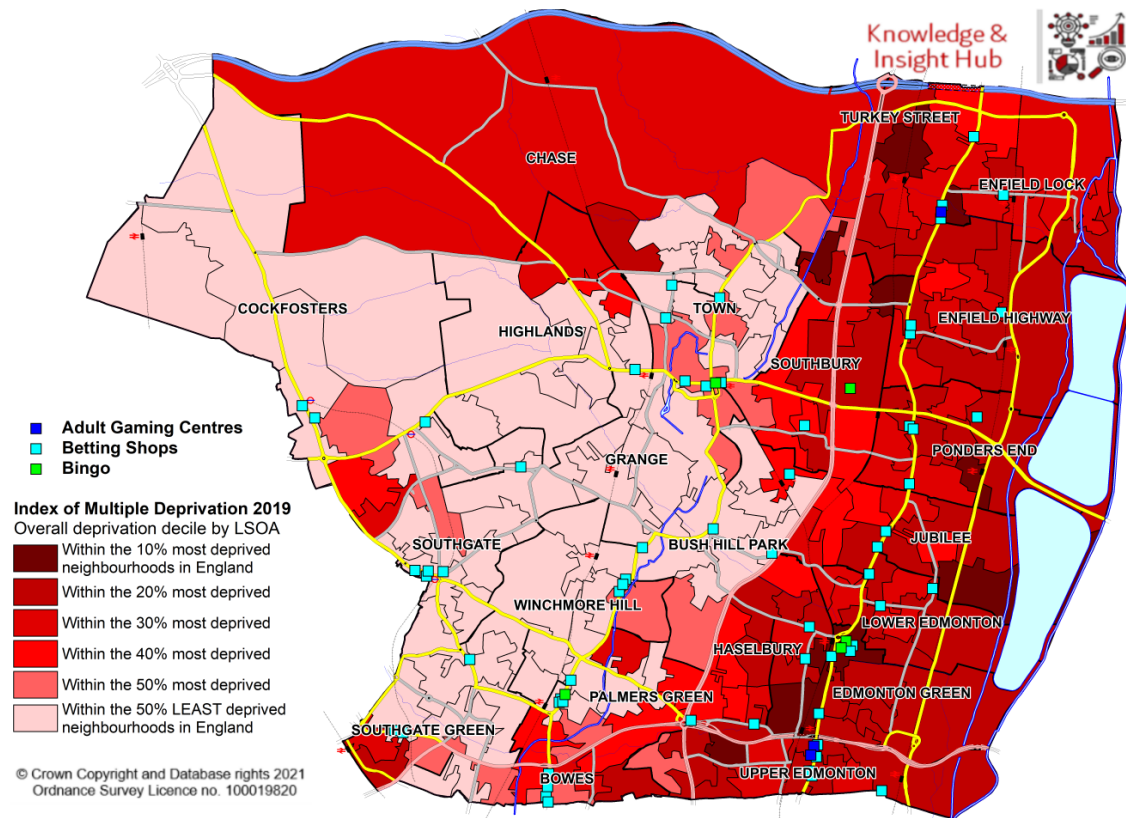
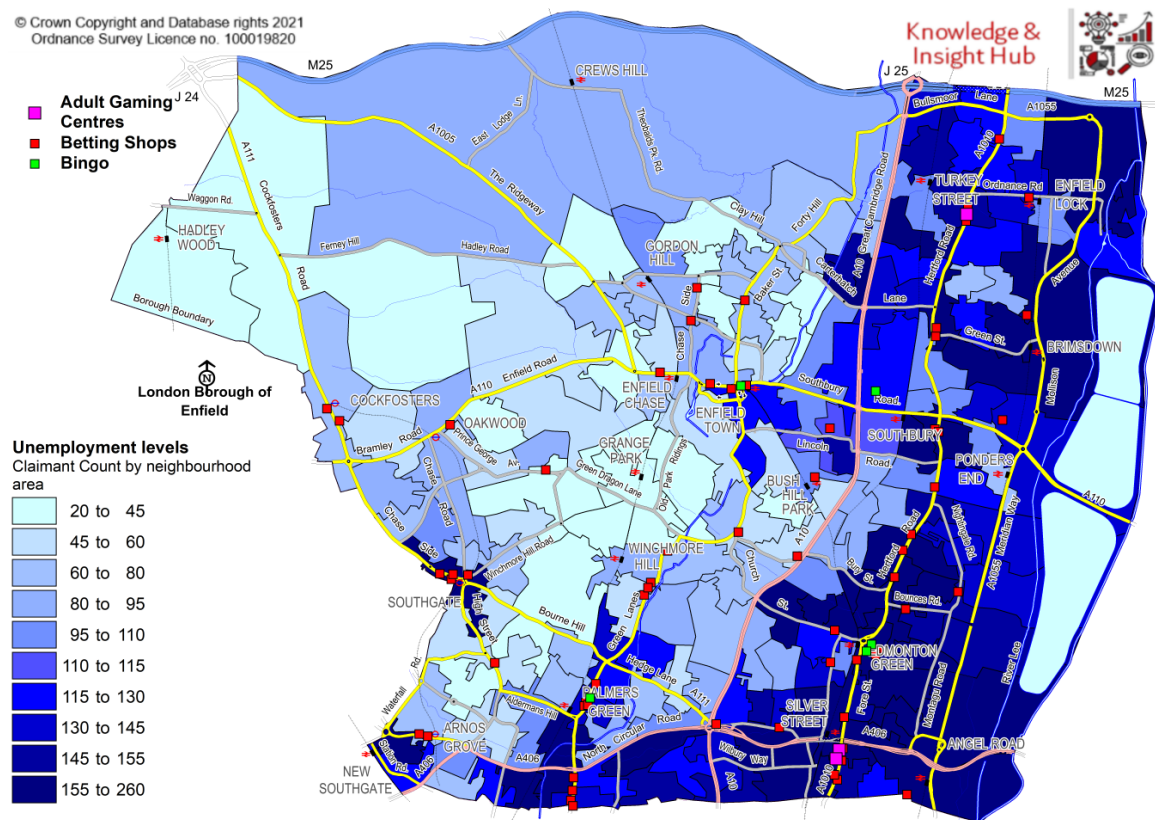


Figure 8: Map showing unemployment levels and gambling premises

Source: Office of National Statistics 2021



This thematic map shows the Claimant Count by LSOA. Claimant Count is the number of people in the area who are claiming either Jobseekers' Allowance or unemployed claimants of Universal Credit. It does not include claimants of Employment and Support Allowance or Income Support.

Figure 9: Map showing concentration of households claiming Universal Credit and gambling premises

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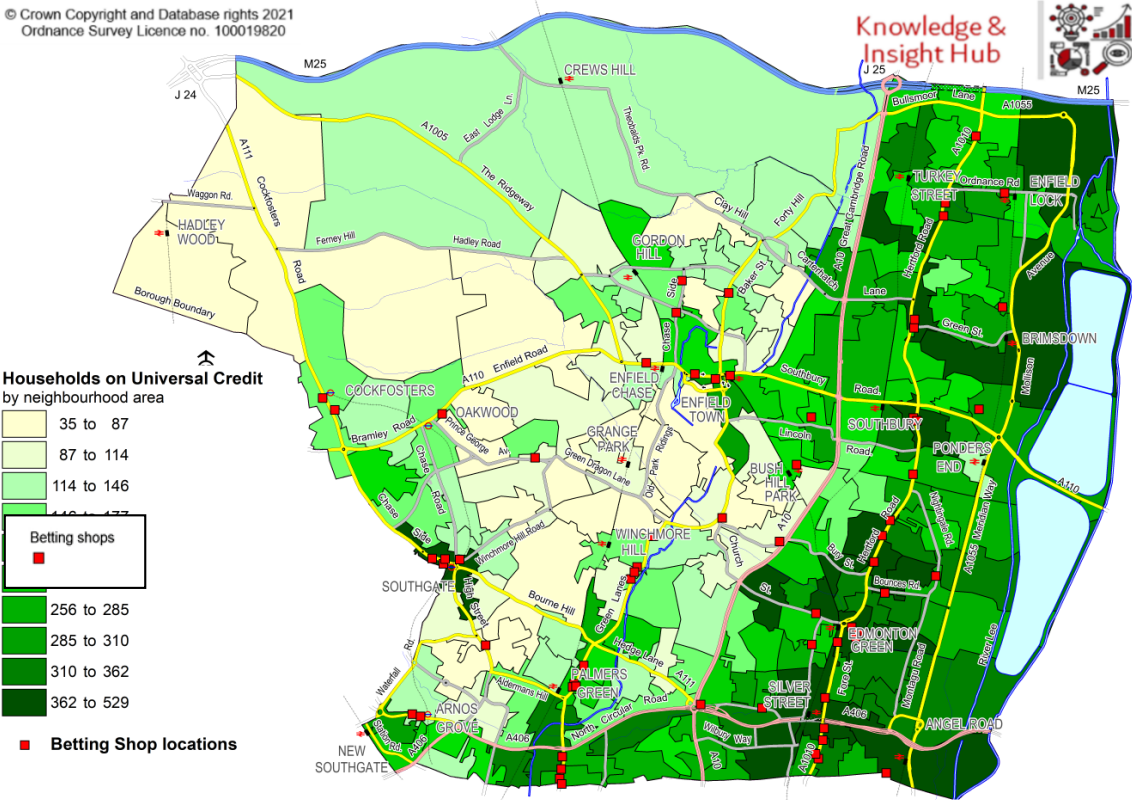
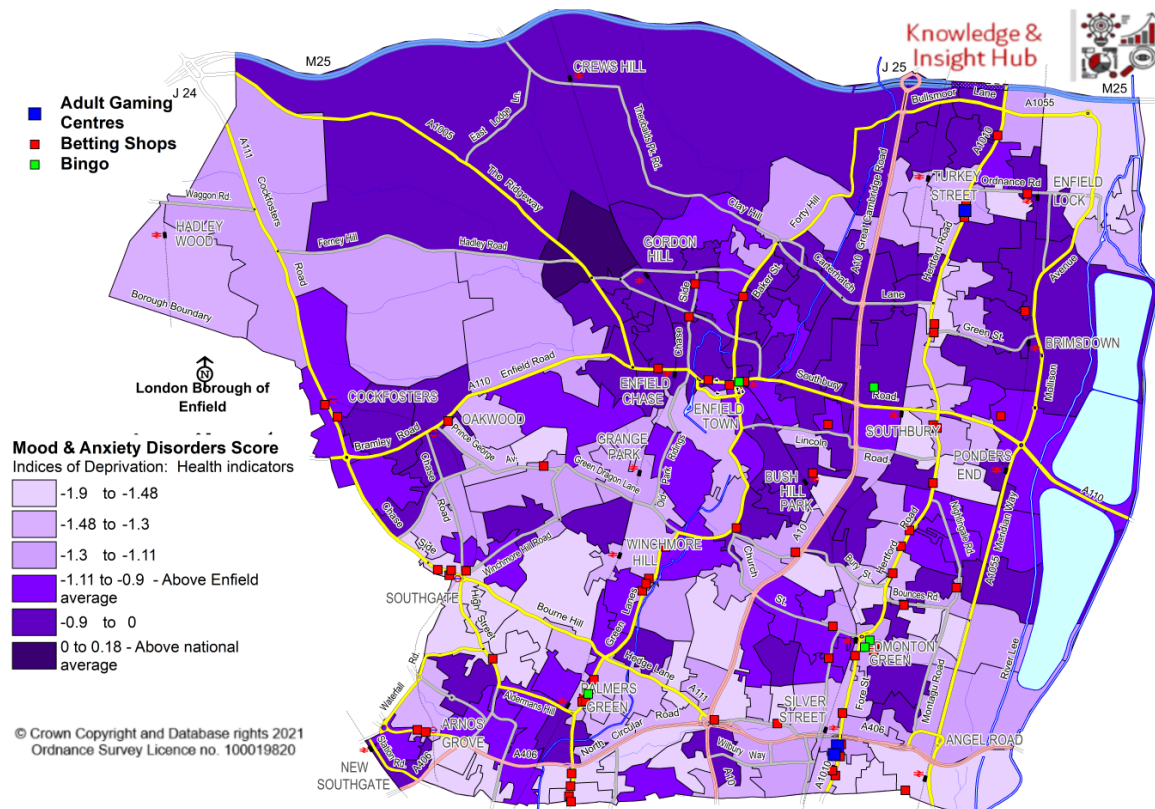


