

NOTICE OF MEETING

REGULATORY COMMITTEE

Tuesday, 20th November, 2018, 7.00 pm - Civic Centre, High Road, Wood Green, N22 8LE

Members: Councillors Vincent Carroll (Chair), Reg Rice (Vice-Chair), Dhiren Basu, John Bevan, Luke Cawley-Harrison, Justin Hinchcliffe, Sarah James, Peter Mitchell, Sheila Peacock, Viv Ross, Yvonne Say, Preston Tabois and Sarah Williams

Quorum: 3

1. FILMING AT MEETINGS

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. APOLOGIES FOR ABSENCE

3. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business. Late items will be dealt with under the agenda item where they appear. New items will be dealt with at item 10 below.

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

5. MINUTES (PAGES 1 - 6)

To approve the minutes of the meeting held on 18 October 2018.

6. REGULATORY SERVICES SERVICE PLANS 2018-19 (PAGES 7 - 58)

The Council's Commercial Environmental Health and Trading Standards team is responsible for preparing a number of service delivery plans to demonstrate how the team will meet their statutory obligations, this includes:

- Food Law Enforcement Plan (appendix 1)
- Health and Safety Service Plan (appendix 2)
- Trading Standards Intervention Plan (appendix 3)

This report is to inform the Council's Regulatory Committee of these plans.

7. CONSULTATION ON DRAFT REVISED STATEMENT OF GAMBLING POLICY (PAGES 59 - 132)

Regulatory Committee to consider and comment if appropriate on the revised Statement of Gambling Policy under the Gambling Act 2005.

8. ANNUAL FEES AND CHARGES FOR LICENSING

To follow

9. ANIMAL WELFARE REGULATIONS AND FEE SETTING REPORT

To follow

10. NEW ITEMS OF URGENT BUSINESS

To consider any new items of urgent business admitted under agenda item 3 above.

11. DATES OF FUTURE MEETINGS

21 January 2019

Felicity Foley, Principal Committee Co-ordinator

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Bernie Ryan

Assistant Director – Corporate Governance and Monitoring Officer

River Park House, 225 High Road, Wood Green, N22 8HQ

Monday, 12 November 2018

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MINUTES OF THE MEETING OF THE REGULATORY COMMITTEE HELD ON THURSDAY, 18TH OCTOBER, 2018, 7.00 - 9.50 pm

PRESENT:

Councillors: Vincent Carroll (Chair), Reg Rice (Vice-Chair), Dhiren Basu, John Bevan, Luke Cawley-Harrison, Justin Hinchcliffe, Sarah James, Peter Mitchell, Sheila Peacock, Viv Ross, Yvonne Say and Preston Tabois

17. FILMING AT MEETINGS

The meeting was not filmed or recorded.

18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Sarah Williams.

19. URGENT BUSINESS

None.

20. DECLARATIONS OF INTEREST

Councillor Yvonne Say informed the Chair that she was a Councillor in Bounds Green ward, and had been lobbied by members of the Pinkham Way Alliance. She also advised that in relation to agenda item 8, she was a resident in Tower Gardens.

Councillors Viv Ross and Justin Hinchcliffe also informed the Chair that they had been lobbied by members of the Pinkham Way Alliance.

21. MINUTES

RESOLVED that the minutes of the meeting held on 5 July 2018 be approved as a correct record.

22. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

The Committee received a deputation from Stephen Brice and Evelyn Ryan of the Pinkham Way Alliance (PWA) in relation to item 7 - North London Waste Plan - Pre-Submission (Regulation 19) Consultation.

Mr Brice addressed the Committee and outlined the main issues and concerns of the (PWA). The new report did not provide any history, not did it make it clear that the Regulatory Committee were being asked to comment on a draft report to the Cabinet. The PWA considered the proposal to be a continuing waste of money and referred to previous comments made by inspectors in relation to the removal of the site from the

Council's Site Allocations. Two different consultants had advised that the site was unsuitable and unviable for employment use, and in 2012 an inspector had recommended that the site be reviewed for biodiversity. Mr Brice requested that the Committee kept in mind when considering their comments on the report that the waste plan was 12 years old.

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Emma Williamson, Assistant Director for Planning, responded to the deputation as follows:

"I note your deputation is consistent with the Alliance's previous representations to the Haringey Local Plan and earlier iterations of the North London Waste Plan. I recognise that you disagree with the conclusions that the Council and Planning Inspectors have reached on this site's dual designation. Nevertheless, that is the extant policy position for this site.

As provided for through the plan-making process, the PWA will have the right to make a detailed representation to the proposed site's allocation within the Waste Plan, and to have this considered by an inspector at the "independent examination", having regard to all other available evidence and views.

Whilst I am sorry that you disagree with the inclusion of the Pinkham Way site within the proposed North London Waste Plan, I am of the view that, in order to be open and transparent and arrive at an evidence based conclusion, the most appropriate way forward remains to consult on the plan as submitted.

The site has been identified as having biodiversity value, sufficient to require a Grade 1 Borough SINC designation. It will be for any subsequent planning application to demonstrate that the development proposal will not adversely impact on the biodiversity value of the site or that such impacts can be appropriately mitigated. Officers believe that the two designations are compatible.

The allocation of a site indicates it is proposed for change in use and/or for new development. Because the Council was not proposing any change to the Pinkham

Way site's designations or use, there was no need to include it in the Site Allocations DPD and this is why the Council agreed to remove the site from the Site Allocations DPD. It remains in the Local Plan.

The Council must take into account the views of the landowners, who in the case of Pinkham Way are the North London Waste Authority and Barnet Council, who have confirmed that they wish to see the site retained in its current designation and have further confirmed that they can deliver employment use development on the site without concern for development viability. There is no specific proposal as yet.

The Haringey Employment Land Review identifies that there is significant unmet need for employment land in the borough, and as such preserving this opportunity is considered appropriate. The site is proximate to the A406, and therefore a suitable location for new employment floorspace.

The Pinkham Way site does not provide informal or formal public use or access. It has also not had a history of private open space use, such as other non-public sites included in the Open Space study, such as private playing fields. While owned by various public bodies, the site is managed as a private asset. Finally, the owners of the site argue that designation of the site as Open Space is not deliverable.”

