

LONDON BOROUGH OF ENFIELD

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

Sixth Edition
31 January 2022



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FOREWORD:

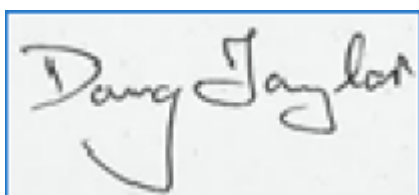
This is the latest review (the sixth) Statement of Licensing Policy produced by the London Borough of Enfield under the Gambling Act 2005 and it will be the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years commencing on 31 January 2022.

The Council remains concerned about the harmful impact of gambling, and we know that this concern is also shared by residents. 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 Gambling Act requires that Licensing Authorities should aim to permit gambling (issue licences) where operators demonstrate that they meet the Gambling Commission Codes of Practice, satisfy the Council's Statement of Licensing Policy and the licensing objectives. Where there is evidence that these requirements are not being met, we will use our powers; such as imposition of licence conditions, to moderate the risks to these licensing objectives.

We have revised our local area profile of the borough, which is now presented in a supplementary document to this Policy. Enfield borough experiences significant areas of deprivation and inequality which the Council is determined to address. 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 our local area 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 in a blue rectangular border. The signature is written in a cursive style.

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 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.

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.

2.8.9 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.

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

2.19.4 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.

6.2.5 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

Premises type	Machine category						
	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