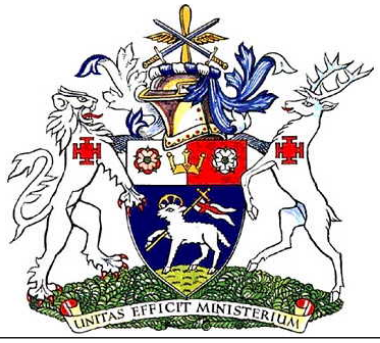
	**Licensing Committee** **12th November 2018**
Title	**Gambling Policy**
Report of	Commissioning Director for Environment
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	**Appendix 1 – Draft Statement of Principles** **Appendix 2 – Summary of responses**
Officer Contact Details	Emma Phasey Group Manager Community Protection (Regulation) Emma.phasey@barnet.gov.uk

Summary

The Gambling Act 2005 places a responsibility on local authorities to publish a statement of principles in respect of how it will licence gambling premises every three years. The London Borough of Barnet's policy is due for renewal and this report attaches a revised statement of principles

Officers Recommendations

1. **That the draft Gambling Statement of Principles (appendix 1) be approved by the Committee.**

2. **That the Committee recommend that this Statement of Principles be adopted at the next meeting of the full Council (18th December 2018).**

1. WHY THIS REPORT IS NEEDED

1.1 The Gambling Act 2005 (hereinafter referred to as "the Act") places a duty on London Borough of Barnet to act as the 'Licensing Authority' for gambling premises in the Borough. It requires that a licensing authority should aim to permit the use of premises for gambling in so far as it thinks it is:

a) in accordance with any relevant code of practice or any guidance from the Gambling Commission;

b) reasonably consistent with the licensing objectives; and

c) in accordance with its gambling licensing policy.

1.2 The London Borough of Barnet has a number of important regulatory functions in relation to gambling. These include licensing premises, regulating gaming and gaming machines in clubs, granting permits to what the Guidance refers to as 'family entertainment centres' for the use of certain lower stake gaming machines, regulating gaming and gaming machines on alcohol licensed premises, granting permits for prize gaming, and registering small society lotteries.

1.3 In accordance with the Act, the London Borough of Barnet must prepare, consult on and publish a statement of principles which it proposes to apply when exercising relevant functions under the Act. In exercising their functions, licensing authorities must have regard to the statutory guidance issued by the Gambling Commission.

1.4 The proposed policy (which can be found in Appendix 1) is an update on the previous policy taking into account any changes in guidance and best practice.

1.5 Pursuant to s.166 of the Gambling Act 2005, the London Borough of Barnet resolved not to issue casino premises licenses. This resolution has remained in place since 2006. There is no current desire for this resolution to be revoked. The proposed statement of principles therefore leaves the resolution undisturbed.

1.6 A consultation on the proposed statement of principles ran from 1st September 2018 until 3rd November 2018. Information on how the consultation has been carried out can be found in section 5.8 of this Report.

1.7 There were two responses received to the consultation. They can be found in appendix 2 of this Report.

1.8 Following consideration of the responses in appendix 2 it is recommended that the Licensing Committee adopt the proposed Statement of Principles at appendix 1.

2 REASONS FOR RECOMMENDATIONS

2.1 The local authority is required by the Act, to review its statement of principles every 3 years. The current policy runs until 13th January 2019. The draft policy is updated in line with current guidance. All responses to the consultation have been considered as part of the consultation process.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 **None** - The London Borough of Barnet has a duty to prepare, consult and publish a statement of principles or any proposed changes to the same. A failure to do so could leave London Borough of Barnet susceptible to a challenge over the enforceability of the statement of principles or its failure to comply with statutory requirements.

4. POST DECISION IMPLEMENTATION

4.1 The Committee are being asked to recommend that the Statement of Principles be adopted at the next meeting of the full Council (18th December 2018) to come into effect on 13th January 2019.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Gambling Statement of Principles will support objectives contained within the corporate plan. In particular in relation to a “successful place” and “quality service” by ensuring that only legal, well-regulated gambling is permitted within the borough.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Administration and enforcement is carried out by the Licensing team in Re, together with support from HB Public Law and from Governance Services, when arranging and co-ordinating arrangements for hearings.

5.2.2 In relation to the decisions made as the Licensing Authority there is always a risk of an appeal. However making consistent decisions in line with agreed policies, guidance and procedures minimises this risk.

5.2.3 The recommendations within this report have no financial implications as this will be delivered within existing resources

5.3 Social Value

5.3.1 Not relevant to this report

5.4 Legal and Constitutional References

5.4.1 Under the Gambling Act 2005 there are three statutory objectives to be met through licensing:

(1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;

(2) Ensuring that gambling is conducted in a fair and open way; and

(3) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

A good statement of principles ensures that these objectives are promoted by the London Borough of Barnet.

5.4.2 The Act requires London Borough of Barnet to prepare a statement of principles that they propose to apply in exercising their functions under the Act before each successive period of 3 years and to publish the statement.

5.4.3 Where there are any proposed changes to the statement of principles, London Borough of Barnet is required under the Act to consult on any revisions.

5.4.4 Article 7 – Committees, Forums, Working Groups and Partnerships, of London Borough of Barnet's Constitution states that the Licensing Committee is responsible for, "*all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees*."

5.5 Risk Management

5.5.1 It is prudent to monitor performance to ensure that the Gambling Licensing function is delivered efficiently and effectively.

5.5.2 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to gambling. It needs to ensure that the risk of non-compliance and the regulatory burden to both the Local authority and to the trade is minimised. However it must balance this with the need to uphold the licensing objectives.

5.6 Equalities and Diversity

5.6.1 London Borough of Barnet has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

5.6.2 When considering applications, only issues provided for in the relevant legislation, in addition to the authority's policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

5.7 Corporate Parenting

5.7.1 There will be no impact on looked after children and care leavers.

5.8 Consultation and Engagement

5.8.1 The consultation document was sent to the Police, trade associations for gambling businesses, and residents groups. It was also sent to councillors, responsible authorities, gambling businesses in the borough, faith groups, voluntary organisations, community organisations working with children and young people and organisations working with problem gambling. The consultation was also published on London Borough of Barnet's online website so anyone interested could submit a reply.