23. NORTH LONDON WASTE PLAN - PRE-SUBMISSION (REGULATION 19) CONSULTATION

Philip Crowther, Principal Planning Officer, introduced the report as set out. He informed the Committee that there was a range of criteria considered when identifying a site for waste use. It was not proposed that any site be used wholly for waste use – around 20% of the 26 hectares of land identified across the borough would be used for waste use.

Officers responded to questions from the Committee:

- A small part of the Pinkham Way site, around 15%, was in flood zone 2, the rest was in flood zone 1.
- The North London Waste Authority had not put forward a proposal on the type of waste facilities to be provided on site.
- If a site were to be allocated in Haringey, there would be an increase in employment, and of business rates paid to the Council. The Council would also look to secure a proportion of employment in the building and operation of the site for local people.
- On any site where removal of trees was proposed, they would be replanted elsewhere. The Council would always look to secure appropriate mitigation and improve biodiversity where possible.

Councillor Ross proposed that the Regulatory Committee put to the Cabinet that Pinkham Way be removed from the list of identified sites. Councillor Cawley-Harrison seconded the proposal. The Chair moved a vote, and with 6 members in favour and 5 against, it was:

RESOLVED that the report be recommended for consideration at Cabinet, with the request from the Regulatory Committee that Pinkham Way be removed from the list of identified sites.

24. CONSULTATION ON DRAFT CONSERVATION AREA APPRAISAL AND MANAGEMENT PLANS FOR BRUCE CASTLE, TOTTENHAM CEMETERY, TOWER GARDENS AND PEABODY COTTAGES, AND DRAFT LOCAL HERITAGE LIST

Lucy Morrow, Assistant Planning Officer, introduced the report as set out. The report was seeking comments from the Regulatory Committee before referral to Cabinet for approval to publish four draft Conservation Area Appraisal and Management Plan documents and the draft Local Heritage List for a six week public consultation. The rationale for publishing these was for good heritage management, and would help to manage local assets in a coherent and transparent way. The appraisals included a description of the area and a review of the boundaries, and the Heritage List identified buildings of local importance. The Committee were informed that there had been four Haringey owned schools included on the Heritage List, however these had been removed, as all had plans for works in the future.

Officers responded to questions from the Committee:

- Descriptions of areas had been provided by consultants – where there were corrections to be made, Ms Morrow would raise these outside of the meeting. The consultants had also made the assessments in relation to the boundaries and whether an area could qualify for statutory designation.
- Members could make suggestions for buildings to be added to the Local Heritage List as part of the consultation.
- The street furniture list would not be updated as there were no new items to be included.

Councillor Bevan proposed that the Committee ask the Cabinet to reconsider the decision to remove Council owned buildings from the Local Heritage List due to concerns over the quality of any future building work. Councillor James seconded the proposal. The Chair moved a vote, and with 11 in favour and one abstention it was:

RESOLVED that the report be recommended for consideration at Cabinet, with the request from the Regulatory Committee that Cabinet reconsider the decision to remove Council owned buildings from the Local Heritage List due to concerns over the quality of any future building work.

25. ANNUAL MONITORING REPORT 2017/18

Clerks note: Cllr Basu left the meeting at 21.00

Emma Williamson, Assistant Director for Planning, introduced the report as set out. There was a statutory requirement for the Council to produce an annual report.

Officers responded to questions from the Committee:

- The target for building new housing was deliverable from the point of view of granting permissions, the issue was whether the developers built the housing. The Council had objected to a proposal by the Mayor to increase the target.
- Community Infrastructure Levy payments were only made once a scheme had been implemented, and Section 106 payments were made at various points from implementation of permission until completion. There were no issues with the service collecting s106 or CIL payments, but the service could only collect money from applications that had been implemented. Works had started or completed on around 5000 units.
- There were specific areas where s106 money could be spent, and the service were making efforts to raise awareness with other services in the Council to encourage bids for funding from the s106 funds.

RESOLVED that the report be noted and referred to Cabinet for consideration.

26. PLANNING SERVICES 2018/19 (APRIL - SEPTEMBER) UPDATE

Dean Hermitage, Head of Development Management, introduced the report as set out. To date, 1770 planning applications had been made which was an increase of 46 applications compared to the same period in 2017/18. There had been 42 appeals, 29 of which had been won, which was on average with other London boroughs. The service was currently the best performing service in London, with 100% performance on major applications and 98% performance on minor applications. The pre-application advice service was providing a key income stream for the department.

Bob McIver, Head of Building Control Services, updated the Committee on Building Control. 515 fee earning applications had been received to date, which was an increase compared to previous years. Site inspections had increased by 20%. The Hackett review had made 53 recommendations, and an action plan put in place. There were a number of things that would need to be implemented, and an update would be provided at a later date to the Committee.

Emma Williamson, Assistant Director for Planning, advised the Committee that currently there was a consultation running asking for priorities for the spend of the neighbourhood element of Community Infrastructure Levy funds.

RESOLVED that the report be noted.

27. HARINGEY ENFORCEMENT PLAN

Emma Williamson, Assistant Director for Planning, advised the Committee that she had not received any comments from members since the report was provided at the

last Committee meeting. Cllr Mitchell agreed to provide comments separately after the meeting.

RESOLVED that the Enforcement Plan be noted.

28. NEIGHBOURHOOD FORUMS - INFORMATION ITEM

The Committee noted the item.

29. NEW ITEMS OF URGENT BUSINESS

None.

30. DATES OF FUTURE MEETINGS

Noted the dates of future meetings.

CHAIR: Councillor Vincent Carroll

Signed by Chair

Date

Report for: Regulatory Committee 19th November 2018

Title: Regulatory Services Service plans 2018-19

Report

authorised by: David Murray – Interim Assistant Director Environment & Neighbourhoods

Lead Officer: Felicia Ekemezuma - Commercial Environmental Health

Ward(s) affected: ALL

Report for Key/

Non Key Decision: For information only

1. Describe the issue under consideration

1.1. The Council's Commercial Environmental Health and Trading Standards team is responsible for preparing a number of service delivery plans to demonstrate how the team will meet their statutory obligations, this includes:

- Food Law Enforcement Plan (appendix 1)
- Health and Safety Service Plan (appendix 2)
- Trading Standards Intervention Plan (appendix 3)

1.2. This report is to inform the Council's Regulatory Committee of these plans.

2. Recommendation

2.1 That the Regulatory Committee note the contents of the plans in the appendices.

3 Reason for Decision

3.1 This report is for information only.

4 Alternative options considered

4.1 The development of service plans are required by guidance, which is given legal effect by statute therefore, there are no alternative options to consider.