Figure 10: Map showing distribution of gambling premises and areas of poor mental health

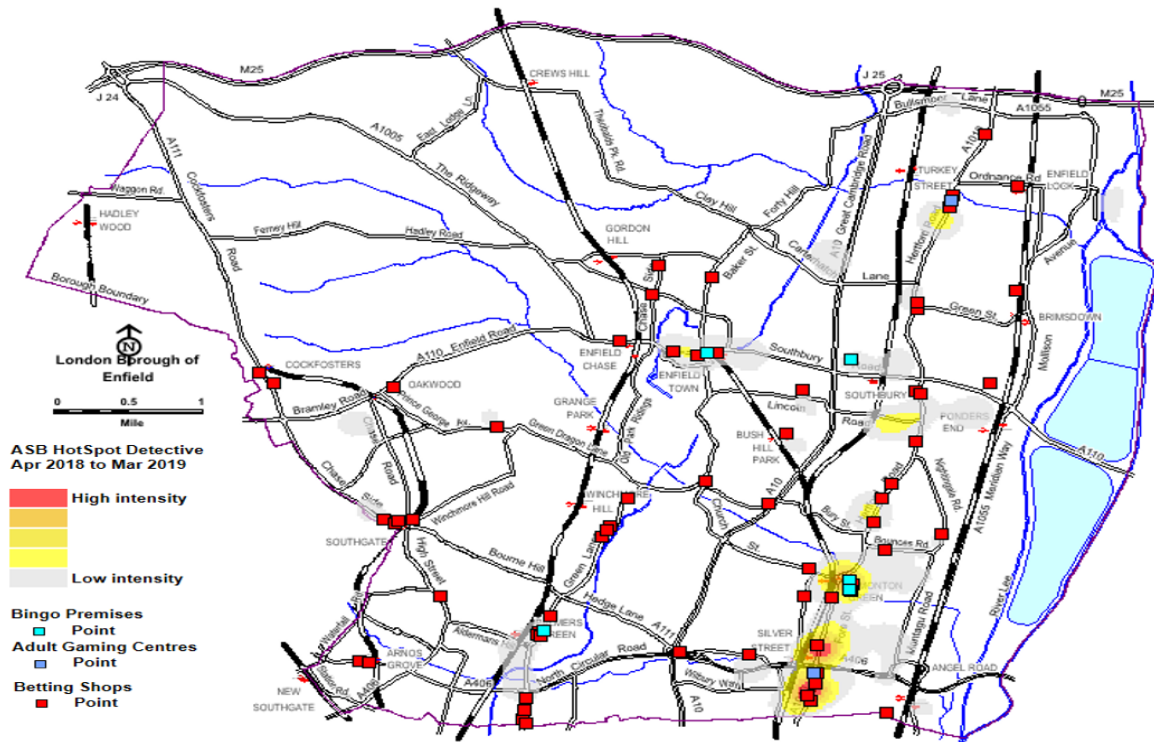


Source: Indices of Deprivation 2019, Health domain, Indicator: Mood and Anxiety Disorders indicator. The mood and anxiety disorders indicator is a broad measure of levels of mental ill health in the local population. The definition used for this indicator includes mood (affective), neurotic, stress-related and somatoform disorders. A higher score for the indicator represents a higher level of deprivation. Part of this indicator contains public sector information licensed under the Open Government Licence v3.0. Part of this indicator uses Hospital Episodes Statistics. Hospital Episode Statistics Copyright © 2019

4.1.5 As an indication of the levels of poor mental health in the borough, Figure 10 has been produced. As the key indicates, areas range from those with the highest levels of mental health issues (dark purple) to those with the lowest levels (light purple). The borough shows a considerable range, and there are pockets of high levels to the north of the borough.

4.1.6 Figures 7 to 9 show maps of the areas of worst deprivation, highest unemployment rates and highest number of working age households claiming Universal Credit. 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.

Source: LBE Community Safety Unit – Metropolitan Police records April 2018 to March 2019



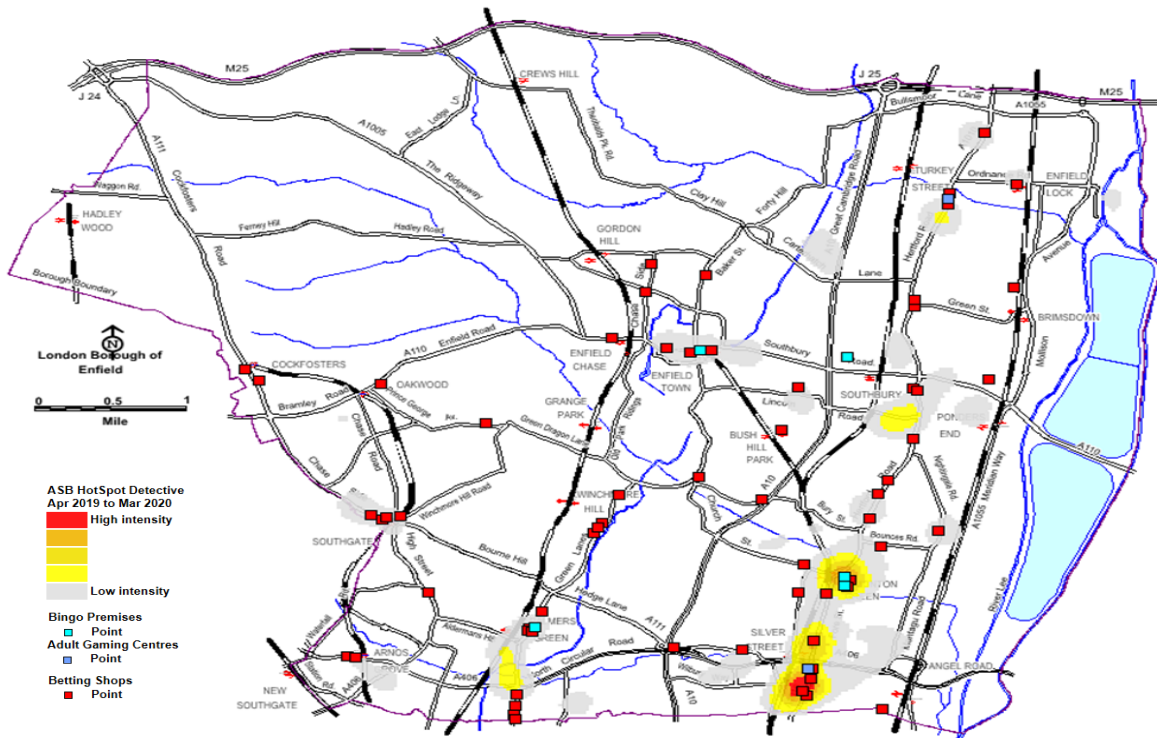
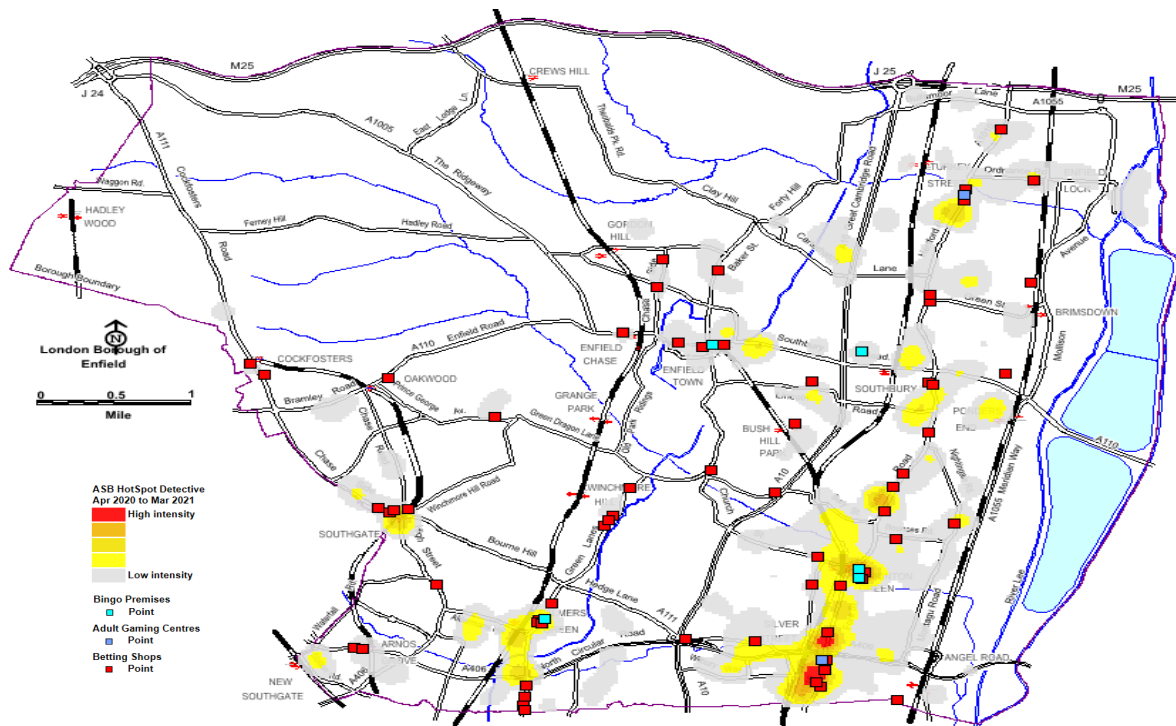


Fig 13: All anti-social behaviour (ASB) Call hotspots in Enfield between April 2020 and March 2021 plotted around all gambling premises.



Source: LBE Community Safety Unit – Metropolitan Police records April 2020 to March 2021

4.1.7 Since 2018, there has been an increase of ASB hotspots across the borough. A consistent ASB hotspot can be identified along Fore Street and around Edmonton Green Shopping Centre, which also has a higher concentration of gambling premises. It is also noted that there is an emerging ASB hotspot around Southgate town centre. In Fig 14, newer ASB hotspots have been identified which are not in close proximity to gambling premises.

Disclaimer: For this illustration the following tables show ASB calls recorded by Police as being with 20m of a licensed premises, so may not be directly attributed to the premises.