5.8.2 All replies have been taken into account.

5.9 Insight

5.9.1 Not relevant to this report

6 BACKGROUND PAPERS

6.4 None

Appendix 1 – Draft Gambling Policy

London Borough of Barnet

Statement of Principles

Gambling Act 2005

2019-2022

Contents

Introduction

The Licensing Objectives

Declaration

Responsible Authorities

Interested parties

Exchange of Information

Inspection and Enforcement

Licensing Authority's Functions

Applications: General Principles

Premises Licences

- General
- Definition of "premises"
- Location
- Premises "ready for gambling"
- Duplication with other Regimes
- Adult Gaming Centres
- Licensed Family Entertainment Centres
- Tracks
- Casinos
- Bingo
- Betting Premises

Provisional Statements

Licence Conditions

Reviews

Permits

Unlicensed Family Entertainment Centres

Alcohol Licensed Premises Gaming Machine Permits

Prize Gaming Permits

Club Gaming and Club Machine Permits

Temporary and Occasional Use Notices

Travelling Fairs

Small Society Lotteries

Integration of Licensing with other Strategies

Tourism and Employment

Promotion of Equality

Licensing Register

Relevant Documents

Complaints about the Licensing Service

Further Information

Commencement and Review

Delegation of Functions

Annex 1: Scheme of delegation

Annex 2: Local area plan

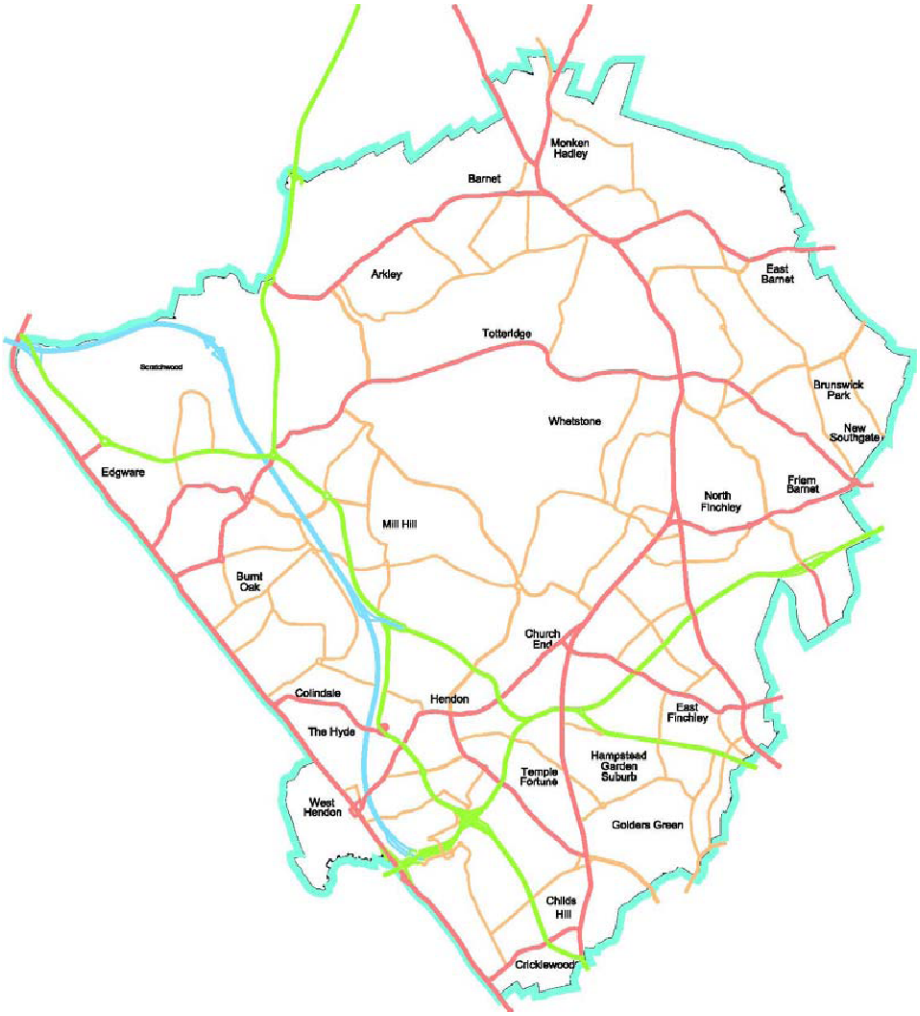
INTRODUCTION

1.1 The London Borough of Barnet herein sets out a statement of principles that it will apply when carrying out its functions as a licensing authority in accordance with the Gambling Act 2005.

1.2 The London Borough of Barnet is situated in North London. Barnet's overall population in 2013 was projected to be 369,088, the second largest population of the 32 London boroughs.

In terms of area it is the fourth largest. 36% of the borough is undeveloped, being green belt (28%) and metropolitan open land (8%). The rest of the borough is made up of densely populated suburban areas, 20 town centres and the transport network.

1.2 The Borough is shown in the map below and in detail at http://maps.barnet.gov.uk/



1.4 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This statement must be published at least every three years and may also be reviewed from "time to time". Any amendments must be consulted upon and the statement published before giving it effect.

1.5 In preparing a statement, the Act requires Licensing Authorities to consult the following:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

1.6 The London Borough of Barnet has consulted widely upon this statement in accordance with the Act. A list of the groups consulted upon is provided below:

- The Metropolitan Police Service
- Social Services
- Trade associations
- Resident associations
- Responsible authorities
- Councillors
- Faith Groups
- Voluntary Groups
- Gambling businesses

A full copy of the individuals and groups consulted can be found in appendix 1 of this statement.

1.7 This Statement of Principles was approved at a meeting of the Full Council on 18 December 2018 and will come into effect on 13 January 2019.

1.8 The Gambling Commission states in the introduction to its Guidance to Licensing Authorities:

'The aim of this Guidance is to ensure that every licensing authority has the information it needs to make effective decisions. It does not seek to impose a 'one size fits all' model across all licensing authorities. We recognise that every licensing authority is different and will have different views about how it wishes to manage gambling locally. Indeed, the Act establishes a high degree of local accountability for gambling regulation.

This Guidance does not, therefore, attempt to fetter the discretion that licensing authorities have under the Act and it is not intended to replace their judgement in individual cases. Moreover, this Guidance cannot anticipate every set of circumstances that may arise and, as long as it has been understood and taken into account, licensing authorities may depart from it where they consider it would be right to do so. There should, however, be strong reasons for departing from this Guidance and these need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take this Guidance into account.'