5 Background information

5.1 The Commercial Environmental Health and Trading Standards Team carryout a number of regulatory functions:

- a) Food Safety
- b) Health and Safety
- c) Trading Standards
- d) Infectious Disease
- e) Smoke Free; and
- f) Pollution.

5.2 Whilst the team has a legal obligation to carry out all of the above functions, legislations/guidance requires the development of a documented service plan to

details how these functions will be delivered. These service plans are found in the appendices 1-3.

- 5.3 These service plans are structured differently to ensure compliance with regulatory procedures. For example the Food Law Enforcement Plan is set out in a legal framework (5.4) to satisfy the Food Standards Agency, however the Health and Safety and Trading standards delivery plans are overseen by the Regulator's Code which requires transparency of priorities.
- 5.4 **The Food Law Enforcement Plan (see appendix 1)** is governed by The Framework Agreement on Official Food & Feed Controls for Local Authorities (LA's). The framework sets out what is expected from LA's on how service plans for official feed and food law controls should be structured. LAs are monitored and audited by the Food Standards Agency.
- 5.5 Our enforcement plan ensures that we amongst other things take account of the Government's better regulation agenda and follow the 5 principles of good regulation;
- targeting (to take a risk-based approach);
 - proportionality (such as only intervening where necessary);
 - accountability (to explain and justify service levels and decisions to the public and to stakeholders);
 - consistency (to apply regulations consistently to all parties); and
 - transparency (being open and user-friendly).
- 5.6 Current resources allocated to this function is 5.1 FTE's.
- 5.7 **Health and Safety Service Delivery Plan 2018 – 19 (Appendix 2)** is governed by the National Local Authority Enforcement Code - Health and Safety at Work. **This code** sets out the risk based approach to targeting health and safety interventions to be followed under section 18(4) (b) of Health and Safety at Work etc. Act 1974.
- 5.8 The Code concentrates on four objectives:
- Clarifying the roles and responsibilities of business, regulator and professional bodies.
 - Outlining the risk-based approach to regulation that LAs should adopt.
 - Setting out the need for training and competence of LA H&S regulators.
 - Explaining the arrangements for collection/publication of LA data and peer review.
- 5.9 The code also provides a list of activities/sectors suitable for LA's to target in their risk based service delivery plan on.
- 5.10 Current resources allocated to this work is 0.5 FTE's.
- 5.11 **Trading Standards Intervention Plan is found in appendix 3.** Local Authority Trading Standards Services are responsible for protecting consumers from detrimental activities, which could result in them being accidentally or deliberately treated unfairly by a business. These activities range from unfair commercial practices, such as pressure selling, to scams where criminals operate behind the appearance of a legitimate business.
- 5.12 Local Authority Trading Standards Services have a large list of powers in legislation to enforce, however work in the team is prioritised to ensure the protection of the

most vulnerable members of our community as well as meeting our statutory duties. Work included includes the following area of work: product safety, weights and measures, underage sales, anti-counterfeiting and investigating unfair trading practices.

5.13 Current resources allocated to this work is 2.8 FTE's.

6 Contribution to strategic outcomes

The service plans contribute to all five priorities of the current Corporate Plan 2015 – 18 and priorities two – five of the draft Borough Plan 2019 – 2023 (see plans in the appendices)

7 Use of Appendices

- Appendix 1 Food Law Enforcement Plan 2018-19
- Appendix 2 Health and Safety Service Delivery Plan 2018 – 19
- Appendix 3 Trading Standards Service Delivery Plan 2018 -19

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Food and Feed Law Enforcement Plan

2018-19

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INTRODUCTION

This Food and Feed Law Enforcement Plan has been developed in accordance with Foods Standards Agency Framework Agreement. It is developed in consultation with the Service Manager for Regulatory Services.

This document will be made available to the Traders and accessible via the Council's Website.

The Service Plan provides:

- ✓ A focus on key delivery objectives;
- ✓ A structured insight into the activities and management of the Food Safety Teams.
- ✓ An essential link to financial planning;
- ✓ Set objectives for the future and identifies major issues that cross service boundaries;
- ✓ A means of managing and improving performance.
- ✓ A reference point against which to measure and review changes in organisation, personnel, service delivery, targets and performance.
- ✓ A method by which to bring the performance of individual team members into focus towards meeting objectives and targets for the team.
- ✓ A method by which to link to the Council's corporate aims and objectives.
- ✓ A reference point for contribution to the Food Standard Agencies (FSA) targets

1. SERVICE AIMS and OBJECTIVES

The [FSA Strategy 2015-20](#) and [the FSA Compliance and Enforcement Strategy 2015-20](#) have informed the development of this service delivery plan. Local Authorities work in partnership with the FSA to deliver Food and Feed Safety nationally and internationally.

The Commercial Environmental Health Team (CEH) has 4 main aims:

- To regulate and achieve, through education and enforcement, the sale and/or production of food and feed which is safe and wholesome.
- To protect the interests of consumers to allow them to make informed choices in relation to the food that they consume, in particular to prevent fraudulent or deceptive practices such as the adulteration of food, which may mislead the consumer
- To prevent and control the spread of reportable infectious diseases (including food borne illness) through education and enforcement
- To respond to complaints from consumers and other stakeholders relating to food safety and food standards if food products have been sold or produced in the borough.