Fig 14: ASB calls recorded by the Police within 20 metres of a gambling premises, between March 2018 and April 2019

ASB Classification	ASB Reported - 2018/19	Proportions
Rowdy Or Inconsiderate Behaviour	43	63%
Trespass	8	12%
Begging / Vagrancy	7	10%
Veh Nuisance / Inappropriate Use	6	9%
Noise	1	1%
Veh Abandoned - Not stolen	1	1%
Fireworks	1	1%
Rowdy / Nuisance Neighbours	1	1%
Total	68	100%

Fig 15: ASB calls recorded by the Police within 20 metres of a gambling premises, between March 2019 and April 2020

ASB Classification	ASB Reported - 2019/20	Proportions
Rowdy Or Inconsiderate Behaviour	52	76%
Begging / Vagrancy	8	12%
Trespass	2	3%
Veh Abandoned - Not stolen	2	3%
Rowdy / Nuisance Neighbours	2	3%
Prostitution Related Activity	1	1%
Fireworks	1	1%
Total	68	100%

Fig 16: ASB calls recorded by the Police within 20 metres of a gambling premises, between March 2020 and April 2021

ASB Classification	ASB Reported - 2020/21	Proportions
Rowdy Or Inconsiderate Behaviour	63	84%
Begging / Vagrancy	5	7%
Rowdy / Nuisance Neighbours	4	5%
Noise	3	4%
Total	75	100%

4.1.8 In both 2018/19 and 2019/20, there were 68 ASB calls recorded by Police in proximity to licenced premises which accounts for approximately 1% of the total number of ASB calls recorded in the borough in the period. This compares to 75 ASB calls were recorded by Police in 2020/21 within in a 20m proximity to licenced premises, which accounts less than 1% of the ASB calls recorded by the Police in the year in Enfield over the year to March 2021. This is a 10% increase compared to the calls recorded in the year to March 2020 near licensed premises.

4.1.9 The period from 2020/21 includes the Covid 19 lockdown period when the population was largely at home and commercial premises were closed. All ASB increased in the borough by 80% by March 2021 when compared to the year before.

4.1.10 Rowdy or Inconsiderate Behaviour was consistently the most frequently recorded ASB classification type year on year since April 2018.

Annex 3

Responses to Gambling Policy Consultation

Key to Survey Questions asked:

- A. To what extent do you agree or disagree that the Statement of Principles is strong enough to prevent gambling premises being a source of crime?
- B. To what extent do you agree or disagree that the Statement of Principles does enough to protect children and vulnerable persons from harm?
- C. To what extent do you agree or disagree that the Statement of Principles is strong enough to ensure gambling is open and fair?
- D. Despite these legal limitations, please tell us if there is anything you would like the Council to be able to do regarding gambling premises?
- E. Please tell us if there is anything you would like the Council to be able to do in relation to advertising applications?
- F. Do you think the Council should continue with a 'no casinos' resolution for a further 3 years?
- G. If you have any other comments you would like to make regarding the policy, please let us know.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
1	Resident	A – Strongly agree B - Strongly agree C – Strongly agree	Bring down the drugs and ASB around these premises.	N/A	N/A	N/A

Licensing Authority Response 1:

In the Local Area Profile, ASB hotspots have been identified, which supports the licensing objective "Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime". The Policy outlines that LBE will use their powers where there is evidence of crime or disorder such as ASB or drugs that are associated with a gambling premises; such as imposition of licence conditions, to moderate the risks. The Council will not hesitate in dealing robustly where gambling premises do not meet any of the licensing objectives.

Licensing Authority Action 1:

No action required.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
2	Organisation	A – Strongly agree B - Strongly agree C – Strongly agree	(1) To ensure that all premises are CCTV operated, if they are to be provided. (2) We know that premises are occupied daily and to prevent excessive use a set time to open and close between 9am and 6pm to ensure no late night gathering and noise nuisance to residents in the surrounding area. (3) The gambling licences should be limited to two/three per ward and or area within a three thousand mile radius.	N/A	Yes	N/A

Licensing Authority Response 2:

(1) By undertaking compliance checks, LBE are aware that the gambling premises in Enfield have got CCTV systems in operation. Where necessary, the Responsible Authorities, i.e. the Police, do request that a CCTV condition be applied to the licence.

(2) Within the current legislation through default conditions, there are time restrictions for some gambling premises, for example, betting shops may only be open between 7am and 10pm, but there are not default hours for all types of gambling premises. If there

is evidence of ASB or crime associated with a gambling premises (usually late at night or early hours of the morning), the remedial action available would be a review application with a view to reducing the hours. The review could be brought by residents or Responsible Authorities.

(3) The Gambling Act 2005 prohibits the Council from adopting any gambling policy to address the cumulative impact of betting shops 'clustering' together. There is some ability under Planning legislation and policies to deal with the concentration of gambling premises.

Licensing Authority Action 2:

No action required.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
3	Resident	A – Strongly agree B - Strongly agree C – Neither agree or disagree	N/A	N/A	Yes	N/A

Licensing Authority Response 3:

Comments noted.

Licensing Authority Action 3:

No action required.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
4	Resident	<p>A – Tend to disagree because there are too many loopholes and seemingly corruption which means these places get approved regardless of concerns or evidence.</p> <p>B - Tend to disagree because too many of these places are granted licences close to schools, colleges and MacDonald's.</p> <p>C – Tend to disagree because local residents concerns are ignored by the council, so they are unlikely to raise the concerns.</p>	Push to change the law so something can actually be done to reduce these damaging establishments.	They need to make sure people have time to see and object - the one locally was a tiny sign which went up just as we went into lock down so obviously no one saw it - if it had been posted on online forums etc it would have been seen and objections could be made in time - it was basically very underhand.	Yes	Casinos should be re defined to include the slot machine arcades.

Licensing Authority Response 4:

A – The Policy can only set out what is permitted within the Gambling Act legislation and guidance. The Gambling Act requires councils to 'aim to permit' licences for gambling premises unless they do not meet the licensing objectives, codes of practice or the Council's Gambling Policy. This means that in practice there is little that Councils can do to address the concerns of residents. The Leader of Enfield Council has responded to the government's review of the Gambling Act and written to the relevant Minister, proposing more ability for Councils to moderate gambling premises in their boroughs.

B – The Local Area Profile identifies locations of educational premises in relation to gambling premises (Fig 4), and gaming operators must reference these in their risk assessments for their premises. Responsible Authorities need to be satisfied that the risk assessments address the additional risks that such close proximity premises may involve. Section 3.1.2 of the Local Area Profile stipulates that any premises where children congregate including bus stops, cafés (which would include for example, Macdonald's), shops, and any other place where children are attracted must be identified and considered in the risk assessment, especially within 400 metres of the proposed gambling premises (also see Section 3.1.7).

C – The Licensing Authority consider all residents' concerns and complaints and are investigated accordingly. Residents will be advised of the current legal legislation if it prohibits the outcome that residents seek, so understand it is not always possible to give the outcome required. The Licensing Authority are mindful of the resident frustrations. This is addressed in the Leader's response to the review of the Gambling Act and letter to the Minister as mentioned above.

D – Comments noted. Refer to response to A and C above.

E – Comments noted. The Licensing Authority ensure applications comply with existing advertising legislation and also comply with the legal consultations. The Licensing Authority will await the outcome of the review of the Gambling Act to see if the changes allows local authorities to extend the consultation requirements. Without these formal changes, the Licensing Authority would be acting beyond their powers to request/conduct additional advertising requirements. We will however look to set up email notifications of persons interested in receiving notifications of gambling licence applications.

G – Comments noted. The Gambling Act 2005 defines the legal definition of Casinos and Adult Gaming Centres gambling activity. Casinos are designed for larger capacity venues and have separate rules that apply. The Licensing Authority are permitted by the Gambling Act to pass a resolution not to allow casinos but are not authorised by the Act to pass a resolution to prohibit slot machines arcades.

Licensing Authority Action 4:

Review changes to the Gambling Act once published. No action required to the Policy.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
5	Resident	<p>A – Strongly agree</p> <p>B - Strongly agree</p> <p>C – Strongly agree</p>	<p>(1) The Merkur Slots situation has clearly shown that public consultation has been minimal. The majority of local residents and businesses were unaware that the site would be used to establish a large, 24- hour gambling site. Whilst local authorities are in a position where they cannot refuse the establishment of a gambling premises, I wonder if there is scope to have: the process delayed, questioned, local people consulted, and their views considered - rather than just saying there is a direction of inevitability about the matter. Individuals seeking planning permission for changes to their properties can face years of delay by local authorities - gambling companies do not.</p> <p>(2) It is also unclear to me as to what grounds a gambling premises licence can be withdrawn. Nightclubs regularly lose their licences in other boroughs where there is evidence of noise, affray and anti-social behaviour caused by nightclub customers.</p>	<p>People do not read local newspapers anymore. So, legally we are collectively sleepwalking into a tick box exercise. People do not tend to read A4 size notices on empty shops. Is there a restriction as to the size of the notice that the council are expected to display on the premises? The Council can engage in and make better use of social media to alert residents. Most local residents found out about the Merkur slots development through the social media sites that they have set up between themselves. Time for the Council to join the 21st century in the promulgation of information. The Council has adopted a passive 'we do things this way and people can look at our website to find out' Most people with jobs and families do not have the time to</p>	Yes	<p>I wonder why the Council can implement a 'no casino' resolution, but cannot take local people's consideration when it comes to a proliferation of slot gambling premises?</p>

				<p>trawl through council notices looking out for the possibility that there will be an adverse development amongst hundreds of yearly notices. Clearly gambling premises are not welcome by local people in Enfield and clearly there is the opportunity for the Council to be less passive in how it communicates such matters.</p>		
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Licensing Authority Response 5:

D - (1) Comments noted. See response to Licensing Authority Response 4 (E).

(2) Section 5.6 of the Policy provides information on the Review process, which could result in revocation of a licence.

E - See Response to D (1) above.

F – As mentioned in the responses above, Section 166(1) of the Gambling Act 2005 states that a licensing authority may resolve not to issue casino premises licences. The policy statement must reflect the 'aim to permit' principle (s.153 of the Act) and should not comment on whether there is demand for gambling premises.

Licensing Authority Action 5:

Review changes to the Gambling Act once published. No action required to the Policy.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
6	Resident	<p>A – Strongly disagree because there are hardly any restrictions prohibiting companies from being granted a licence.</p> <p>B - Strongly disagree</p> <p>C – Strongly disagree</p>	<p>(1) Inform the local residents so they are able to object.</p> <p>(2) Put in place more Cctv in the surrounding area so that locals feel safer.</p>	N/A	Yes	N/A

Licensing Authority Response 6:

A – See response Licensing Authority Response 4 (A).

D - (1) Comments noted. See response to Licensing Authority Response 4 (E).

(2) There is a comprehensive network of public CCTV cameras in the borough. Requests for ad-hoc mobile street cameras (dome hawks) can be considered by the Police/LBE Community Safety Team, and requests are successful if sufficient evidence is submitted.

Licensing Authority Action 6:

No action required to the Policy.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
7	Ward Councillor	N/A	N/A	N/A	N/A	<p>(1) "I cannot understand 4.1.8. The final sentence reads, ""With the exception of Enfield Town, there are no more than two betting shops in the western commercial areas, but significantly more in the eastern commercial areas." This sentence is clearly untrue, and it doesn't seem to relate the earlier part of the paragraph. I hope that item can be clarified.</p> <p>(2) I also have a couple of questions which relate to our policies and the recent application in Green Lanes (Palmer's Green ward). 2.4.2. - says that the council will give careful consideration to premises at a list of locations which include Recreational areas, particularly those catering for young persons. Also 3.1.2. refers to Any premises where children congregate including bus stops, cafés, shops, and any other place where children are attracted; I know that the proximity of a bus stop was considered material but recall no mention of the nearby MacDonald's restaurant which attracts large numbers of young people. Was the MacDonald's also considered?"</p>

Licensing Authority Response 7:

- (1) Agree to amend 4.1.8 (now Section 4.1.7 in the Local Area Profile document) as there is no obvious correlation between the highest levels of mental health with locations of gambling premises in the updated data.
- (2) The policy does set out that businesses must reference premises in their risk assessments for their premises, as per the examples in Section 3.1.2 of the Local Area Profile document. Responsible Authorities need to be satisfied that the risk assessments address the additional risks that introducing a gambling premises in close proximity to such premises may involve. In the premises review that was mentioned, the bus stop and McDonalds were raised and considered.