1.9 It should be noted that this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Gambling Act 2005.

The Gambling Act 2005 is available at:

http://www.legislation.gov.uk/ukpga/2005/19/contents

and the Gambling Commission's Guidance to Licensing Authorities is available at:

http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf

2. THE LICENSING OBJECTIVES

2.1 In exercising functions under the Gambling Act 2005 licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.2 The London Borough of Barnet as the relevant licensing authority accepts that the term "vulnerable person" is not defined. It may for example include people who gamble more than they want to, or beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. The London Borough of Barnet will consider this objective on a case by case basis and will not interpret the term narrowly.

2.3 The London Borough of Barnet recognises that harm in relation to gambling is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.

3. DECLARATION

3.1 In preparing this Statement of Principles, the licensing authority has had regard to the licensing objectives of the Act, and the Guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on this Statement of Principles.

4. RESPONSIBLE AUTHORITIES

4.1 The responsible authorities with respect to licensing premises in Barnet are:

- The Gambling Commission
- The Metropolitan Police Service
- London Borough of Barnet's Planning Service
- The London Fire and Emergency Planning Authority
- The Safeguarding Children Board
- HM Revenue and Customs
- London Borough of Barnet itself as the licensing authority

4.2 The London Borough of Barnet are required by regulations to state the principles it will apply in exercising its powers under Section 157 of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

4.3 In accordance with the suggestion in the Gambling Commission Guidance to Local Authorities the London Borough of Barnet designates the local Safeguarding Children's Board for this purpose.

4.4 In selecting the Safeguarding Children Board as the body competent to advise about the protection of children from harm, the London Borough of Barnet took into account the following points:

- The Safeguarding Children Board has a responsibility under the Children Act 2004 to promote the welfare and safety of children and young people in the London Borough of Barnet
- The Board includes a variety of professionals with skills and experiences directly relevant to the need to protect children from being harmed or exploited by gambling
- The Board is answerable to democratically elected persons and does not represent any particular interest group
- The Board is the responsible authority for the purposes of the Licensing Act 2003 and has experience of the licensing process

- The Board works in partnership with other local authority services and other organisations to make Barnet a safer place for children
- The Board is able to provide advice about protecting children and guidance in accessing appropriate training
- The Board works within the wider pan London framework of child protection so as to promote a consistent approach across London

4.5 Responsible authorities have the right to make representations in connection to an application, or to ask for a review of an existing licence. Any such representation must be relevant to the application.

5. INTERESTED PARTIES

5.1 Interested parties are defined in Section 158 of the Act as follows:

"A person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person;

(a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities
(b) Has business interests that might be affected by the authorised activities
(c) Represents persons who satisfy paragraph a) or b)"

5.2 Interested Parties have the right to make representations in connection to an application, or to ask for a review of an existing licence. Any such representation must be relevant to the application.

5.3 To enable the London Borough of Barnet to decide whether a person is an interested party it will expect any person making a representation to give their name and address and explain how they or their business interests would be affected by the authorised activities. If this information is not provided then the representation will not be accepted by the licensing authority.

5.4 In considering whether an interested party lives or has business interests sufficiently close to the premises certain factors will be taken into account including:

- The size of the premises
- The nature of the premises
- The distance of the premises from the habitual residence or workplace of the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken when visiting the premises)
- The circumstances of the complainants and their interest that may be relevant to the distance from the premises

5.5 In determining whether a person or organisation has ‘’business interests’’ the London Borough of Barnet will adopt the widest possible interpretation and may recognise certain groups which include but are not limited to; trade unions, partnerships, charities, faith groups, residents and tenants associations and medical practices.

5.6 If the representation is from an association or any other body then these will only be accepted provided that they have at least one member who is an interested party.

5.7 Unless the person making the representation is a locally elected councillor or Member of Parliament the London Borough of Barnet as licensing authority will require written evidence that they represent identified interested parties. A letter from one of these persons will be sufficient.

5.8 If individuals wish to approach locally elected councillors to ask them to represent their views then those councillors cannot sit on a licensing committee that meets to determine the licence application.

5.9 To be deemed relevant, a representation must relate to the licensing objectives or raise issues under the policy or the Gambling Commissions guidance or codes or practice.

5.10 In deciding whether to treat a representation as frivolous or vexatious the following will be taken into account

- Who is making the representation and whether that person has a history of making representation that are not relevant
- Whether or not it raises a relevant issue
- Whether it raises issues specifically to do with the premises which are the subject of the application

5.11 The validity of each representation will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Licensing Authorities.

6. EXCHANGE OF INFORMATION

6.1 The London Borough of Barnet as licensing authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information with the Gambling Commission and other persons listed in Schedule 6 to the Act. This includes the provision that the Data Protection Act 2018 will not be contravened.

6.2 The London Borough of Barnet as licensing authority will also have regard to any guidance issued to local authorities by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under powers provided in the Act.

6.3 The London Borough of Barnet as licensing authority will seek to establish information exchange protocols with the responsible authorities and will make these available.

7. INSPECTION AND ENFORCEMENT

7.1 The London Borough of Barnet is required to state the principles to be applied by the authority in exercising its functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

7.2 The London Borough of Barnet's principles are that it will have regard to the Gambling Commissions Guidance for Local Authorities and in doing so will endeavour to be:

- Proportionate -London Borough of Barnet will only intervene when necessary; remedies will be appropriate to the risks posed and costs identified and minimised
- Accountable - London Borough of Barnet must be able to justify decisions and will be subject to public scrutiny
- Consistent - rules and standards will be implemented fairly
- Transparent -London Borough of Barnet will be open and do its best to keep things simple and user friendly
- Targeted – London Borough of Barnet will focus on the problem and do its best to minimise side effects.

7.3 Any enforcement action will be in accordance with the relevant enforcement policy.

7.4 The main enforcement and compliance role for the London Borough of Barnet 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 operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the London Borough of Barnet but should be notified to the Gambling Commission.

7.5 The London Borough of Barnet also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities. The Better Regulation Executive is a government agency within the Department for Business, Energy and Industrial Strategy which aims to achieve more effective regulation and reduce existing

regulatory burdens affecting business, the third sector and frontline staff in the public sector.

7.6 The London Borough of Barnet's licensing officers will monitor ongoing compliance with licence conditions. They may carry out inspections without prior notice to the occupier or licensee.