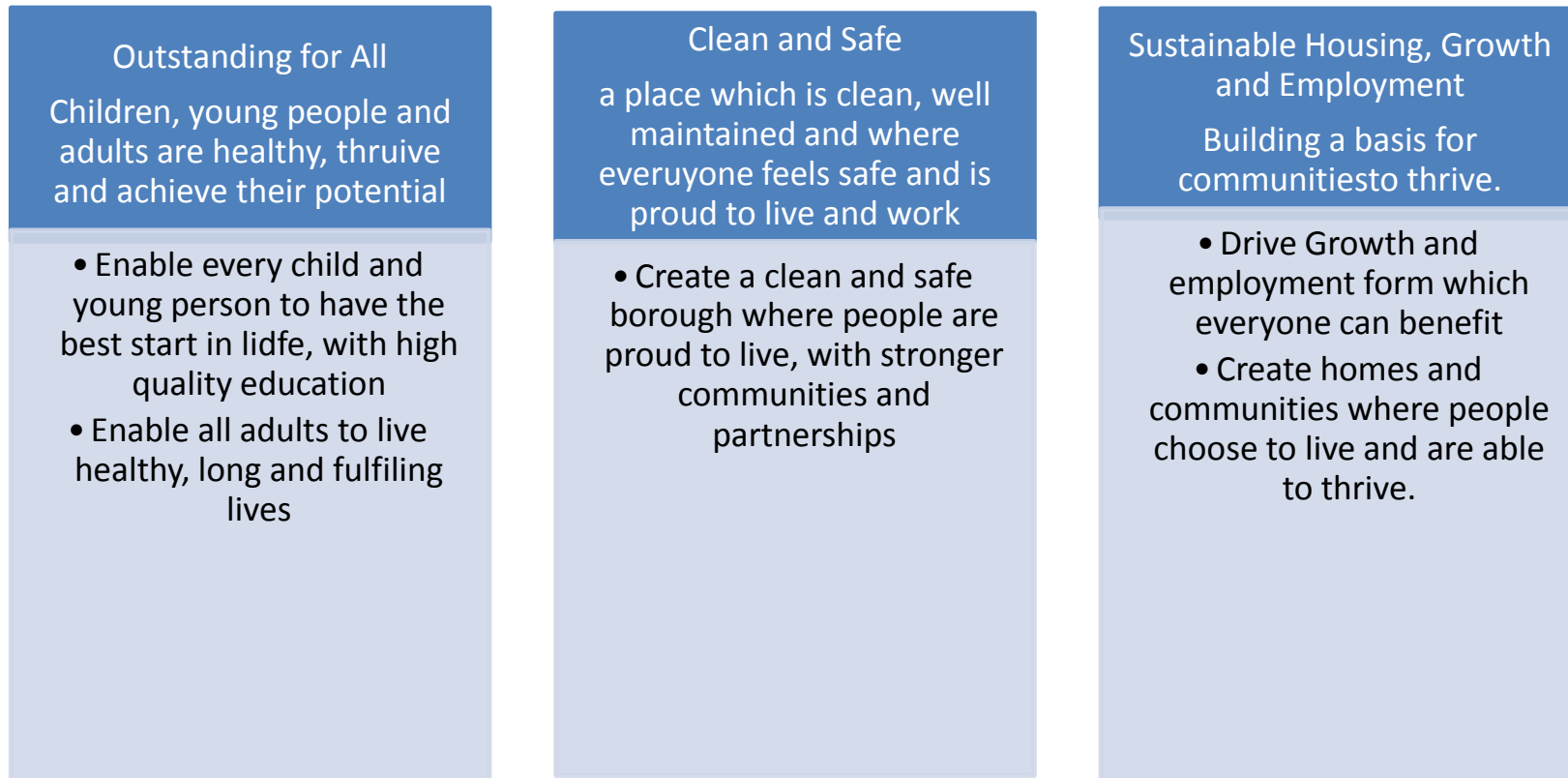
To achieve these aims, the following objectives have been set for 2018-19:

- To undertake a risk-based programme of food and feed safety interventions in premises in accordance with Food Standards Agency Food and Feed Law Code of Practice and Practice Guide.
- To register food businesses in accordance with EC Regulation 852/2004 (Food Premises) as amended.
- To provide a risk-based response to all notifications of food related illness or suspected illness in order to minimise the effects on the community.
- To carry out food sampling in accordance with nationally and locally set programmes.
- To provide information, advice and education on food safety and standards issues.

- To respond in line with service priorities to complaints concerning food and feed safety standards.
- To provide formal food safety training opportunities.
- Initiate and respond to food and feed alerts.
- Increase the number of premises with a Food Hygiene Rating of 3 (Satisfactory) and above to 94%.
- To tackle illegal of foods into the borough and to monitor the composition and labelling of foods including imported products through sampling and inspection.
- To provide clear accessible information about compliance with hygiene legislation (Food Hygiene Rating Scheme).
- To assist in the delivery of the Health & Wellbeing Strategy (2015-18) In particular to promoting the Health Catering Commitment scheme in catering establishments in the most deprived areas of the borough in order to reduce childhood obesity, diabetes and cardiovascular disease.

2. LINKS TO CORPORATE OBJECTIVES AND PLANS

Haringey's [Corporate Plan 2015-18](#) sets out our agreed vision: 'To work with communities to make Haringey an even better place to live' and our approach to achieve it: 'To encourage investment and create opportunities for all to share in. It also explains our priorities for the borough and what the council will do to help achieve them:



The [Community Safety Strategy 2013-17](#) identifies how the borough will improve the quality of life for people living, working, learning and visiting the borough.

In addition to food and feed regulation, CEH officers deliver a number of other regulatory roles that contribute to Haringey’s Key Priorities. These include the regulation of health and safety, smoke free, public health and infectious diseases, animal health and welfare. The table below summarises the contribution that CEH makes towards Haringey’s corporate objectives:

3. LOCAL AUTHORITY PROFILE

Haringey Key Priority	CEH Contribution
<p><u>Outstanding for All</u> Children and young people are healthy, thrive and achieve their potential</p>	<ul style="list-style-type: none"> • Reduce obesity, diabetes and cardiovascular disease by encouraging sign up to Healthier Catering Commitment across the borough • Reduce exposure to second hand smoke and discourage uptake of smoking- Smoke free regulation - making every inspection count
<p><u>Clean and Safe</u> A place which is clean, well maintained and where everyone feels safe and is proud to live and work</p>	<ul style="list-style-type: none"> • Improved regulatory compliance through inspection • Swift and robust enforcement of business that are involved with serious criminal activity or present a imminent risk to health of the Public • Responsible authority in respect of premises licenses – ensuring that licensed businesses fulfil the licensing objectives. • Health and Safety hazard spotting – making every inspection count • Control of Infectious diseases – food poisoning investigation and outbreak controls
<p><u>Sustainable Housing Growth and Employment.</u> Building a basis for communities to thrive</p>	<ul style="list-style-type: none"> • Supporting and encouraging business success, improvement and employment opportunities through inspection, interventions, training, Food Hygiene Rating and provision of information and advice to existing and potential food business operators.
<p>Improve the quality of life for people living, working, learning and visiting the borough.</p>	<ul style="list-style-type: none"> • Regulating and supporting the success of the local food economy to provide employment and business opportunities and safe and healthy food

Haringey is home to over 254,000 people in an area of North London that is 11.5 square miles and bordering 6 other London Boroughs. The borough is separated into 19 wards with 3 local ward Councillors in each:

Haringey is predominantly residential in character with some industry in the east of the Borough. It is home to a diverse population; almost half of our residents are from the diverse community, with an estimated 200 languages spoken within the Borough, which pose a challenge for food safety enforcement.