Licensing Authority Action 7:

Amended 4.1.8 (now 4.1.7) text.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
8	Organisation	N/A	N/A	N/A	N/A	Within the last paragraph of the LA Profile (4.1.11), the following quote is factually incorrect: "The majority of betting shops were victims of Criminal Damage (45%), followed by Violence against the Person (36%)". Clearly, the majority of betting shops (55%) did not suffer criminal damage, so the wording should be changed, possibly along the lines of "the most common crime was criminal damage against the premises (45%)".

Licensing Authority Response 8:

The Police data has now been updated with new statistics therefore the former section 4.1.11 of the Local Area Profile has been removed.

Licensing Authority Action 8:

No action required.

Response No.	Resident or Organisation?	To what extent do you agree to A – C above?	D - Comments on what you would like the Council to be able to do regarding gambling premises?	E – Comments on advertising applications	F – Agree to the “no casino” resolution?	G – Other comments regarding the policy
9	Organisation - Betting and Gaming Council (BGC)	N/A	N/A	N/A	N/A	See below.

Comments, Licensing Authority Responses and Licensing Authority Actions 9:

Comment 1: Paragraph 1.12 is headed “Gambling Prevalence and Problem Gambling.” This section should be removed from the draft statement of principles. The purpose of the statement of principles is to *“set 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”* as stated in paragraph 1.1. It is not to give a commentary on research and certainly not to cherry pick statistics which are given out of context.

The entire section 1.12 should therefore be removed. Its inclusion is pejorative and is inconsistent with both the purpose of the statement of principles and the “aim to permit” principle contained within s153 Gambling Act 2005.

If the section is to remain then the figures given must be given context. Whilst this section repeats the executive summary of the report (Natcen – Gambling Behaviour in Great Britain in 2015) and quotes the DSM-IV and PGSI as measurement instruments, it does not repeat the caveats in the same research that, *“The PGSI has been validated on a Canadian population. It has not been validated in Britain. The DSM-IV criterion was developed as a diagnostic tool and has not been validated for use with the general population.”*

Response 1: Comments noted. The Licensing Authority are mindful of the Gambling Commission’s Guidance to Local Authorities which on the National Strategy to Reduce Gambling Harms and are of the view that this information should still be signposted but acknowledge the statistics can be removed.

Action 1: Statistics in 1.12 removed and alternatively signposted to Natcen and Gamcare websites.

Comment 2: Similarly, paragraph 2.6.7 which refers to research in Manchester and Westminster that “*identified the following groups as more vulnerable*” should give more context. The paragraph lists “vulnerable” groups. People within those groups may be vulnerable where they do engage in gambling but context is all important. Otherwise, a misleading impression is given.

In Geofutures’ publication, “Exploring area-based vulnerability to gambling harm; Who is vulnerable?” the author, Heather Wardle states, “*where both adults and children of Asian backgrounds were far less likely to gamble than their White British counterparts, yet those that did were more likely to experience problems.*” The same research piece stated, “*The evidence relating to household income and gambling harms is mixed, showing that generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This was highlighted as a concern given the (likely) lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011). However, as stakeholders noted, there is some unease about labelling all low income households as vulnerable as income, gambling, debt and money management are likely to interact to shape outcomes.*”

Response 2: Comments noted.

Action 2: Amended paragraph 2.6.7 to reflect the comments made.

Comment 3: Paragraph 6.2.3 (under the heading “Risk Assessments”) gives a list of examples of matters that the council expects operators to take into account when making their risk assessment. This list should be redrafted to exclude matters that are not relevant to an assessment of risk to the licensing objectives. For example, “*Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc*” should be removed as none of these issues have any relevance to an assessment of risk to the licensing objectives.

Similarly, “*gaming trends that may reflect benefit payments*” should be removed unless it is the council’s view that any person in receipt of benefits is either vulnerable or their gambling is likely to be a source of crime and disorder, associated with crime or disorder or being used to support crime.

Response 3: Comments noted. The Licensing Authority are satisfied that the above examples should be included in the risk assessments.

Action 3: No action required.

Comment 4: The Gambling Local Area Profile appended to the draft statement of principles should also be redrafted to remove matters that have no relevance to an assessment of risk to the licensing objectives. Paragraphs 3.1.2 and 3.1.2 both contain lists of bullet points detailing matters that the council expects to be considered in the context of a risk assessment. Once again, these lists contain issues with no relevance at all such as youths participating in ASB, graffiti/tagging, underage drinking etc. The gaming trends that may reflect benefit payments has been expanded in paragraph 3.1.2 to include “pay days”. This should be removed for the reasons given above.

Response 4: Comments noted. The Licensing Authority are satisfied that the above examples should be included in the risk assessments.

Action 4: No action required.

Comment 5: Finally, whilst it is accepted that buildings used for religious purposes may cater for people who may be vulnerable, “matters of faith” are certainly not relevant to an assessment of risk to the licensing objectives and should be removed from the list of bullet points.

Response 5: Comments noted.

Action 5: Places of worship have been removed from the Local Area Profile document.

LONDON LOCAL AUTHORITIES ACT 1991(as amended) STANDARD CONDITIONS

REGULATIONS MADE BY THE LONDON BOROUGH OF ENFIELD UNDER SECTION 10(1) OF THE LONDON LOCAL AUTHORITIES ACT 1991 (as amended) PRESCRIBING STANDARD CONDITIONS FOR ANNUAL SPECIAL TREATMENT LICENCES.

NOTES

- (i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- (ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all relevant statutory requirements.
- (iii) These rules are divided into three Parts as follows:
Part I – General Conditions relating to the management and conduct of the premises;
Part II – General Conditions that apply to all premises;
Appendices
- (iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

Health and Safety at Work

While these standard conditions are applied to a licence for any special treatment, they do not in any way replace or reduce any of the underlying statutory duties of employers to comply with the requirements of the Health and Safety at Work etc Act 1974 and any associated Regulations and Codes of Practice. The requirements to manage health and safety are wide ranging in nature and may overlap, to some extent, with some of the conditions listed below. Employers and self-employed persons are required by the Management of the Health and Safety at Work Regulations 1999 to assess and manage the risks to their workers and any others (i.e. clients), who may be affected by their business so as to identify what measures are needed to avoid or control the risks.

Regulatory Reform (Fire Safety) Order 2005

All licensed premises are required to carry out a fire risk assessment to identify the general fire precautions measures needed to prevent fires and keep people safe, including the provision of means of escape, emergency lighting, fire detection, fire-fighting equipment etc. The risk assessment must be recorded and reviewed regularly. The licence holder shall ensure that means of escape are maintained and kept free from obstruction at all times, and that fire-fighting equipment is suitably maintained. This is enforced by the Fire Authority.

DEFINITIONS

1. In these rules, unless the context otherwise requires :
 - ‘Approval of the Council’ or ‘Consent of the Council’ means the approval or consent of the Council as Licensing Authority in writing.
 - ‘Approved’, ‘accepted’ or ‘permitted’ means approved, accepted or permitted by the Council in writing.
 - ‘Approved arrangements’ means the arrangement of the premises, fittings, installations and all other things in connection therewith as approved by the Council.
 - ‘Council’ means the appropriate licensing authority.
 - ‘Escape lighting’ (safety lighting) means lighting, obtained from a source independent of the general supply for the building, provided to assist the public and staff to leave the premises without the aid of normal lighting.
 - ‘Establishment for Special Treatment’ has the meaning set out in Section 4 of the London Local Authorities Act 1991.
 - ‘Licence’ means a special treatment licence granted under Section 6 of the London Local Authorities Act 1991.
 - ‘Licensee’ means the person or corporate body licensed under Section 6 of the London Local Authorities Act 1991.
 - ‘Non-combustible’ material means material which is deemed to be non-combustible when tested in accordance with the provisions of the current edition of British Standard 476: Part 4, or such other material or combination of materials as the Council accepts as being non-combustible for the purpose of these rules.
 - ‘Officer’ means any person authorised in writing by the Council. (This may include officers of the London Fire and Emergency Planning Authority).
 - ‘Public’ means any person other than a member of staff admitted to the licensed premises.
 - ‘Premises’ means any premises within the Council’s area licensed for special treatment and includes all installations, fittings and things in connection therein.
2. (a) These rules may be dispensed with or modified by the Council in any special case.
- (b) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.

- (c) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council so require the application must be advertised.

PART I – GENERAL CONDITIONS RELATING TO THE MANAGEMENT AND CONDUCT OF THE PREMISES

1. Exhibition of Licence

The licence or a clear copy shall always be prominently displayed, in a position where it can be easily read by clients and staff

2. Person in charge of Licensed Premises and General Responsibilities

- (a) The licence holder shall be in charge of the premises at all reasonable times. The licence holder may authorise in writing a premises manager to deputise for him. If he does so, this written authorisation must be kept on the premises and be readily available for inspection by any Authorised Officer.
- (b) The licence holder shall ensure that at least one person shall be present in the premises at all times, who has an acceptable level of spoken and written English, in order to satisfactorily conduct a full consultation with the client. This includes obtaining and discussing client details such as relevant medical history, possible contraindications and providing suitable and sufficient aftercare advice.
- (c) The licence holder shall ensure that valid public liability insurance with an appropriate level of cover is held in respect of the premises and all special treatments provided. The insurance must cover all practitioners providing the treatments, unless they have his own appropriate insurance to the same minimum level of cover.
- (d) The licence holder shall ensure professional indemnity insurance is in place for all treatments offered at the premises.
- (e) Insurance documents shall be available at the premises for inspection by an Authorised Officer at all reasonable times and shall be submitted to the Council on request.
- (f) The premises shall not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Building Acts 1930-1939, the Building Act 1984 and the Building Regulations Act 1985 or any legislation amending or replacing the same

3. Conduct of the Premises

- (a) The licensee shall maintain good order in the premises at all times.
- (b) The license holder shall ensure that no part of the premises is used for soliciting or indecent behaviour including providing/offering sexual services of any kind.
- (c) Except with the written consent of the Council, the licensee shall not employ at the licensed premises any person who he has been notified in writing that the Council considers unsuitable to be employed in such premises.
- (d) The licence holder shall not seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.
- (e) Special treatments not listed on the licence shall not be advertised or offered
- (f) The licence holder shall not permit for the door of any room or place in the establishment for the time being in use for providing a special treatment to be locked, unless there is a means of unlocking the door from the outside without the use of a key, in the event of an emergency
- (g) The licence holder shall ensure that, with the exception of those persons receiving treatment in accordance with the conditions of the licence, all clients present in any part of the establishment shall be decently and properly attired and separate changing accommodation for males and females shall be provided.
- (h) The licence holder must take action to ensure that there is no modern slavery and/or human trafficking in the premises.
- (i) The licence holder shall ensure a 'Stop The Traffik' poster is on display in a prominent position where both practitioners and any other staff at the premises can see it. Download from <https://www.stopthetraffik.org/resources/spot-signs-posters-leaflets/>.

4. Display of Tariff

A price list of all the treatments offered, including VAT, shall be provided prior to treatment, in a prominent position in reception where it is clearly visible to the public at all times. Where the charge for treatments is on 'an hourly basis', for example tattooing, then this list shall show the hourly rate to be charged including VAT.