7.7 As per the Gambling Commission's Guidance to Licensing Authorities the London Borough of Barnet will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.8 Planned enforcement activity will be prioritised according to assessed risk (the potential for harm to the licensing objectives). This London Borough of Barnet has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

7.9 When assessing risk, London Borough of Barnet will take into account the following matters:

- The type of gambling and its potential to result in harm
- The size of the premises and the number of patrons
- The standard of compliance with licence conditions
- Officers' confidence in the ability and intention of the management of the premises to maintain good standards of compliance with licence conditions
- Relevant information from other agencies.

7.10 The risk rating for each premises will be kept under constant review and may change at any time.

7.11 The London Borough of Barnet is prepared to receive complaints about licensed premises and, with the agreement of the complainant, deal with them informally with the aim of securing improvement if necessary without the need for a formal review of the licence.

7.12 The London Borough of Barnet will not tolerate non-compliance with licence conditions or licensable activity at unlicensed premises except in accordance with a Temporary Use Notice.

8. LICENSING AUTHORITY'S FUNCTIONS

8.1.1 The London Borough of Barnet are required under the Act to assume responsibility for;

- Licensing premises where gambling activities are to take place by issuing premises licences

- Issuing provisional statements
- Regulation of members clubs and miners welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to Commercial clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
- Receiving notifications from alcohol licensed premise (Under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issuing 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.
- Registration of small society lotteries below the prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission regarding details of licensing issues
- Maintaining registers of the permits and licences that are issued under these functions.

8.2 It should be noted that the London Borough of Barnet are not involved in licensing remote gambling at all. This falls within the remit of the Gambling Commission via operating licences. Remote gambling is defined as "gambling in which persons participate by the use of remote communication" namely, the internet, telephone, television, radio or "any other kind of electronic or other technology for facilitating communication".

9. Applications: General Principles

9.1 The London Borough of Barnet has no rigid rules about the acceptability of applications and will consider each on its merits.

9.2 The matters that it will generally take into account when considering applications for permits and licences and when reviewing a licence are set out below:

- The type and nature of the gambling activity.

- The proximity of the gambling premises to sensitive premises such as schools or centres for vulnerable adults, or to residential areas where there may be a high concentration of families with children, and the likelihood that children or vulnerable adults will enter the premises.

- Where permits or licences are sought for use at premises that may attract children, or where children may be present, the London Borough of Barnet will give particular weight to child protection issues. The London Borough of Barnet is aware that children may be harmed not only by taking part in gambling, but also if they are able to watch it taking place. This concern may be particularly relevant at premises where there are multiple licences, where only part of a premises is licensed or where permits are to be used in part of a premises only.

- The adequacy of any proposed measures to prevent crime connected with gambling.

- The adequacy of any proposed steps to prevent access by children and vulnerable adults, or to prevent such people from seeing gambling taking place.

- The public availability at the premises of information about organisations that can provide advice and support in relation to gambling and debt, for example GamCare, Gamblers Anonymous, the Gordon Moody Association, the National Debtline and local Citizens Advice Bureaux and other relevant advice agencies.

- The existence of crime and disorder (particularly if it has required police intervention) or actual harm to children or vulnerable adults, where these are connected to gambling at the premises.

9.3 It will assist the sub-committee in contested cases if applicants, responsible authorities and interested parties address these matters.

9.4 When considering applications, sub-committees will decide matters of fact on the balance of probabilities.

9.5 The London Borough of Barnet will place information about licence applications on its web site, and will notify ward councillors when applications are received.

9.6 The London Borough of Barnet expects the premises licence application, and plan accompanying the application, to be sufficiently detailed for the authority to determine the application. This would include for example entry, exit, the location of the gaming machines and counter. The London Borough of Barnet need to determine whether the application is 'in accordance with the relevant code of practice' and this will include social responsibility codes. The authority must also determine whether the application is 'reasonably consistent with the licensing objectives' - such as protecting the young and vulnerable. The application and the accompanying plan must be sufficient to satisfy these requirements

10. PREMISES LICENCES

10.1 General

10.1.1 A premises licence may authorise:

- The operation of a casino
- The provision of facilities for playing bingo
- Adult Gaming Centres
- Licensed Family Entertainment Centres
- The provision of facilities for betting.

10.1.2 Premises licences are subject to the requirements as set out in the Act 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.

10.1.3 The London Borough of Barnet recognises that every application and representation made in connection with premises licences, with the exception of applications for a casino licence, must be treated on its merits.

10.1.4 The London Borough of Barnet is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far 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; and
  in accordance with the authority's statement of licensing policy.

10.1.5 It is appreciated that as stated in the Gambling Commission's Guidance to Licensing 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 London Borough of Barnet as licensing authority.

10.1.6 Premises licences that are granted must be consistent with the licensing objectives. In consideration of the Gambling Commission's Guidance to Licensing Authorities the following comments are made:

- This Council is aware that the Gambling Commission takes a lead role in preventing gambling from being a source of crime. The guidance does envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective.

- The London Borough of Barnet has noted that the Gambling Commission states it generally does not expect licensing authorities to

be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

- The London Borough of Barnet has noted that Gambling Commissions Guidance on protecting children from being harmed or exploited by gambling 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.

10.2 Definition of "Premises"

10.2.1 In the Act, "premises" is defined as including "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.

10.2.2 However, the London Borough of Barnet will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

10.2.3 In most cases the expectation is that a single building or plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 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.

10.2.4 The London Borough of Barnet 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.

10.2.5 The London Borough of Barnet will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, the attention of applicants is drawn to 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 licensed premises or premises with a permit.

- Customers should be able to participate in the activity named on the premises licence.

10.2.6 Other factors which The London Borough of Barnet will consider are:

- Do the premises have a separate registration for business rates?

- Are the 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

The London Borough of Barnet will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

10.2.7 The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Type of premises	**Access provisions**
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.
AGCs	• 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.
Tracks	• no customer must be able to access the premises directly from a casino or AGC
Bingo premises	• no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track
FECs	• no customer must be able to access the premises directly from a casino, an AGC or a betting premises,

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

10.3 LOCATION

10.3.1 The London Borough of Barnet will take into account the location of premises in the context of the crime prevention objective. For example, if an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, the London Borough of Barnet will consider what, if any, controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors. London Borough of Barnet has not identified any such areas, but will be receptive to advice from the Police when considering applications.

10.3.2 As stated in the Gambling Commissions Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling. Applications for granting licences in respect of gambling premises that are in close proximity to locations for such vulnerable persons for example schools, centres for

gambling addicts, hostels, centres catering for people with mental disabilities or learning difficulties or those with drug or alcohol abuse problems, will receive very careful consideration.