The Borough has three significant land sites, Finsbury Park and Alexandra Palace both of which cater for large events attracting people from across the country including large Pop Music Events, Firework Displays etc. Tottenham Hotspur Football Club is also located within Haringey and is currently regenerating its current stadium and surrounding sites to create a 56,000+ seat stadium, a new residential and shopping area, as well as public space.

Haringey has approximately 10,000 active businesses with over 2200 registered food businesses. These businesses contribute to a substantial night time economy and range in size from a majority of small catering outlets, home caterers, local and regional retailers and larger wholesale, meat cutting and manufacturing premises

The majority of businesses are concentrated in the main thoroughfares of Tottenham High Road, Seven Sisters Road, Green Lanes, Wood Green High Road (including Wood Green Shopping City), Crouch End and Muswell Hill. In addition, Haringey has 17 industrial Estates and 3 retail parks.

4. ORGANISATIONAL STRUCTURE

The food and feed safety function is delivered by the Commercial Environmental Health and Trading Standards Team (CEH&TS) which is part of the Regulatory Service.

This is under the remit of the Chief Operating Officer and within the Environment and Neighbourhoods Business Unit. (The team is also responsible for regulating Consumer Protection, Health and Safety, Infectious Disease, Animal Welfare, Smoke Free, Trading Standards, Public Health, Air Quality and Contaminated Land legislation.

The CEH&TS Team is led by 1 FTE Manager (job share) who is responsible for the yearly planning of the activities and the management of Food Safety, Health and Safety, Trading Standards, Pollution and associated work streams., and a Lead Officer who provides the specialist support for delivering the food safety function.

Specialist support services are provided by the following:

Food Examiners at Public Health England (PHE) Colindale:

Food, Water & Environment Microbiology Unit
Central Public Health Laboratories,
61 Colindale Avenue
London
NW9 5EQ
Accreditation: UKAS No: 4063

Nominated Public Analysts and Agricultural Analysts at:

Eurofins Scientific
445 New Cross Road,
LONDON
SE14 6TA

Authorised Officer (under the Public Health [Control of Diseases] Act 1984) at:

PHE London- North East and North Central London Health Protection Team

Ground Floor, South Wing
Fleetbank House
2-6 Salisbury Square
London
EC4Y8JX

5. SCOPE OF THE SERVICE

- Planned risk based interventions (inspections) at food and feed businesses to ensure compliance with Food and Feed regulations.
- Risk based investigation of service requests relating to contraventions of food and feed regulations.
- Risk based investigation, prevention and control of outbreaks and incidences of food borne diseases.
- Undertake hard-hitting enforcement action where there is a serious risk to health.
- Sampling and analysis of foodstuffs to check compliance with safety, compositional, and labelling standards;
- Maintain a database of food and feed businesses in Haringey in order to produce a public register of premises rated by inspection category with historic details of previous interventions undertaken within those premises.
- Risk based interventions and enforcement at large scale community events such as 'Wireless' festival.
- Provide a chargeable service for local food businesses of advice and guidance to comply with their legal responsibilities;
- Respond to Food Alerts (issued by the Food Standards Agency) as they relate to the local food trade.
- Training of food handlers in safe food handling practices or sign posting to suitable training courses.
- Issue of food export (Health) Certificates.
- Promote health and food safety initiatives.
- Ensure that staff maintain professional competence in authorised activities.

- Tackle the sale of illegal foods in the borough.
- Monitor the composition and labelling of foods to ensure they comply with food safety legislation.
- Respond to intelligence relating to food fraud and take appropriate action.

The Food Safety Officers also provide the following additional functions;

- Flexible resource to support Commercial and Operations functions as needed – officers may be deployed to other functions of the team if required (e.g. HSW, animal health, smoke free enforcement, pollution, public health – including drainage and the wider commercial and operations remit)
- Advice, guidance and enforcement (hazard spotting) in local food businesses to support compliance with health and safety, smoke free and other regulatory responsibilities. – make every inspection count;
- Investigation of reportable accidents and dangerous occurrences
- Responsible Authority for Licensable activities - provision of information to the Licensing Team to enable the processing of Licence applications.
- Consultee for planning applications – provision of information to the Planning Team to enable processing of Planning Applications
- Supporting student Environmental Health Officers in gaining practical experience for the ELP, PPP and professional qualification.

6. DEMANDS ON THE FOOD AND FEED SERVICE

Premises profile

There are currently 2122 registered food and feed businesses in Haringey. Many of these businesses frequently change ownership (although the total number is expected to remain the same or increase slightly) identifying these changes in ownership is an ongoing challenge. Food businesses can be split into the following categories:

CATEGORIES	TOTAL NUMBER
Food Manufacturers/Packer	78 including 15 premises subject to approval
Food Importers/Exporters	22
Food Distributors	42
Food Retailers	615
Restaurants and other Caterers	1365
Total Number of Food and Feed Businesses	2122

- The Borough is characterised by its restaurants and other caterers. In addition, as the population diversifies and the number of retail food businesses increase, the amount of imported food coming into the borough is also increasing.
- The cultural diversity and language variations of food business operators in Haringey enriches the local community but provides additional communication challenges when driving forward food safety regulatory compliance.

Service Demands

The following points outline some of the demands to the service which need to be considered when planning work programmes:

- In addition to Haringey registered food businesses, there are many food traders who operate at markets, festivals and community events within the Borough that may be registered with other Councils. Whilst not part of the statutory inspection plan, these are businesses which require input from the team to ensure regulatory compliance.
- Freedom of Information Act – information requests continue to increase, are often time consuming to collate and require a time sensitive response.
- Maintenance of Food Hygiene Rating Scheme –demands additional unplanned visits, revisits, appeals, monthly verification checks etc
- Many food businesses operate outside conventional office hours. Where possible the team works flexibly to meet its objectives.