5. Alterations

No alterations, including any temporary alterations, shall be made to the premises without the prior consent of the Council. This condition shall not require to be given in respect of routine maintenance work

PART II GENERAL CONDITIONS THAT APPLY TO ALL PREMISES

1. Persons who can give treatment

- (a) Licensable treatments shall only be provided by a practitioner named on the licence to provide those treatments listed, except in circumstances detailed in condition 1 (b).
- (b) Licensable treatments may be provided by guest practitioners that are named on a Temporary Authorisation, which forms part of the licence. The maximum duration permitted on a Temporary Authorisation is 14 consecutive days per guest practitioner. A maximum of 4 Temporary Authorisations are permitted per licence per year.
- (c) The temporary authorisation must be displayed alongside the Special Treatment Licence for the duration of the authorised period
- (d) All treatments provided by guest practitioners must be under the personal supervision of a person named on the licence for the treatment that they are supervising.
- (e) All consultation forms relating to clients that intend to receive treatment from a guest artist must be checked and countersigned by the person named on the licence that will be supervising the treatment.
- (f) Apprentice/trainee practitioners shall not carry out special treatments without the written consent of the Council. Apprentice/trainee practitioners shall only carry out these special treatments under the direct supervision of a suitably experienced special treatment practitioner who are approved by the Council and named on the licence
- (g) All staff engaged in receiving patrons or in giving treatment or in managing the premises shall wear a name badge in a manner approved by the Council.

2. Qualifications

- (j) All practitioners must be suitably qualified for each treatment that they wish to provide.
- (k) All qualifications must be Ofqual regulated, where a regulated qualification is available for the treatment to be provided. A list of all regulated qualifications can be found on the Ofqual register <https://register.ofqual.gov.uk/>
- (l) Where an Ofqual regulated qualification is not available for the treatment to be provided, the Licence holder must demonstrate that the therapist has received a suitable level of training, to the satisfaction of the council. The therapist may undergo a competency interview with an authorised Council Officer or be required to complete additional training to the satisfaction of the Council

- (m) Qualifications obtained outside of the UK will not be accepted unless accompanied by a certificate of Comparability which is available through UK NARIC. The qualification must be at the equivalent level of the accepted Ofqual regulated qualification accepted by the council.
- (n) Any practitioner may be required to successfully complete an infection control course, to be specified by the Council. Failure to successfully complete this course may lead to the practitioner being removed from the licence
- (o) Any practitioner may be required to re-take an infection control course, to be specified by the Council, periodically, at a time interval to be set by the Council, to ensure knowledge is refreshed.
- (p) Copies of relevant qualifications for all staff named on the licence shall be kept on the premises. These must be available to both Clients and Authorised Officers on request

3. Age Restrictions

- (a) No treatment shall be provided to persons under the age of sixteen without written consent from a parent or guardian.
- (b) Where legal or age restrictions are in place as part of the Standard Conditions for certain treatments, the business must have an age verification policy in place at the premises
- (c) The age verification policy operated at the premises shall be 'Challenge 25'. This means that whilst an age-restricted service may be made available to persons aged over the minimum age limit, any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID. The only forms of ID that may be accepted shall be:
 - i) Proof of age card bearing the PASS hologram logo;
 - ii) Passport;
 - iii) UK photo driving licence
- (d) Notices advertising that the premises operate a 'Challenge 25' scheme shall be displayed in a clear and prominent position, so that clients are made aware that they may be challenged about their age if they look under 25.
- (e) Where an age challenge is made, it must be recorded, and the form of ID provided must be noted on the client record card or in a book, or other form of record. Where the record is kept other than on a client record card, the date, time and circumstances of any challenge made in accordance with the 'Challenge 25' scheme shall be recorded. These records shall be kept on the premises at all times they are open and shall be made available for inspection immediately upon demand by any Authorised Officer

4. Client Records

- (a) The client records shall include the name of the person receiving treatment, including walk-ins/one offs, the time of admittance for treatment and the real name of the practitioner providing that treatment. In the case of persons being treated by an apprentice/trainee, the entry shall include both - the name of the person giving treatment and that of the person supervising.
- (b) In the case of treatments to persons under 16, in addition to the Challenge 25 requirements above, the records shall include a signed consent form from a parent or guardian, prior to giving treatment.
- (c) All client records must be kept for a minimum of 3 years

5. Client Consultation

- (a) A full client consultation must be carried out at the time of the initial visit and prior to any treatment.
- (b) The consultation must include a thorough medical history in relation to the treatment being requested and a full explanation of any possible contra-indications and risks
- (c) Where any medical conditions exist, the client must confirm to the practitioner that they have taken advice from their GP regarding the treatment before any treatment can be commenced

6. Use of Topical Anaesthetics

- (a) Topical anaesthetics shall not be obtained and applied by the practitioner. Such products may be obtained and applied by the client and the client shall be advised to read the full instructions and contra-indications prior to use

7. Hygiene and infection control

- (a) Internal walls, doors, windows, partitions, floors or floor coverings and work surfaces in all parts of the premises used by the client and practitioner shall be constructed of smooth impervious materials which are easy to clean and must be maintained in good repair and condition.
- (b) There must be suitable and sufficient means of natural or mechanical ventilation in each treatment room, and wherever practicable this should be direct to the external air.
- (c) A wash hand basin must be easily and permanently accessible to practitioners to permit washing of hands immediately prior to and during any treatment

- (d) Wash hand basins must be located to reduce the likelihood of re-contamination of hands after washing i.e. the practitioner must not make hand contact with any potentially contaminated surfaces, such as door handles after hand washing.
- (e) A sink must be provided for the cleaning of equipment. It must be of a size that the largest piece of equipment that needs cleaning could fit within it and be capable of being washed effectively, underneath the water level where necessary for infection control. This sink must be separate to any wash hand basin(s). Equipment must not be washed in the wash hand basins.
- (f) Proper means to the satisfaction of the Council shall be provided for securing the cleanliness of all instruments, towels, materials and equipment used in the establishment and for their safe disposal
- (g) A sufficient number of suitable receptacles with properly fitting covers shall be provided to the satisfaction of the Council for the purpose of receiving rubbish, dust and refuse from the premises.

6. Trade/Clinical Waste

Evidence of trade waste and clinical waste contracts and records/invoices to demonstrate the correct disposal of all types of waste shall be available on the premises for inspection at all reasonable times by an Authorised Officer and shall be submitted to the Council on request.

**Special Treatments
Under Age Consent Form**

If you are under the age of 16 you will be required to obtain the consent of your parent or guardian before we can carry out the treatment.

NB. If there is doubt we will telephone the number provided to obtain verbal consent.

If you suffer from any of the following we will not consider you suitable for treatment : Haemophilia; Metal Allergies including gold or silver; Diabetes; Thyroid disorder; Keloids; Hepatitis; or Birthmarks involving the ears i.e. port wine stains (for ear piercing).

Clients suffering from the following require doctor's permission : eczema; acne; dermatitis; or psoriasis.

Client Consent

You have requested us to carry out the treatment. Whilst every precaution will be taken to ensure the treatment is satisfactory we cannot be responsible for your aftercare where necessary.

I the undersigned have requested that you carry out the following treatment

Name of person under 16 _____

The above named minor is in good health and is not suffering from any condition that would be detrimental to my receiving the treatment. I therefore accept all responsibility.

Name of Parent/Guardian _____

Signature of Parent/Guardian _____

Address _____

Tel. No. _____ Date _____

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

Non Surgical Lasers/IPL

1. Age Restrictions

No child under the age of 16 shall be permitted to have laser/IPL/Light treatment without a parent or a guardian being present and written consent from their GP. In addition, the parent/guardian must sign a consent form for the child to have the treatment.

2. Laser/ IPL treatment operation and protocol document

- a) The licence holder must ensure that a 'treatment protocol' document is produced and signed by an Expert Registered Healthcare Professional (ERHP) in relation to the equipment being used. The treatment protocol must be traceable, should be signed and dated by the ERHP to confirm authorisation and validity, and should be reviewed either when there is a change of treatments or if evidence comes to light that shows a change is in the clients' interests. A separate treatment protocol should be in place for each laser or IPL treatment. The treatment protocol must address that listed in *Appendix A*.
- b) The licence holder must produce suitable laser/IPL safety instructions (Local Rules), under the advice and approval of a certified Laser Protection Advisor (LPA), for the use Laser and IPL devices.
- c) The local rules document must be read and understood by all staff that may be exposed to the risks from the equipment. Evidence of understanding must be documented.
- d) The local rules must be up to date and reflect current equipment, facilities and working practices. *An example of suitable content is given in Appendix B*
- e) The local rules shall be updated if there are any changes made to the equipment in use, changes in procedure or treatment room if these affect the safe use of the laser/IPL.
- f) The licence holder shall provide evidence to show that the LPA has carried out an initial site visit and produced a laser/IPL risk assessment of the establishment. The risk assessment must be signed, dated and include a date for next review/assessment. The employer accepts the laser/IPL risk assessment and incorporates this into the service's overall risk assessment framework. Risk assessments must be reviewed at appropriate intervals or where any changes are made that may affect the risk management.

g) A treatment register shall be completed every time the laser/IPLS is operated, including the following information:

- the name of the person treated (including a second means of identification);
- the date and time of treatment;
- the name and signature of the laser/IPLS operator;
- the nature of the laser/IPLS treatment given;
- the treatment parameters;
- any accidents or adverse effects.

3. Training

(a) All Authorised Users must hold an Ofqual regulated qualification. For hair removal/reduction this must be at Level 4 and for Tattoo removal at Level 5.

(b) All laser/IPL treatment operators must attend a laser/IPL Core of Knowledge safety training course of a minimum of three hours duration as described in the joint BMLA/IPEM/SRP approved Core of Knowledge syllabus

(c) Core of Knowledge training must be repeated periodically at least every 5 years. Evidence of training attendance certificates, including who provided the training and its contents, must be held within the establishment and available for inspection by an authorised officer at all reasonable times

(d) All operators of lasers and IPLs must use them only for treatments for which they have been trained and are competent. Evidence of training records must be held within the establishment for confirmation.

g) A suitably qualified member of staff on the premises shall be identified as the laser protection supervisor they will have day to day to responsibility of ensuring the local rules are followed.

Laser/IPL Controlled Area

i) The area around working lasers/IPLS shall be controlled to protect other persons while treatment is in progress. The controlled area shall be clearly defined and not used for other purposes.

A suitable safety warning sign or light entry system which complies with current British Standards shall be in place on the door of the controlled area.

j) All lasers/IPLS shall comply with current standards (BS EN 60601-2-22 for medical lasers and BS 60601-2-57 and shall display labels identifying them, their wavelength or range of wavelengths and the maximum output power of the radiation emitted. The labels shall be clearly visible on the front or side of the machine.

- k) The door to the controlled area shall be fitted with a suitable device which can be operated from the outside in an emergency
- l) Any windows in the controlled area shall be fitted with opaque blinds approved by the LPA .
- m) The controlled areas shall be kept clear of clutter, mirrors shall be avoided and jewellery shall not be worn.
- n) Surfaces within the controlled area shall be of a matt or eggshell finish.
- o) Protective eyewear shall be worn by everyone within the controlled area whenever there is a risk of exposure to laser/IPL. All protective eyewear shall be marked with the wavelength range and protection offered as detailed in the local rules document. They shall be in a clean serviceable condition.
- p) The laser protection supervisor shall ensure that the key to any laser/IPLS equipment is kept in a secure and separate area when not in use and that only authorised users have access to the key.
- q) Lasers/IPLS shall be serviced in accordance with manufacturer's instructions and a record kept of servicing and repairs with the local rules document.
- r) Laser/IPL must be operated and managed with reference to current version of the "Essential Standards Regarding Class 3B and Class 4 Lasers and Intense Light Sources in Nonsurgical Applications" (British Medical Laser Association)

APPENDIX A

Laser /IPLS Treatment Protocol Document

The treatment protocol must include the following:

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

Appendix B

CONTENT OF LASER/IPLS LOCAL RULES DOCUMENT

1) Potential Hazards

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

2) Device Description

Description of all devices including output, serial numbers etc.