10.3.3 Should any policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. Again it should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

10.4 Local Area Profile (LAP)

10.4.1 The London Borough of Barnet have created a Local Area Profile. (LAP) The current version can be found here:

(Insert current web link)

The LAP will be regularly reviewed to ensure that it reflects the current profile of the London Borough of Barnet.

The LAP contains detail on the location of all schools and also hotspots of anti-social behaviour (ASB).

The London Borough of Barnet will pay particular attention to applications for the new grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of schools, ASB, hostels/homes for vulnerable people and centres for people with a gambling addiction.

10.4.2 Where paragraph 10.4.1 applies this Authority will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity, or exacerbate any ASB problems within the vicinity generally.

10.4.3 Applicants should also be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their risk assessments how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people.

10.4.4 Some further publicly available sources of information to assist in operators completing a Local Risk Assessment include:

(a) the Crime Mapping website;
https://www.police.uk/

(b) Neighbourhood Statistics websites;
https://www.ons.gov.uk/help/localstatistics

(c) websites or publications by local responsible authorities; https://www.barnet.gov.uk/citizen-home/council-and-democracy/council-and-community/maps-statistics-and-census-information/statistics-about-barnet.html

10.4.5

10.5 LOCAL RISK ASSESSMENTS (LRA)

10.5.1 The LRA must be submitted with any new or variation application, otherwise the application has not been properly served

10.5.2 Applicants will be expected to tailor their application, and have site specific policies, procedures and control measures to mitigate any risks.

10.5.3 All premises should have the appropriate numbers of trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business.

10.5.4 LRAs should be kept on the individual premises and be available for inspection.

10.5.5 The LRA must also be submitted when changes in the local environment or the premises warrant a risk assessment to be conducted again. If the changes are minor then the premises holder may alternatively email notification that a minor change has taken place to the London Borough of Barnet.

10.5.6 Examples of what the London Borough of Barnet will expect to be considered within the LRA include:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- 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.

- Assessing staffing levels when a local college closes and the students begin to vacate the grounds.

- Proximity of machines to the entrance door

- Age verification policies including 'Think 21' and 'Think 25'.

- Consideration of line of sight from the counter to gambling machines.

- Larger operators (William Hill, Coral, Ladbrokes, Betfred and Paddy Power) are responsible for conducting/taking part in underage testing, results of which are shared with the Gambling Commission. However, operators are urged to also make the results available to the London Borough of Barnet if an issue is identified with a premises within the area.

- Information on where a child or young person repeatedly attempts to gamble on the premises, this information should also contained in a register held at the premises which can be inspected upon reasonable request by the London Borough of Barnet.

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc

- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted

- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking etc

- Gaming trends that may mirror days for financial payments such as pay days or benefit payments

- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate etc.

10.5 PREMISES "READY FOR GAMBLING"

10.5.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the London Borough of Barnet 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.

10.5.2 If the 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, then an application for a provisional statement may be deemed as appropriate. The current guidance from the Gambling Commission and recent case law will be used to assess which application is more appropriate in the circumstance and it is prudent for applicants to discuss this with the London Borough of Barnet prior to submitting an application for such premises.

10.5.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, the London Borough of Barnet 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.

10.5.4 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.

10.6 Duplication with Other Regimes

10.6.1 The London Borough of Barnet seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. The London Borough of Barnet 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.

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

10.6.3 The London Borough of Barnet wishes to reconcile planning, building control and licensing considerations whenever possible. However, it should be noted that licensing decisions will not over-rule planning or building control decisions, as the legal framework for each is different.

10.6.4 Licensable activities cannot lawfully be carried on at premises unless there is a premises licence or permit (other than in accordance with a Temporary or Occasional Use Notice) and any necessary planning permission and building regulation approval. A licence will not remove the need for planning permission or building regulation approval, should these be necessary. The onus is on the licence holder or applicant to ensure that these permissions exist.

10.6.5 The London Borough of Barnet has a duty to take into consideration all relevant matters and not to take into considerations irrelevant matters; i.e. those nor related to gambling and licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their application.

10.6.6 The London Borough of Barnet will take into account any concerns about conditions that are not able to be met by licence holders due to planning restrictions

10.7 LICENSING OBJECTIVES

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the London Borough of Barnet has considered the Gambling Commissions Guidance to licensing authorities and some comments are made below.

Preventing Gambling from being a source of crime and disorder or being associated with crime and disorder or being used to support crime

10.7.1 The London Borough of Barnet is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commissions guidance does however envisage that licensing authorities should pay attentions to the proposed location of gambling premises in terms of this objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This London Borough of Barnet is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way

10.7.2 The London Borough of Barnet has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. For Local Authorities with tracks: There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section– see page 14).

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

10.7.3 The London Borough of Barnet has noted the Gambling Commission's Guidance 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). London Borough of Barnet will therefore consider, as suggested in the Gambling Commission's 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.

10.7.4 The London Borough of Barnet expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.

10.7.5 This London Borough of Barnet is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

10.8 Adult Gaming Centres

10.8.1 The London Borough of Barnet 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 that there will be sufficient measures to, for example, ensure that those who are aged under 18 years old are not attracted to or gain access to the premises.

10.8.2 The London Borough of Barnet 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.

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

10.8.3 The London Borough of Barnet will have particular regard to the location and management of entrances to adult gaming centres. It will wish to see that the opportunities for children to gain access are minimised. This will be of particular importance if young people are likely to be unsupervised and the gaming centre is in a complex, such as a shopping centre.

10.9 Licensed Family Entertainment Centres

10.9.1 Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres will contain machines of the Category D machine types on which they are allowed to play. Because gaming machines provide opportunities for solitary play and for immediate pay-outs, they are likely to engender repetitive and excessive play. In considering applications the London Borough of Barnet will have regard to the need to protect children and vulnerable people from harm or being exploited by gambling and will expect the applicant to satisfy the London Borough of Barnet, for example, that those aged under 18 years old do not have access to the adult only gaming machine areas.

10.9.2 The London Borough of Barnet may consider measures to meet the licensing objectives such as:

- 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.