Service Points

The Commercial Environmental Health Service can be contacted in the following ways;

- **e mail** frontline@haringey.gov.uk
- **via the council's website:** <http://www.haringey.gov.uk/foodhealthsafety>
- **telephone** 020 8489 1335 (Customer Service) between the hours 9.00am and 5.00pm, Monday to Friday.
- **in person**, By appointment only at River Park House High road wood green London N22 8HQ between the hours of 9.00am and 5.00pm, Monday to Friday,

- **letter** at Frontline, First Floor, River Park House High road wood green London N22 8HQ
- **In an emergency, outside of the hours** given above by telephoning the Council's emergency telephone number: 020 8489 0000

7. ENFORCEMENT POLICY

The Food Safety Service is bound by the Service Enforcement Policy (currently under review) which embraces the principals of the Regulators' Code, pays regard to the Crown Prosecution Guidelines and human rights issues. The policy directs food officers in enforcement to ensure consistency, openness and proportionate actions to the risk involved.

Authorised food safety officers will carry out proportionate enforcement in line with the Food Law Code of Practice and the Council's Enforcement Policy. Enforcement may involve one or more of the following actions:

- Formal written warning
- Enforcement Notices
- Emergency Prohibition
- Prohibition
- Seizure and Detention of Foods
- Simple Cautions
- Prosecutions

8. SERVICE DELIVERY

The following outlines Haringey's Policy for delivering our 2018-19 Work Plan.

- See appendix A for the full Food Safety Interventions Plan
- Risk based food and feed safety interventions including inspections will be carried out in compliance with The Food Safety Act 1990, Food Hygiene (England) regulations 2006 and the Food and Feed Law Codes of Practice and Practice Guidance 2017 and according to the following principles.
- Higher risk interventions will take precedence over lower risk interventions
- Priority is given to the higher risk food hygiene inspection programme. All A, B, C and high risk (catering) D businesses will receive an appropriate official control.
- Low risk D rated premises will alternate between an official controls and other interventions
- Other Food/Feed interventions due within year will where practical be carried out alongside food hygiene interventions
- E rated businesses will be subject to an Alternative Enforcement Strategy and asked to complete a monitoring questionnaire which will be filed with their premises records. A maximum of 10% of these will receive a further intervention.
- Where an imminent risk of injury to health is identified or where formal enforcement is required, this will take priority over all other work. This may impact on the delivery of the pro-active inspection programme.
- Newly Registered Businesses are logged as non-compliant until inspected and risk rated. These will be inspected in addition to the proactive Inspection Program. Haringey has a high turnover of businesses resulting in high number of new food business registrations. Newly registered business will be prioritised according to evident risks and it may not be possible to complete these within the required 28 days of the business registering.

- Additional interventions – verification, monitoring and surveillance visits will be carried out in line with the Food Law Code of Practice in non-compliant high risk businesses in order to achieve compliance. This may impact on the delivery of the pro-active inspection programme.
- All officers authorised to undertake food and feed safety work meet the qualification and experience requirements as detailed in the Food Law Code of Practice (England) 2017.
- Whilst financial pressures in the council in 2018 continue to be a challenge, we will continue to utilise the staff flexibly to ensure public safety is maintained by prioritising high risk interventions and reactive work over lower risk issues.

Interventions Planned 2018-19

Food Hygiene Risk Category	Number of Interventions Planned	Food Standards Risk Category	Number of Interventions planned
A	6 (3 businesses)	A	7
B	55	B	112 During FH inspection If due within year
C	205	C	200 During FH inspection If due within year
D	282		
E*	163		
Outstanding From Previous Year	2 x D		
Unrated ** throughout year	230 (including 146 outstanding from previous year)		230
Feed Inspections	8		
TOTAL*	951	TOTAL	549

Breakdown of Food Hygiene Rating Vs Risk Rating –

FH rating	Risk rating						Grand Total
	A	B	C	D	E	(blank)	
				1	44		45
0	2		1				3
1	1	22	9	4			38
2		3	15	12	3		33
3	0	9	54	22			85
4	1	8	65	48	98		220
5		15	54	278	302		649
Grand Total	5	57	188	365	447		1073

The above table shows that the majority of premises with a poor food hygiene rating i.e. 0 – 2 are within the risk categories A – C. The commercial EH team will prioritise resources on these premises.

Feed Inspections

These will be carried out by via the Association of London Environmental Health Managers (ALEHM) funded project in partnership with London trading Standards (LTS). Haringey will provide a list of risk based inspections to ALEHM. These inspections will be delivered by an authorised feed officer.

Impact of other Advice and Guidance

In addition to the statutory food and feed inspection program, the Commercial Environmental Health Team also carries out other supporting work to drive up regulatory compliance in commercial premises throughout the borough. These activities are prioritised and carried out alongside our core food safety work. There are occasions where local priorities in high risk areas may impact on the statutory inspection plan.

- National Food Hygiene Rating Scheme - We aim to maintain the percentage of premises with Hygiene Rating of 3,

4 and 5 at a minimum 94% and where possible increase compliance to 95%. This will be achieved by focussing resources on the non-compliant businesses via the inspection program and maintaining a strict enforcement regime in line with the Service Enforcement Policy. The level of enforcement and additional interventions required may impact on the proactive inspection programme.

- Non-compliant premises will receive additional interventions in line with the codes of practice to ensure that higher risk matters are resolved
- Healthier Catering Commitment - we will continue to expand and support the scheme via our Public health funded project.
- Smoke-free Enforcement - We will continue to contribute to the regulation and enforcement of this work .
- Partnership working - take part in joined-up work / operations between services to contribute to the wider regulatory agenda.
- Community Events – contribute to the regulation of large scale community events e.g. Wireless festival
- Waste management - continue to ensure food businesses have appropriate systems in place dispose of the waste they generate.
- We will work to develop our web pages to assist service users in utilising on line information sources.
- Health & Safety – high risk issues will be considered during the inspection where there is a concern about compliance.