3) Treatment Protocol

Reference to separate document produced by the Expert Registered Healthcare Professional (ERHP).

4) Written Procedures

Supported by reference to user manual/training manual etc

5) Adverse Incident Procedure

- a) Details of actions that shall be taken in cases of emergency e.g eye exposure
- b) Name, address and tel no of local accident and emergency department.
- c) Any incidents must also be reported to Croydon Council, list of their contact details,

6) Emergency Shutdown Procedure

Instructions as set down in manufacturers manual or treatment protocol.

7) Register of Authorised Users

Details of trained personnel with signed declarations of individuals.

8) Laser Protection Advisor

Contact details of the LPA

9) Laser Protection Supervisor

- a) One Authorised User shall be nominated Laser Protection Supervisor to ensure that the register is maintained and the local rules are adhered to
- b) Name of the laser protection supervisor

10) Record of laser use

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

The name and date of birth of the person treated

- date of treatment
- the operator
- the treatment given
- any accident or adverse effects.

11) Laser/IPL Operator Training

- a) All laser/IPL 'authorised users' shall hold the Core of Knowledge Training Certificate together with specific training on the use of on site equipment provided by the supplier of the Laser/IPLS.
- b) Details of all training shall be recorded in the Register of Authorised Users or a separate Training Register.

12) Controlled Area designation and access

- a) The room in which the laser/IPLS is used shall be designated a 'Controlled Area' and the laser shall only be used in this area. Approved warning signs shall be fitted to the door i.e. 'Controlled Area', 'Eye Protection' etc
- b) A notice should be fixed to the laser/IPLS indicating that its use is subject to the Local rules.

13) Register of Authorised Users

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

14) Safe Operation of device

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

- e) Whenever the device is unattended by an Authorised User, the laser shall be switched off and the key withdrawn and placed in safe custody by the Authorised User.

15) Operator responsibility

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

16) Protective eyewear

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

17) Application of local rules

- a) The laser shall only be used in accordance with these local rules.
- b) Authorised Persons shall sign statements that they have read and understood these local rules.
- c) The local rules shall be kept in the treatment room/s at all times.

TATTOOING AND MICRO PIGMENTATION

DEFINITIONS

Tattooing

Is the process of permanently marking the skin by inserting ink into the lower layers of the skin with a needle. Micro-pigmentation or semi- permanent make up and microblading are a form of tattooing and therefore are covered by these conditions.

1. AGE RESTRICTIONS

The Tattooing of Minors Act 1969 prohibits the tattooing of anyone in Great Britain under the age of 18 years.

2. TATTOO ARTISTS

- (a) Tattoo artists must have undergone an apprenticeship (at least 2 years) with an experienced tattooist. Until such time as an externally verified tattooing qualification is offered, all tattooists will be required to demonstrate knowledge of infection control to the satisfaction of the Authorised Officer.
- (b) Only persons listed on premises licence are permitted to carry out tattooing or micro pigmentation.

3. VISUAL ASSESSMENT

- (a) An assessment of the condition of the area to be tattooed must be carried out prior to commencing treatment. Where necessary notes/diagrams should be made regarding conditions, areas not to be treated.
- (b) Tattooing must not be carried out on or within 10cms of an infected area of skin, a rash, cut or other wound.

4. PERSONAL HYGIENE

- (a) Persons carrying out treatments must ensure that:-
 - their hands are kept clean and washed immediately prior to carrying out a treatment,
 - they maintain a high degree of personal cleanliness and wear suitable, clean and appropriate protective clothing,
 - they do not smoke or consume food or drink during the course of a treatment.
- (b) Persons shall not administer treatments whilst afflicted by either a known or suspected ailment or being a carrier of a disease likely to be transmitted during treatment.
- (c) Persons carrying out treatments shall ensure that any open sores, cuts, boils, broken skin or other open wounds are effectively covered with waterproof impermeable dressings. If such cuts are on the hands gloves shall be worn over

the waterproof dressings.

5. PROTECTIVE CLOTHING

- (a) All staff must wear clean clothing when tattooing. If clothing becomes soiled it must be changed prior to next client.
- (b) Tattooists must wear disposable single use vinyl or non-latex gloves whilst carrying out the treatment. The integrity of the gloves must be checked throughout the treatment. New gloves must be used for each client and/or if there is a break in the treatment and non-sterile equipment is touched.

6. EQUIPMENT

- (a) Needles, pigment caps, stencils, razors and wooden spatulas are single use only and shall be disposed of as hazardous waste after use

7. CLEANING AND STERILISATION

- (a) All needles/razors and pigment caps must be single use and disposable.
- (b) Any surfaces used during treatments must be disinfected prior to use.
- (c) Any treatment chair/ couches must be disinfected after each client.
- (d) Tattoo motors and clip cords shall be covered with clear plastic during a tattoo and changed between clients
- (e) Elastic bands used on the motors shall be changed between clients
- (f) Any equipment that has been contaminated with blood however small must be cleaned and sterilized or safely disposed of.
- (g) Procedures for the satisfactory decontamination, disinfection and sterilisation of equipment shall be provided at the premises where necessary.
- (h) Glass bead sterilisers; UV light boxes; hot air ovens and water boilers **must not** be used for sterilisation purposes.
- (i) A suitable autoclave for the types of items being sterilised must be used for sterilisation of reusable equipment. This must be strictly in accordance with manufacturers instruction and with the current version of Medical Devices Agency MDA DB2002 (6) MDA DB9804. Regular checks and maintenance must be carried out in accordance with the current Health Technical Memorandum (HTM).
- (j) A written scheme of examination and any test results shall be available for inspection by an Authorised Officer at all reasonable times.
- (a) Where chemicals are used to achieve sterilisation the licensee is responsible for having documented evidence that the chemical used is fit for purpose and is used accordance with the manufacturer's instructions.
- (b) Equipment and furniture must be cleaned, disinfected and/or sterilised to an appropriate level depending upon their use. For clarification definitions of cleaning,

disinfection and sterilisation are provided below:-

Cleaning- Cleaning is a process that removes foreign material (e.g. soil, organic material, micro-organisms) from an object. Detergents such as washing up liquid and multi-purpose cleaners are commonly used for cleaning.

Disinfection- Disinfection is a process that reduces the number of pathogenic microorganisms, but not necessarily bacterial spores, from inanimate objects or skin, to a level which is not harmful to health. Commonly used disinfectants include chlorine bleach and products labelled as anti-bacterial.

Sterilisation- Sterilisation is a process that destroys all microorganisms including bacterial spores. The only way body art practitioners can achieve this is via steam sterilisation i.e. use of an autoclave. Pressure cookers are not suitable for body art instrument sterilisation as they cannot automatically monitor the sterilisation process to ensure that all parameters are met. Baby bottle steam sterilisers do not reach sufficient temperatures and therefore are not suitable for body art instrument sterilization. Bench-top sterilisers or transportable sterilisers must conform to the standard BS EN 13060.

8. BLOOD/ BODILY FLUID SPILLAGE

- (a) There must be a written procedure for dealing with blood spillages.
- (b) All staff must be made aware of the procedure. The procedure must be available onsite at all times for audit by an authorised Officer.
- (c) A body fluid spillage kit must be available for cleaning up blood or other bodily fluids.

9. SHARPS INJURY

- (a) There must be a written procedure for dealing with needle/ sharps injuries.
- (b) All staff must be made aware of the procedure. The procedure must be available onsite at all times for audit by an Authorised Officer.

10. AFTERCARE

- (a) Appropriate aftercare advice must be provided following each treatment. This must include information on actions to take if any adverse conditions occur. Where possible this should be given orally and in written form for the client to take away.

11. CIEH TOOLKIT

- (a) The Chartered Institute of Environmental Health in conjunction with Public Health England and the Tattoo and Piercing Industry Union have issued a Toolkit detailing safe practice with regard to hygienically undertaking tattoos and skin piercing. Practitioners must adhere to the requirements and recommendation contained within this document. The document can be accessed via the CIEH webpage at http://www.cieh.org/policy/Tattooing_and_body_piercing_guidance_toolkit.html

NOTES

Hepatitis B Vaccinations

There are no vaccines for Hepatitis C or HIV therefore robust infection control practices must be in place at all times. However, it is also strongly recommended that all tattooists receive a full course of Hepatitis B vaccine.

COSMETIC PIERCING (inc. EAR/NOSE PIERCING WITHOUT GUN) DEFINITIONS

Body Piercing

Body piercing is when a hole is made in the skin and a piece of 'jewellery' is placed within the hole.

Beading

Steel beads or similar objects are inserted under the skin to mould or shape the skin.

Microdermal Anchors (single point piercing)

Single point piercings carried out with ordinary piercing needle that places a post under the skin which a variety of accessories can be screwed into.

1. AGE

- (a) Clients must be over the age of 18 for all types of body piercing other than ear, nose, Lip (labaret), eyebrow or navel.
- (b) Anyone under the age of 16 who wants ear, nose, lip, eyebrow or navel piercing must be accompanied by a parent or guardian who must sign the appropriate consent forms. The consent form must include full name, address, contact number and relationship to person receiving piercing.

2. PIERCERS

- (a) Only suitably qualified persons shall carry out piercing. Until such time as an externally verified body piercing qualification is offered, all piercers will be required to demonstrate that they have completed an apprenticeship in body piercing and demonstrate knowledge of infection control to the satisfaction of the Authorised Officer.
- (b) Only persons listed on premises licence are permitted to carry out piercings.

3. VISUAL ASSESSMENT

- (a) An assessment of the condition of the area to be pierced must be carried out prior to commencing treatment. Where necessary notes/diagrams should be made regarding conditions, areas not to be treated.
- (b) Piercing must not be carried out on or within 10cms of an infected area of skin, a rash, cut or other wound.

4. PERSONAL HYGIENE

- (a) Persons carrying out treatments must ensure that:-
 - their hands are kept clean and washed immediately prior to carrying out a treatment,
 - they maintain a high degree of personal cleanliness and wear suitable, clean and appropriate protective clothing,
 - they do not smoke or consume food or drink during the course of a treatment.

- (b) Persons shall not administer treatments whilst afflicted by either a known or suspected ailment or being a carrier of a disease likely to be transmitted during treatment.
- (c) Persons carrying out treatments shall ensure that any open sores, cuts, boils, broken skin or other open wounds are effectively covered with waterproof impermeable dressings. If such cuts are on the hands gloves shall be worn over the waterproof dressings.
- (d)

5. PROTECTIVE CLOTHING

- (a) All staff must wear clean clothing when piercing. If clothing becomes soiled it must be changed prior to next client.
- (b) Piercers must wear disposable single use vinyl or non-latex gloves whilst carrying out the treatment. The integrity of the gloves must be checked throughout the treatment. New gloves must be used for each client and/or if there is a break in the treatment and non-sterile equipment is touched.