- Measures / training for staff on how to deal with suspected truant school children on the premises

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

10.9.3 The London Borough of Barnet will refer to the Gambling Commission's website from time to time to ascertain any conditions that may apply to operating licences regulating the way in which the area containing the category C machines should be delineated. The London Borough of Barnet will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

10.10 Tracks

10.10.1 Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. London Borough of Barnet has no special policy on these issues, but will take into account the size of the track and associated area and the ability of staff to monitor the use of the machines by children and vulnerable people when determining the number of machines permitted.

10.10.2 The London Borough of Barnet will normally attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public.

10.11 Casinos

10.11.1 London Borough of Barnet resolved in 2006 not to license casinos, with immediate effect. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

10.12 Bingo

10.12.1 London Borough of Barnet will need to be satisfied that appropriate conditions exist for bingo to 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.

10.12.2 London Borough of Barnet also notes the Gambling Commission's Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of

a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

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

10.13 BETTING PREMISES

10.13.1 London Borough of Barnet is aware that there is a trend to enlarge betting offices and that this can result in improved customer facilities. The London Borough of Barnet will look favourably on applications to improve customer facilities by enlarging or relocating existing premises, provided this does not entail risk to the licensing objectives.

10.13.2 London Borough of Barnet recognises that certain bookmakers have a number of premises within its area. In order to ensure compliance and that issues are recognised and resolved at the earliest stage, operators are requested to give the London Borough of Barnet a single named point of contact, who should be a senior individual, and whom the London Borough of Barnet will contact first should any compliance queries or issues arise.

10.13.3 Betting machines - This London Borough of Barnet will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people, when considering the number, nature and circumstances of betting machines an operator wants to offer.

10.14 PROVISIONAL STATEMENTS

10.14.1 Developers may wish to apply to this London Borough of Barnet 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.

10.14.2 Section 204 of the Gambling Act provides for a person to make an application to the London Borough of Barnet 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.

10.14.3 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.

10.14.4 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. London Borough of Barnet 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,
- they reflect a change in the applicant's circumstances.

10.14.5 In addition, London Borough of Barnet 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 London Borough of Barnet's opinion reflect a change in the operator's circumstances;
- where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this London Borough of Barnet notes that it can discuss any concerns it has with the applicant before making a decision.

10.15 LICENCE CONDITIONS

10.15.1 Premises licences will be subject to the permissions and restrictions set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations. It is expected that in most cases the mandatory and default conditions will be appropriate and sufficient but the London Borough of Barnet is able to exclude default conditions and also attach others. London Borough of Barnet will be concerned to ensure that appropriate conditions are attached to licences and if it believes that the mandatory and

default conditions will not be appropriate or sufficient in a particular case, it will be minded to impose others. Similarly, it may be prepared to remove or amend default conditions if satisfied that to do so would not harm the licensing objectives.

10.15.2 The London Borough of Barnet accepts that conditions, other than mandatory ones, must be tailored to the individual style and characteristics of the premises concerned. Apart from the mandatory conditions, the London Borough of Barnet will not apply conditions from a standard list without regard to the particular circumstances of the application. It will only apply conditions if they are:

- Relevant to the need to make the proposed building suitable as a gambling facility, or
- Directly related to the type of licence applied for
- Relevant to one or more of the licensing objectives
- Fairly and reasonably related to the scale and type of premises
- Reasonable in all other respects.

In this way, unnecessary or disproportionate conditions will be avoided.

10.15.3 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the London Borough of Barnet 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. This London Borough of Barnet will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

10.15.4 This London Borough of Barnet will also consider specific measures which may be required for buildings that 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.

10.15.5 The London Borough of Barnet believes that children should not normally be permitted access to premises or parts of premises where gambling takes place.

10.15.6 The London Borough of Barnet will 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;
- 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 years of age.
- Ages of younger patrons are checked.

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

10.15.7 The London Borough of Barnet 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. The London Borough of Barnet will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

10.15.8 If there is justified concern about serious, disruptive or threatening disorder, particularly if Police intervention has been necessary, suitable licence conditions such as door supervision or the use of CCTV will normally be appropriate.

10.15.9 Licence conditions may be imposed if there is justified concern about burglary targeted at gaming machines or the use of gaming machines by children.

10.15.10 If The London Borough of Barnet is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example 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 condition to this effect.

10.15.11 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be Security Industries Act 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 (as per the Gambling Commission's Guidance, Part 33).

10.15.12 When considering whether to impose a licence condition to restrict the number of betting machines in particular premises, London Borough of Barnet will take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

10.15.13 It is noted that there are conditions which the London Borough of Barnet 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

10.15.14 The fairness and openness of gambling are primarily matters for the Gambling Commission, which has the power to impose relevant conditions on operating and personal licences. The London Borough of Barnet will not impose conditions on premises licences in connection with this objective except in the case of track licences, where the track operator may not have an operating licence.

10.16 REVIEWS

10.16.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the London Borough of Barnet to decide whether the review is to be carried out. This decision will be made on the basis of whether the request for the review is relevant to the matters listed below but London Borough of Barnet will not review a licence if it considers the request to be frivolous, vexatious or repetitious, or that a review will certainly not cause the London Borough of Barnet to alter, revoke or suspend the licence, or the request is substantially the same as previous representations or requests for review. The holding of a review must be:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- consistent with the licensing objectives and

- in accordance with the authority's statement of principles.

10.16.2 The London Borough of Barnet can itself initiate a review of a licence and may do so if it appears to its officers that the licensing objectives are being harmed. It is open to any officer of the London Borough of Barnet authorised to do so to initiate a review in the London Borough of Barnet's name but it is expected that in most cases licensing officers will take the lead.

10.16.3 The London Borough of Barnet does not wish its licensing officers to take on the initiation of a review that could otherwise be requested by another responsible authority or an interested party. Where evidence of harm to the licensing objectives is provided by either a responsible authority or interested party wanting a review to take place, London Borough of Barnet expects that they, not the licensing officers, will normally initiate the review.

10.16.4 Once a valid application for a review has been received by The London Borough of Barnet, 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 London Borough of Barnet, who will publish notice of the application within 7 days of receipt. London Borough of Barnet must carry out the review as soon as possible after the 28 day period for making representations has passed.

10.16.5 The purpose of the review will be to determine whether The London Borough of Barnet should take any action in relation to the licence. If action is justified, the options open to the London Borough of Barnet are;

(a) add, remove or amend a licence condition imposed by The London Borough of Barnet;

(b) exclude a default condition imposed by the Secretary of State or remove or amend such an exclusion;

(c) suspend the premises licence for a period not exceeding three months; and

(d) revoke the premises licence.