Alternative Enforcement Strategy for Low Risk Premises

Premises which pose little or no risk to the Food Safety/standards (E Risk)) are not subject to Official Controls. These premises will initially be contacted by letter and provided with relevant information. They will be asked to confirm that the details we hold about the business are correct. 10% of low risk businesses will be inspected if we receive no response, or their risk appears to have increased

Primary inspections of such businesses will be triggered by criteria other than the planned inspection programme. These criteria include:

- Applications for registration;
- Consumer complaints;
- Changes in management;
- Food alerts from the FSA;
- Significant changes in activities.

Premises outside of the Inspection Programme

There are a 60 food premises on the database that do not require an inspection. These include approved premises which are inspected by the Food Standards Agency, some businesses that handle no goods at all and so there is no premises or information to inspect.

We will review the list of premises outside of the programme to ensure it is accurate and appropriate.

9. FOOD COMPLAINTS

All service requests (including complaints about food and food businesses) are recorded by the council's Call Centre. The requests for service are allocated by the Lead Officer to the officers for action. Our Service standards are published here: https://www.haringey.gov.uk/sites/haringeygovuk/files/food_health_and_safety_service_standards_2017-18.pdf

We expect to receive in the region of 1000 service requests of all types concerning food and food premises. We will continue to revise customer service scripts and web pages in order to reduce the number of service requests and complaints by improving our information for service users.

10. PRIMARY/ HOME AUTHORITY

The Service recognises the value of the Primary/Home Authority Principle in securing and improving food hygiene and food standards practices. The principle is that the local authority provides guidance to the companies and acts as a central point for other local authorities.

Advice is regularly exchanged with Primary/Home, Originating (where a food is manufactured) and Enforcing (where an offence takes place) Authorities. The Authority has no formal Home or Primary Authority partnerships with local businesses, but continuously acts in an informal capacity with manufacturers in the borough with whom we have no formal agreement.

11. ADVICE AND CONTACT WITH BUSINESSES

The Commercial Environmental Health Team support local food businesses by assisting them to comply with the law and to encouraging best practice. This is achieved via the following:

- Advice given during inspections
- Advice given during other interventions at business premises –
- Responding to service requests and enquiries over 1000 expected in 2017-18

- Improving business support via the Haringey website and moving towards e-government targets

- Publication and presentation of information in media

- Food Hygiene Training Courses – a minimum of 4 per year

- Attendance at business forums and events –where resources available

12. FOOD and FEED SAMPLING

The Borough's Food and Feed Sampling Programme (Appendix 2) aims to achieve a sampling strategy that enables consumers to be confident in the quality and safety of the food available in Haringey. It also aims to incorporate issues of national and international concern.

Food sampling is carried out in a programmed way, in response to complaints and also during or following programmed inspections.

Sampling is coordinated within the North West Sector Food Sampling sub-group in partnership with the Food Standards Agency, the Food examiner from the Health Protection Agency and Eurofins (appointed Public Analysts). A Budget of £2,500 is allocated to this function. This will cover the costs of procurement and analysis.

13. INFECTIOUS DISEASES

The Service investigates and seeks to control incidents of food borne disease and cases of Tuberculosis where there is a potential for further spread of the disease

All formal and informal notifications are recorded on the database. We can expect 200-300 notifications in 2017-18

Information and questionnaires are sent to patients/cases by the business support team.

Cases are allocated to members of CEH where further investigation or action is required to control the spread of disease.

A memorandum of understanding has been produced and agreed with Public Health (England) and follows the principles established in a countywide procedural document. This memorandum requires the provision of 24-hour cover for outbreak investigation and this is tested on a yearly basis. Currently Haringey has a 24-hour emergency duty environmental health practitioner system in place.

Investigations can be contained within the existing resource allocation. However, in the case of a major food poisoning outbreak, resources will need to be diverted away from the food hygiene inspection programme and elsewhere within the Regulatory Service, to support the investigation and action required.

14. FOOD and FEED SAFETY INCIDENTS

Food and Feed Alerts received from the Food Standards Agency are given an appropriate response (As detailed in Food Law Code of Practice). Any relevant food safety incidents identified within the Borough are notified to the FSA. It is expected that the service will receive 100-200 notifications per year requiring different levels of response. The majority are providing information; some are **alerts for action** and will require immediate action from the team.

15. IMPORTED FOOD

Imported foods are considered during all food safety interventions. Haringey has a diverse population who demand foods from all over the world. Imported food control is considered a high priority

The team deal with the regulation and enforcement of imported foods in partnership with the FSA and other local authorities through inspection, sampling and reactive work. In addition, area based initiatives will be utilised where possible to provide a platform for effective enforcement. During these initiatives, it is proposed that the team engage with operators of food businesses and provide an educative approach where appropriate

16. LIAISON WITH OTHER ORGANISATIONS

We work closely with the following organisations to aid consistency and provide a joined up service:

- Association of Local Authority Environmental Health Managers (ALEHM) via Head of Service
- Participation at the North West London Food Liaison Group (NWLFLG);
- Attendance at Food Standards Agency (FSA) update seminars;
- London Food Co-ordinating Group via LFCG;
- London Approvals Group
- Local Government Association (LGA – formerly LACORS);
- DEFRA.
- Health and Safety Executive
- London Food Study Group

- London Trading Standards
- Voluntary Sector and Consumer Organisations (North London Business Link)
- OFSTED
- Haringey Primary Care Trust & Public Health England (Environmental Forum for ID work);
- Joint initiatives with other Haringey Services such Trading Standards and Licensing, Waste Management, Planning;
- Port Health Authorities

17. PROMOTION

The Service promotes awareness within the food and feed trade and the local population via a targeted education/information program:

- FSA Food Hygiene Rating Scheme (See Appendix 3)
- Internal Food Hygiene Courses – minimum 4 per year
- Local and National media including Council magazines
- Advisory leaflets available in English and other local community languages;
- Talks and presentations in local community centres; schools; fairs; government organisations; and other organisations.
- Promotion via the council’s website

- Participation in the **FSA** 'National Food Safety Week';
- Additional advice is provided for consumers around seasonal food safety matters e.g. Christmas Cooking and barbeques.
- Action following Food Alerts and Food Incidents – e.g. mail shots, visits, local press release.
- Area based operations – focussed activities

18. RESOURCES – Commercial Environmental Health

BUDGET - FOOD SAFETY	2018-19 £
Staffing (inc on-costs for pension, NI contributions etc)	£254658.84
Transport (car allowances & public transport)	£5596.80
Supplies and Services	£565.33
Support Corporate Services (80%)	£122835.62
Sampling	£5,000
Total Budget	£388656.59

19. STAFFING ALLOCATION

The staffing resource detailed below includes all Enforcement Officers/Management in the Commercial Environmental Health Team who are authorised officers.