6. CLEANING AND STERILISATION

- (a) All surfaces that come into contact with staff equipment or clients must be disinfected daily.
- (b) All needles must be single use and disposable.
- (c) Any surfaces used during treatments must be disinfected prior to use.
- (d) Any treatment chair/ couches must be disinfected after each client.
- (e) Any equipment that has been contaminated with blood however small must be cleaned and sterilized or safely disposed of.
- (f) Procedures for the satisfactory decontamination, disinfection and sterilisation of equipment shall be provided at the premises.
- (g) A suitable autoclave for the types of items being sterilised must be used for sterilisation of reusable equipment. This must be strictly in accordance with manufacturers instruction and with the current version of Medical Devices Agency MDA DB2002 (6) MDA DB9804. Regular checks and maintenance must be carried out in accordance with the current Health Technical Memorandum (HTM).
- (h) A written scheme of examination and any test results shall be available for inspection by an Authorised Officer at all reasonable times.
- (i) Glass bead sterilisers; UV light boxes; hot air ovens and water boilers must not be used for sterilisation purposes.
- (j) Where chemicals are used to achieve sterilisation the licensee is responsible for having documented evidence that the chemical used is fit for purpose and is used accordance with the manufacturer's instructions.

- (k) Equipment and furniture must be cleaned, disinfected and/or sterilised to an appropriate level depending upon their use. For clarification definitions of cleaning, disinfection and sterilisation are provided below:-

Cleaning- Cleaning is a process that removes foreign material (e.g. soil, organic material, micro-organisms) from an object. Detergents such as washing up liquid and multi-purpose cleaners are commonly used for cleaning.

Disinfection- Disinfection is a process that reduces the number of pathogenic microorganisms, but not necessarily bacterial spores, from inanimate objects or skin, to a level which is not harmful to health. Commonly used disinfectants include chlorine bleach and products labelled as anti-bacterial.

Sterilisation- Sterilisation is a process that destroys all microorganisms including bacterial spores. The only way body art practitioners can achieve this is via steam sterilisation i.e. use of an autoclave. Pressure cookers are not suitable for body art instrument sterilisation as they cannot automatically monitor the sterilisation process to ensure that all parameters are met. Baby bottle steam sterilisers do not reach sufficient temperatures and therefore are not suitable for body art instrument sterilization. Bench-top sterilisers or transportable sterilisers must conform to the standard BS EN 13060.

7. BLOOD/BODILY FLUID SPILLAGE

- (a) There must be a written procedure for dealing with blood spillages.
- (b) All staff must be made aware of the procedure. The procedure must be available onsite at all times for audit by an authorised Officer.
- (c) A body fluid spillage kit must be available for cleaning up blood or other bodily fluids.

8. SHARPS INJURY

- (a) There must be a written procedure for dealing with needle/ sharps injuries.
- (b) All staff must be made aware of the procedure. The procedure must be available onsite at all times for audit by Authorised Officer.

9. AFTERCARE

- (a) Appropriate aftercare advice must be provided following each treatment. This must include information on actions to take if any adverse conditions occur. Where possible this should be given orally and in written form for the client to take away.

10. JEWELLERY

- (a) All jewellery which may come into contact with broken skin or mucosa membranes must be sterile.
- (b) All jewellery must be of a suitable grade e.g. surgical stainless steel, solid 14K or 18K gold, niobium, titanium, platinum, or dense low porosity plastic. This is to minimise the risk of allergic reaction, harbouring of bacteria or adhesion to newly formed skin. Grade 316 stainless steel does not comply with the Dangerous Substances and Preparations (Nickel) (Safety) Regulations 2000) and is not to be used.
- (c) All jewellery must be in a sterilised condition prior to being inserted into the client's skin/body.

(d) CIEH TOOLKIT

- (e) The Chartered Institute of Environmental Health in conjunction with Public Health England and the Tattoo and Piercing Industry Union have issued a Toolkit detailing safe practice with regard to hygienically undertaking tattoos and skin piercing. Practitioners must adhere to the requirements and recommendation contained within this document. The document can be accessed via the CIEH webpage at http://www.cieh.org/policy/Tattooing_and_body_piercing_guidance_toolkit.html

NOTES

Hepatitis B Vaccinations

There are no vaccines for Hepatitis C or HIV. Therefore, robust infection control practices must be in place at all times. However, it is also strongly recommended that all body piercers receive a full course of Hepatitis B vaccine.

EAR/NOSE PIERCING (WITH GUN) DEFINITIONS

Ear piercing

For the purposes of these conditions ear piercing refers to lower ear lobe piercing, upper ear cartilage piercing.

Nose piercing

Refers to the piercing of the nasal cavity walls only.

Nose piercing gun

Refers to a device, whether single use or reusable, specifically designed for the purpose and is capable of piercing the nasal cavity wall with the nose stud without the need for a clasp/butterfly clip. Ear piercing guns must not be used.

Ear piercing gun

Refers to a device, whether single use or reusable, designed specifically for piercing ears.

1. AGE

- (a) Clients must be over the age of 16 for ear or nose piercings.
- (b) Anyone under the age of 16 who wants ear or nose piercing must be accompanied by a parent or guardian who must sign the appropriate consent forms. The consent form must include full name, address, contact number and relationship to person receiving piercing.

2. PIERCERS

- (a) Only suitably qualified persons shall carry out piercing. Until such time as an externally verified body piercing qualification is offered, all piercers will be required to have completed manufacturer training for the system being used and demonstrate knowledge of infection control to the satisfaction of the Authorised Officer.
- (b) Only persons listed on premises licence are permitted to carry out piercings.

3. VISUAL ASSESSMENT

- (a) An assessment of the condition of the area to be pierced must be carried out prior to commencing treatment. Where necessary notes/diagrams should be made regarding conditions, areas not to be treated.

- (b) Piercing must not be carried out on or within 10cms of an infected area of skin, a rash, cut or other wound.

4. PERSONAL HYGIENE

- (a) Persons carrying out treatments must ensure that:-
- their hands are kept clean and washed immediately prior to carrying out a treatment,
 - they maintain a high degree of personal cleanliness and wear suitable, clean and appropriate protective clothing,
 - they do not smoke or consume food or drink during the course of a treatment.
- (b) Persons shall not administer treatments whilst afflicted by either a known or suspected ailment or being a carrier of a disease likely to be transmitted during treatment.
- (c) Persons carrying out treatments shall ensure that any open sores, cuts, boils, broken skin or other open wounds are effectively covered with waterproof impermeable dressings. If such cuts are on the hands gloves shall be worn over the waterproof dressings.

5. PROTECTIVE CLOTHING

- (a) All staff must wear clean clothing when piercing. If clothing becomes soiled it must be changed prior to next client.
- (b) Piercers must wear disposable single use vinyl or non-latex gloves whilst carrying out the treatment. The integrity of the gloves must be checked throughout the treatment. New gloves must be used for each client and/or if there is a break in the treatment and non-sterile equipment is touched.

6. Infection control

- (a) All piercers must wear disposable gloves and they should be disposed of after each client.
- (b) All work surfaces must be cleaned and disinfected after each client.
- (c) The client's skin must be cleaned prior to piercing using a solution containing alcohol or wipes.
- (d) Only pre-sterilised single use studs from undamaged packaging may be used.
- (e) Studs must be opened immediately prior to use in front of the client.
- (f) All reusable equipment used (e.g. the gun) must be suitably and effectively sanitised before and after each use.

7. SHARPS INJURY

- (a) There must be a written procedure for dealing with needle/ sharps injuries.
- (b) All staff must be made aware of the procedure. The procedure must be available onsite at all times for audit by Authorised Officer.

8. AFTERCARE

- (a) Appropriate aftercare advice must be provided following each treatment. This must include information on actions to take if any adverse conditions occur. Where possible this should be given orally and in written form for the client to take away.

9. JEWELLERY

- (a) All jewellery which may come into contact with broken skin or mucosa membranes must be sterile.
- (b) All jewellery must be of a suitable grade e.g. surgical stainless steel, solid 14K or 18K gold, niobium, titanium, platinum, or dense low porosity plastic. This is to minimise the risk of allergic reaction, harbouring of bacteria or adhesion to newly formed skin. Grade 316 stainless steel does not comply with the Dangerous Substances and Preparations (Nickel) (Safety) Regulations 2000) and is not to be used.

(c) CIEH TOOLKIT

- (d) The Chartered Institute of Environmental Health in conjunction with Public Health England and the Tattoo and Piercing Industry Union have issued a Toolkit detailing safe practice with regard to hygienically undertaking tattoos and skin piercing. Practitioners must adhere to the requirements and recommendation contained within this document. The document can be accessed via the CIEH webpage at http://www.cieh.org/policy/Tattooing_and_body_piercing_guidance_toolkit.html

NOTES

Hepatitis B Vaccinations

There are no vaccines for Hepatitis C or HIV. Therefore, robust infection control practices must be in place at all times. However, it is also strongly recommended that all body piercers receive a full course of Hepatitis B vaccine.

TANNING/ UV LIGHT TREATMENTS

DEFINITIONS

Ultra Violet Light

Defined as 3 different wavelengths of ultraviolet radiation. UVA, UVB and UVC. UVC waves should not be present in sun tanning equipment.

Sun Tanning Equipment

The use of ultraviolet light emitted from tubes to reproduce the effect of ultraviolet radiation from the sun on the skin to tan the skin. Includes sun beds and upright tanning booths, face and leg tanning equipment.

Tanning accelerants or amplifiers

Defined as any cream, lotion or other substance that increases or purports to increase the amount of UV light absorbed by the production of melanin within the skin.

Remote Facilities

All facilities shall be considered to be remotely operated where the therapist is out of audible range of the treatment room and the client would be unable to summon help.

1. AGE RESTRICTIONS

- (a) Anyone under the age of 18 is prohibited from using tanning equipment and from being allowed to be present in a restricted zone (in accordance with the Sunbed (Regulation) Act 2010).

2. RECORD KEEPING

- (a) Clients whose skin is prone to UV damage, such as Skin Type 1 (Fitzpatrick classification of skin types) shall not be permitted to use tanning equipment.
- (b) The client record must be signed by the client as a declaration of agreement to proceeding with the treatment having been explained and understanding any associated risks, and contra-indications associated with ultra violet radiation, particularly with regard to drugs and medical conditions.
- (c) A suitable gap must be provided between sessions, at least 48 hours for the first two sessions, and a minimum of 24 hours thereafter. It is advised that 48 hours is given between all subsequent sessions.
- (d) Client consultation cards detailing all sunbed sessions, including the duration of sessions, must be kept at the premises at all times for a period of 3 years and shall be available for inspection by an Authorised Officer at all reasonable times.
- (e) The licence holder shall ensure that clients do not to exceed 60 sessions per annum (in line with EU guidance).

- (f) Records of all maintenance visits and servicing and copies of the engineer's report shall be kept at the premises and be available for inspection by an Authorised Officer at all reasonable times.
- (g) Records of the tubes fitted and compliance to 0.3W/m² for each sunbed shall be kept on the premises and be available for inspection by an Authorised Officer at all reasonable times.

3. INFECTION CONTROL

- (a) The surface of the sunbed must be disinfected after each use in accordance with manufacturers' instructions and with cleaning materials specified by the manufacturer.
- (b) Single use disposable goggles must be provided or, alternatively, the goggles must be appropriately disinfected in between the clients use in accordance with manufacturers' instructions.