10.16.6 In determining what action, if any, should be taken following a review, the London Borough of Barnet will have regard to the principles set out in section

153 of the Act, as well as any relevant representations. In particular, London Borough of Barnet will 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.

10.16.7 Once the review has been completed, the London Borough of Barnet must, as soon as possible, notify its decision to:

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

11. PERMITS

11.1 General

11.1.1 The London Borough of Barnet believes that gambling, including the use of category D gaming machines, is harmful to children. London Borough of Barnet believes that the use of gaming machines by children is not consistent with the third licensing objective.

11.1.2 The London Borough of Barnet will not grant permits for any category of gaming machines where it considers that they are likely to be used or easily accessed, by children. Permits may be granted if adequate precautions are offered by the applicant. These could include, for example, steps to prevent access to the machines by children, and training for staff with respect to suspected truants and unsupervised very young children on the premises.

11.1.3 This Council is concerned about burglary targeted at gaming machines. The authority considers that this is relevant to the first licensing objective.

11.1.4 Precautions to reduce the risk of burglary or theft from the machines may include:

- good security to deter break-ins
- machines monitored by overt CCTV systems of an adequate standard to meet Police recommendations
- machines to be of substantial construction to resist damage
- emptying machines of cash nightly, and displaying a notice stating that this is done
- siting machines where they can be observed by staff or the licence holder to deter theft when the premises are open

- providing adequate secure cash storage facilities to Police recommendations.

11.1.5 The London Borough of Barnet recommends that applicants consult the Police, including the local Safer Neighbourhood Team, at an early stage, to obtain advice about crime prevention measures.

11.1.6 When considering an application for a permit, the London Borough of Barnet will take into account the applicant's suitability (including whether they have a conviction for any relevant offence).

11.2 Unlicensed Family Entertainment Centre gaming machine permits

11.2.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to The London Borough of Barnet for this permit. 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.

11.2.2 An application for a permit may be granted only if The London Borough of Barnet is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre (UFEC) and if the chief officer of police has been consulted on the application.

11.2.3 The London Borough of Barnet 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 including training for staff as regards suspected truant school children on the premises, measures including training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

11.2.4 The London Borough of Barnet will expect applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions
- that staff are trained to have a full understanding of the maximum stakes and prizes.

11.2.5 It should be noted that The London Borough of Barnet cannot attach conditions to this type of permit.

11.3 Alcohol Licensed Premises Gaming Machine Permits

11.3.1 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 London Borough of Barnet.

11.3.2 The London Borough of Barnet can 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 (i.e. that written notice has been provided to the London Borough of Barnet, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

11.3.3 The London Borough of Barnet expects licensed premises to be clear on the expectations and requirements in relation to gambling on licensed premises.

http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Pubs-and-clubs/Pubs-and-clubs-toolkit.aspx

11.4 Alcohol Licensed Premises Gaming Machine Permits3 or More Machines

11.4.1 If premises wish to have more than 2 machines, then it needs to apply for a permit. The London Borough of Barnet will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and any other matters that it may think relevant.

11.4.2 The London Borough of Barnet expects licensed premises to be clear on the expectations and requirements in relation to gambling on licensed premises.

http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Pubs-and-clubs/Pubs-and-clubs-toolkit.aspx

11.4.2 The London Borough of Barnet considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient

measures to ensure that those aged under 18 years old do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18 years. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

11.4.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

11.4.4 It should be noted that The London Borough of Barnet can 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.

11.4.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

11.5 Prize Gaming Permits

11.5.1 Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

11.5.2 The London Borough of Barnet 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;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

11.5.3 In making its decision on an application for this permit The London Borough of Barnet does not need to but may have regard to the licensing objectives. However, it must have regard to any Gambling Commission guidance.

11.5.4 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the London Borough of Barnet 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;
- participation in the gaming must not entitle the player to take part in any other gambling.

11.4.5 The London Borough of Barnet may not impose any further conditions

11.6 Club Gaming and Club Machine Permits

11.6.1 Members clubs and miners' welfare institutes but not commercial clubs may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in regulations.

11.6.2 Members clubs, miner's welfare institutes and commercial clubs may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). It should be noted that commercial clubs may not site category B3A gaming machines offering lottery games in their club.

11.6.3 Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

11.6.4 Licensing authorities may 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;

(e) an objection has been lodged by the Gambling Commission or the Police.

11.6.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police 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."

11.6.6 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.

11.7 TEMPORARY USE NOTICES

11.7.1 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 would include hotels, conference centres and sporting venues.

11.7.2 The London Borough of Barnet 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.

11.7.3 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 (SI 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.

11.7.4 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 to Licensing Authorities. 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 London Borough of Barnet needs to look at, amongst other things, the ownership/occupation and control of the premises.

11.7.5 The London Borough of Barnet 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 in the Gambling Commission's Guidance to Licensing Authorities.

11.8 Occasional Use Notices

11.8.1 The London Borough of Barnet has very little discretion as regards occasional use notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Council will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

12. Travelling Fairs

12.1 The London Borough of Barnet 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.

12.2 The London Borough of Barnet will also consider whether the applicant falls within the statutory definition of a travelling fair.

12.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, 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.

12.4 The London Borough of Barnet will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

13. SMALL SOCIETY LOTTERIES

13.1 Registration of non-commercial society lotteries may be refused if it appears that the applicant is a commercial society, and The London Borough of Barnet will therefore expect full details to be provided of the purpose for which the society is established. The London Borough of Barnet may make enquiries to satisfy itself on this point.

13.2 If The London Borough of Barnet is minded to refuse to register a lottery, or to revoke a registration, it will inform the applicant, stating the reasons, and the applicant will have the right to make representations. Any such representations will be heard by a sub-committee of the Licensing Committee.

13.3 The London Borough of Barnet does not currently possess an operating licence in its own name for the purposes of promoting a lottery for the benefit of the community.