4. OPERATIONAL PROCEDURES

- (a) The licence holder must ensure compliance with guidance on the current Sunbeds Regulations, HSE guidance and must follow the manufacturers' instructions.
- (b) Suitable tanning advice must be given to all clients relative to their skin type. The length of time that a client uses the tanning equipment shall be controlled by the management and based on an assessment by a trained practitioner to include factors such as the client's type of skin and power output of the UV tanning equipment.
- (c) Adequate means of ventilation must be provided to all treatment rooms and cubicles.
- (d) All fans must be adequately guarded.
- (e) Private shower, sink facilities or suitable wet wipes must be available to allow the client to remove any skin creams and make-up. The operator must advise the client on the importance of removing creams and make up.
- (f) An automatic timer must be fitted to the equipment, so that the user is unable to increase the time spent using the UV tanning equipment. Standard Conditions for Special Treatment Premises 24
- (g) An emergency device must be fitted within easy reach of a person using the equipment. This device must switch off all UV equipment.
- (h) There must be a non-verbal alarm system in the vicinity linked to a manned reception area for summoning help when users are left unattended and might not be heard. The alarm should continue to sound until it is manually switched to the 'off' position in order to silence it. The user must be made aware of the alert mechanism and how to use it. Operation verification test records shall be available at the premises for inspection at all reasonable times.
- (i) Suitable goggles or equivalent, which meet relevant British and European standards for the protection of the eyes of users of the equipment must be

provided free of charge and clients must be instructed in their use

- (j) The Health and Safety Executive 'UV Tanning Equipment' notice providing clear and accurate information on the health risks from exposure to Ultra Violet light must be clearly displayed near each sunbed.

5. TUBES AND TUBE REPLACEMENT

- (a) The maximum permissible output for all UV tubes must not exceed 0.3w/m².
- (b) Tubes must be replaced at intervals recommended by the manufacturer, together with the Ultra Violet transmitting plastic sheet if fitted.
- (c) Replacement tubes shall be compatible with those supplied by the manufacturer.
- (d) All tubes in a bed or cabinet must be replaced at the same time.
- (e) Tanning times must be suitably adjusted when new tubes have been installed.

6. TANNING ACCELERATORS

- (a) Licence holder must hold product information for any tanning accelerators they sell. Tanning accelerators must comply with the Cosmetic Products (Safety) Regulations 1996
- (b) The sale/supply of tanning injections is prohibited.

7. TANNING OPERATORS

At least one person must be available onsite at all times who, as a minimum, has specific training on the type of tanning equipment used at the premises or is a member of the Sun Bed Association and has receipt of their training package or training. This person(s) must carry out the initial client consultation, complete records and supervise all tanning transactions to ensure that these terms and conditions are adhered to.

8. AFTERCARE ADVICE

Appropriate aftercare advice must be provided following each treatment. This must include information on actions to take if any adverse conditions occur. Where possible this should be given orally and in written form for the client to take away.

Nail Treatments

Definition

Nail Treatments are defined as any of the following: Manicure, Pedicure, Nail Extensions or Artificial Nails of any kind, or any other treatments involving cutting, or abrading of the nails, nail cuticle, or the skin around the nails of either the hand or the feet. Nail extension treatments shall include any treatment that involves extending the length of the natural nail with any materials, and repair and/or upkeep of nail extensions. Nail Treatments do not include any form of Chiropody carried out by a State Registered Chiropodist.

1. Age Restrictions

No child under the age of 16 shall be permitted to have nail treatments without a parent or a guardian being present. In addition, the parent/guardian must sign a consent form for the child to have the treatment.

2. Infection Control

- (a) All reusable metal equipment, such as metal files, cuticle clippers and cuticle knives etc. must be washed and scrubbed with a general-purpose detergent (e.g. washing up liquid) and water. Once physically clean, the equipment must be dried and treated at an appropriate level for its intended use (i.e. disinfected, sanitised or sterilised).
- (b) After cleaning and disinfection this equipment must be stored in a clean, dry and airtight container until use to prevent further contamination.
- (c) UV light boxes are not an acceptable method of sterilisation and shall not be used to achieve disinfection of equipment used for nail or pedicure treatments. A UV light steriliser may be used in addition to another means of disinfection and/or to store items in following disinfection.
- (d) Any equipment that cannot be washed and either disinfected or sterilised, is considered to be of a single use and must be properly disposed of after each client.
- (e) All surfaces used during treatments shall be cleaned with a suitable disinfectant between each client.

3. Prohibitions

- (a) The use of products containing Methyl Methacrylate (MMA) is prohibited.
- (b) The use of razors or scalpels or blades for pedicure treatments is prohibited.
- (c) The use of sharp holed foot graters/cheese graters with a risk of injury is prohibited.
- (d) The use of electric drills/files on a client's natural nail is prohibited.
- (e) Nail drills shall not be used to file the area where a natural nail is joined to an artificial nail.

4. Electric Nail Drills/files

Where nail drills are used, only persons who have received specific training in their use and who are competent in their use shall use them. Evidence of such training must be made available to the Council's licensing department.

5. Ventilation

- 5.1 Where nail extension treatments are carried out, suitable air filtering and extraction must be provided to remove dust and chemicals from the air, preferably at desk-top level.
- 5.2 Suitable dust and chemical filters must be in place within the filter system. These shall be changed at suitable intervals as recommended by the manufacturer.
- 5.3 All air filtering/extraction equipment shall be maintained in good working order in accordance with manufacturer's instructions.

SAUNA/ STEAM ROOM/ SPA POOLS/ BATHS

DEFINITIONS

Spa Pool and Jacuzzi

A Spa Pool/Jacuzzi is defined as a pool full of warm water at approximately body temperature, designed for sitting in rather than swimming. It has jets of water, or air bubbles or combination of both to provide a warm water massage.

Sauna

Saunas consist of an insulated enclosure usually made of wood, together with heat generating equipment usually in the form of a heat-generating stove. Benches are provided within the sauna enclosure. Saunas provide a dry heat and the temperature may range from 85°C to 100°C for up to a 10 minute treatment

Steam room/bath

These consist of an enclosure made of an impervious material and steam generating equipment. They are designed to operate at temperatures of up to 50°C regulated by a thermostat with relative humidity of 80 to 100%. They produce a wet humid heat and are intended for indoor use. The treatment usually lasting 6 – 12 minutes.

Detox Box

Provides gentle and deep penetrating heat to the body to induce a high volume of sweat.

Floatation Tank

Enclosed tank with water at body temperature and high conc. of Epsom Salts.

Foot Detox

Feet or body submerged into spa or bathtub fitted with electrodes. No treatment to feet.

Hydrotherapy

Water therapy which may include submersion in a bath. Uses fresh water.

Thalassotherapy

Water therapy which may include submersion in a bath. Uses sea/salt water.

1. AGE RESTRICTIONS

- (a) Treatments/ usage restricted to clients over the age of 16.
- (b) Persons of 13yrs+ can use sauna/steam room or spa pools if accompanied by a parent or guardian.

2. RECORD KEEPING

- (a) Daily, weekly, monthly and periodical cleaning and maintenance check records must be available for inspection by an authorised officer.
- (b) Maintenance and electrical safety records must be available for inspection by an authorised officer.
- (c) There must be a written procedure detailing the action to be taken in the event that the alarm mechanism is used. All relevant personnel must be familiar with the procedure.

3. SPA POOLS/JACUZZI/ BATH

- (a) All Licence Holders must manage and maintain spa to avoid the risk of legionella and must have regard to refer to the Health and Safety Executive Approved Code of Practice and Guidance L8, "The Control of Legionella Bacteria in Water Systems".
- (b) The licence holder shall ensure that the spa pool is operated and maintained in accordance with the manufacturers' instructions and the HSE Publication The control of legionella and other infectious agents in spa-pool systems HSG 282.
- (c) A log book/records of the free chlorine levels/total active bromine, the pH levels of the spa, temperature, water quality and numbers of bathers must be taken at regular intervals. These records must state acceptable limits for all tests and record action taken in the event of an unsatisfactory result and must be made available for inspection by an Authorised Officer at all reasonable times.
- (d) The licence holder must be able to demonstrate that the microbiological quality of the spa pool water is satisfactory and that guidance within HSG 282 is followed for microbiological testing and recommended actions.
- (e) Microbiological test results must be held and available at the premises in accordance with L8 above, for inspection by an Authorised Officer at all reasonable times.
- (f) The licence holder must have a written procedure that must be followed in the event of an unsatisfactory microbiological result or any other health concerns associated with use of the pool.
- (g) There must be a non-verbal alarm system in the vicinity linked to a manned reception area for summoning help when users are left unattended. The alarm should continue to sound until it is manually switched to the 'off' position in order to silence it. The user must be made aware of the alert mechanism and how to use it.
- (h) All equipment shall be of sound mechanical construction and regularly maintained. Records of maintenance should be held for inspection by authorised officers
- (i) The Licence Holder(s) shall have a written procedure detailing steps taken to ensure the maximum bather load for the facility is not exceeded.

- (j) A notice providing information on the use of the spa pool must be clearly displayed near each unit.
- (k) A rest area for users must be provided.
- (l) The spa pool must be emptied and refilled at regular intervals in accordance with the manufacturer's guidance and usage but in any event at least every week.

4. SAUNA

- (a) Must have a glazed panel to allow safe access and egress by clients and supervising staff.
- (b) A thermometer shall be provided indicating the temperature inside the sauna.
- (c) A non-verbal emergency assistance device shall be provided on or adjacent to the sauna. Saunas installed after January 2017 must have a non-verbal alarm linked to a manned reception area. The alarm should continue to sound until it is manually switched to the 'off' position in order to silence it. The user must be made aware of the alert mechanism and how to use it.
- (d) A clock or other time keeping device shall be visible to users, from inside the sauna.
- (e) The temperature control device shall not be accessible to users of the sauna.
- (f) The hot coals in the sauna shall be protected by a guard rail or barrier.
- (g) Shower facilities shall be provided close to the sauna.
- (h) A supply of fresh drinking water shall be available close to the sauna.
- (i) A notice providing accurate information on the safe use of the sauna must be clearly displayed near the unit.
- (j) Clients must wear bathing costume/shorts in the sauna.
- (k) No eating, drinking or shaving permitted in sauna.

5. STEAM ROOMS

- (a) The floor of the equipment must be impervious; laid to fall to promote drainage and easily cleaned. It should also be constructed of a non-slip material.

- (b) The operator must be aware of the temperature the unit is operating at. Ideally there should be a thermometer located inside the unit. If this is not fitted the temperature inside the unit must be checked regularly.
- (c) Temperature must not exceed 50°C.
- (d) Temperature control must remain under the control of the licenceholder.
- (e) Must have a glazed panel to allow safe access and egress by clients and supervising staff.
- (f) The door must have an internal handle to allow the client to exit the room when required.
- (g) There must be a non-verbal alarm system that can be heard in manned areas for summoning help when users are left unattended. Steam rooms installed after January 2017 must have a non-verbal alarm linked to a manned reception area. The alarm should continue to sound until it is manually switched to the 'off' position in order to silence it. The user must be made aware of the alert mechanism and how to use it.
- (h) All equipment shall be of sound mechanical construction.
- (i) A clock or timer must be visible in order to monitor time elapsed in the steam room.
- (j) A notice providing accurate information on the safe use of the steam room must be clearly displayed near each unit.
- (k) Clients must be advised to sit on a towel in the steam room to reduce the risk of infection and burning.
- (l) The licensee shall provide a procedure whereby all steam rooms are checked on a half hourly basis for cleanliness and for state of health of the user e.g. signs of fainting.
- (m) Clients must wear a bathing costume/shorts in the steam room.
- (n) No eating, drinking or shaving permitted in steam room.

6. CLEANING/ INFECTION CONTROL

- (a) The sauna/steam room/baths must be cleaned and disinfected each day, in accordance with manufacturer's instructions and with cleaning materials specified by the manufacturer.

7. OPERATORS

- (a) One person must be available onsite at all times who has had, as a minimum, specific manufacturer training for the equipment used within premises or equivalent training deemed suitable by an Authorised Officer of Council.