14. INTEGRATION OF LICENSING WITH OTHER STRATEGIES

14.1 The London Borough of Barnet will ensure, so far as is consistent with the Act and Guidance, that action taken under this policy supports and does not conflict with strategies for local crime prevention and community safety, planning, equality, tourism and cultural issues, including in particular:

- The Cultural Strategy for London
  https://www.london.gov.uk/sites/default/files/2017_draft_strategies_culture_2.0.pdf

- The objectives of the Security Industry Authority
  http://www.sia.homeoffice.gov.uk/Pages/home.aspx

- The Safer Communities Strategy
  https://www.barnet.gov.uk/citizen-home/housing-and-community/community-safety.html
- The Sustainable Communities Strategy

https://www.barnet.gov.uk/citizen-home/council-and-democracy/policy-and-performance/major-policy-proposals/sustainable-community-strategy.html

- Barnet's Equalities policy
  https://www.barnet.gov.uk/citizen-home/council-and-democracy/policy-and-performance/equality-and-diversity.html

15. TOURISM AND EMPLOYMENT

15.1 The London Borough of Barnet recognises the relevance of licensed premises to tourism and employment in the borough. The Licensing Committee will receive

reports from any body that it considers appropriate on the needs of the local cultural strategy, and tourist economy, including the employment situation in the area and the need for new investment and employment. These issues will be taken into account so far as the Gambling Act permits when making licensing decisions.

16. PROMOTION OF EQUALITY

16.1 The London Borough of Barnet encourages the provision of proper facilities for disabled people at licensed premises, and will offer advice and information where necessary to assist applicants.

16.2 The London Borough of Barnet is obliged to have due regard to the need to eliminate unlawful discrimination, for example on the grounds of race, gender, disability, sexual orientation or religion, and to promote equality of opportunity and good relations between persons of different groups. When considering applications and representations, the London Borough of Barnet will treat all parties equally. However, it can take into account only the issues provided for in the Gambling Act.

17 LICENSING REGISTER

17.1 The London Borough of Barnet will establish and maintain a Licensing Register containing the information required by statute, and keep it available for inspection. It can be seen on request to the Licensing Team, telephone 0208 359 7443.

18. RELEVANT DOCUMENTS

- The Enforcement Concordat
http://webarchive.nationalarchives.gov.uk/+/http:/www.berr.gov.uk/files/file10150.pdf

- The Regulators' Compliance Code
https://www.gov.uk/government/publications/regulators-code

- The Human Rights Act 1998
http://www.legislation.gov.uk/ukpga/1998/42/contents

- Crime and Disorder Act 1998
http://www.legislation.gov.uk/ukpga/1998/37/contents

- Disability Discrimination Act 1995
www.hmso.gov.uk/acts/acts1995/Ukpga_19950050_en_1.htm

- Guidance issued by the Gambling Commission under section 25 of the Gambling Act 2005 http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf

19. Complaints about the Licensing Service

19.1 The London Borough of Barnet will investigate any complaint about the way it deals with a licensing issue and will inform the complainant of the outcome. If the complaint is justified, it will put the problem right if possible. London Borough of Barnet has a formal complaints procedure. For information see www.barnet.gov.uk/contact-us.htm

20. Further information

20.1.1 Information about applications, fees, how to make a representation, details of the responsible authorities and the licensing register, see www.gamblingcommission.gov.uk or contact the Licensing Team on 020 8359 7443, licensingadmin@barnet.gov.uk or see The London Borough of Barnet's website, www.barnet.gov.uk

21. Commencement and Review

21.1 This policy will come into effect on 13th January 2019 It will be kept under review and The London Borough of Barnet may make changes after consultation. It will be renewed every three years. The London Borough of Barnet will be pleased to receive the views of responsible authorities, individuals or organisations at any time.

Matter to be dealt with	Full Council	Licensing Committee	Licensing sub committee	ff
Final approval of the Licensing Authority Statement of Policy	X			
Policy not to permit casinos	X			
Application for premises licence			Where representations have been received and not withdrawn	Where representations r representations been withdrawn
Application to vary premises licence			Where representations have been received and not withdrawn	Where representations r representations been withdrawn
Application for transfer of a licence			Where representations have been received from the Commission	Where representations been received f Commission
Application for provisional statement			Where representations have been received and not withdrawn	Where representations r representations been withdrawn
Review of a premises licence			All cases	
Application for club gaming/club machine permits			Where objections have been made (and not withdrawn)	Where no ob have made/objections been withdrawn
Cancellation of club gaming/club machine permits			All cases	
Applications for other permits				All cases
Cancellation of licensed premises gaming machine				All cases

permits		
Consideration of temporary use notice		All cases
Decision to give a counter notice to a temporary use notice	All cases	
Decision to reject a representation on the grounds that it is not from an interested party		All cases

Initiation of review of a premises licence by London Borough of Barnet in its capacity as licensing authority		All cases
Fee setting (when appropriate)	Normal budget-setting arrangements	
Consideration of representations when London Borough of Barnet is minded to refuse to register a lottery or to revoke a lottery registration	All cases	

Appendix 2 – Summary of responses

Response received from	Summary of Comments	Licensing team Comments
London Fire Brigade	Confirmed that they have no comments to make on this consultation.	
William Hill	1 The LRA must also be submitted when changes in the local environment or the premises warrant a risk assessment to be conducted again. As we will regularly update our Local Risk Assessments, the latest version will always be available in the shop, for inspection by your Authority as required. We would not expect to submit these forms to you every time they are updated, as some of the updates may be quite minor. We would therefore suggest the following wording would be more suitable – "The LRA must also be **updated** when changes in the local environment or the premises warrant a risk assessment to be conducted again". Your suggested paragraph 10.5.3 already confirms a requirement for the document to be kept on the premises and available for inspection. This amendment would just remove what is considered to be an unnecessary requirement for sending you details of every change, however small. 2 Larger operators (William Hill, Coral, Ladbrokes, Betfred and Paddy Power) are responsible for conducting/taking part in underage testing, results of	**Amended to change this to notified if a minor change** **Amended to remove from LRA to a general notification should a problem with a premises in the area be discovered**

	which are shared with the Gambling Commission. However, operators are urged to also make the results available to the London Borough of Barnet as part of the LRA. As you note, we do conduct our own age verification testing, and as well as sharing this with the Gambling Commission, this is also shared with our Primary Authority. The purpose of this approach is that these two groups can monitor our results, and take appropriate action if they consider there is a problem. It is meant to replace the need to notify each and every Local Authority, which could stretch to over 300 for the larger bookmakers. Because the results are also dealt with internally, there is the possibility of disciplinary procedures as a result of any failings, and therefore this information cannot be retained in shops, where all members of staff would be able to view it. The Local Risk Assessment is a document that all team members should be aware of, so it is not an appropriate place to maintain age verification results. We are happy to share results with you as required, rather than as a regular update, but this should be discussed with a central point of contact, rather than the shop teams.	