Level of Food Law Enforcement	No. of Staff and % of time spent on food safety work	
1 x EHO Full range of Food Safety Authorisation -NK	0.8 FTE	90%
1 X SEO Not authorised to seize/detain foods BJ-	1 FTE	90%
1 X SEHO Full range of authorisation AK	1 FTE	90%
1 X SEHO Full range of authorisation CD	1 FTE	90%
1 X LO Full Range of Authorisation CO	1 FTE	75%
1 X FEED OFFICER – VIA ALEHM*	0.02FTE*	100%
1 x S/EHO Full Range of authorisation Vacant	0.5 FTE	90%
1 X Manager Full Range of Authorisation	1 FTE (job share)	35%
1 X Regulatory Services Manager – Strategic Functions – Powers of Entry	1 FTE	10%
Total Resource	5.2	

*funded by the Association of London Environmental Health Manager (ALEHM)

20. STAFF DEVELOPMENT PLAN

- Staff are supported by a system of performance appraisal ('my conversation') and regular one to one meetings, team and directorate briefings, staff events, staff forums, Intranet, on-line training and the innovation network. .
- Staff will complete the FSA competencies matrix.
- Authorisations will be reviewed

- The appraisal process aims to support and develop staff to continuously improve and build a work force that is fit for purpose.
- The appraisal identifies agreed objectives and any areas for development to ensure that objectives can be met. Regular one to ones monitors the progress of staff in achieving performance and development objectives.
- CPD is a standing item on officers' development plans.
- Performance is reported to senior management team monthly and areas of underperformance are addressed.

21. QUALITY ASSESSMENT

The following monitoring arrangements are in place to assess the quality of food enforcement work and ensure expected standards are maintained:

- Daily support provided by Team Manager and Senior officers
- Allocation of premises requiring inspection according to risk from the M3 programme;
- Documentation Audits;
- Team Manager to review and approve recommendations for legal proceedings;
- Lead Officer/Team Manager to review and approve service of notices
- Use of inspection checklist/proformas for inspections and standard phrases form Schedules of Contraventions;
- Ongoing appraisals and regular one to one meetings.
- Procedures for investigating feedback complaints against the Service
- Inspection and performance targets reported monthly, reviewed at monthly 1-to-1 meetings, performance appraisals and Service Management Team Meetings.
- Continuation of Officer professional training and development through my conversation/appraisal;
- Team meetings and briefings to discuss matters of professional and technical interest.

22. REVIEW

Food Safety Service Plan Review 17-18

REVIEW 2017-18	
Objective	Achieved
To undertake a risk-based programme of interventions of food and feed premises in accordance with Food Standards Agency Food Law Code of Practice and Practice Guide.	Completed 893 food safety inspections due in 2017-18 100% of high Risk Inspections completed). <ul style="list-style-type: none"> • Completed 100% 540 food standards inspections. • Completed Feed Inspections
To register food and feed businesses in accordance with the Food Premises (Registration) Regulations 1991 as amended.	<ul style="list-style-type: none"> • Registered 293 new businesses and 29 updates to current businesses Completed 230 new business inspections (exceeded target of 109 inspections)
To provide a risk-based response to all notifications of food related illness or suspected illness in order to minimise the effects on the community.	<ul style="list-style-type: none"> • Received 257 notifications of infectious diseases, of which 239 were food poisoning related illnesses • 14 required no further action • 170 were sent questionnaires and information • 8 cases required further investigation and action in liaison with the HPA
To carry out food sampling in accordance with nationally and locally set programmes.	<ul style="list-style-type: none"> • Submitted samples for examination or analysis • Contributed to PHE studies and and FSA National Food Sampling programme • unsatisfactory results requiring further investigation and action:
To provide information, advice	<ul style="list-style-type: none"> • Provision of LAEMS data published by FSA

and education on food and feed safety and standards issues to the business and residential community.	<ul style="list-style-type: none"> • Provision of FHR data available on FHR website • Provision of LA web pages and links
To respond in line with service priorities to complaints and service requests concerning food and feed safety and standards.	<ul style="list-style-type: none"> • 1058 Complaints and service requests about food safety and standards investigated • 9 formal food complaints
To provide formal training opportunities for food handlers working in Haringey and participate in National Food Safety Week.	<ul style="list-style-type: none"> • 4 training courses held • 55 participants trained • 97 % pass rate • The pass rate has increased from last year. • Excellent feedback from participants • Participation in Food Safety week – publishing tweets, press releases
Initiate and Respond to Food and Feed Alerts	<ul style="list-style-type: none"> • 21 FSA Food alerts for action responded
Increase the number of premises with a Food Hygiene Rating of 3 (Satisfactory) and above to 94% through targeted inspections, reactive work, advice and guidance, education and training and appropriate enforcement;	<ul style="list-style-type: none"> • Food hygiene Rating and LAEMS data demonstrates that the number of compliant businesses (FHR 3 or above) rose 94.2% • 281 other food safety interventions completed
To tackle illegal importation of foods into the borough and to monitor the composition and labelling of imported foods through sampling	<p>Assistance to FSA and Port Health Authorities following information about poor sampling results</p> <ul style="list-style-type: none"> • Imported foods considered during food hygiene and food standards interventions

<p>To provide clear accessible information about compliance with food safety legislation (Nation Food Hygiene Rating Scheme)</p>	<ul style="list-style-type: none"> • National Food Hygiene Rating Scheme • Consumers able to access online information detailing compliance in all catering businesses • Links to Food Hygiene Rating website via Haringey web pages
<p>To continue to assist in the delivery of the Health & Wellbeing Strategy (2015-18) In particular to promoting the Health Catering Commitment scheme in catering establishments in the most deprived areas of the borough in order to reduce childhood obesity and reduce cardiovascular disease.</p>	<ul style="list-style-type: none"> • A total of 125 businesses have signed up to the HCC scheme • 6 businesses have renewed their sign up in 2017-18 • The scheme is well received within most of the premises targeted

Key Areas of Achievement 2017-18

The number of Broadly Complaint Businesses continues to increase and has risen from 87% in 2014-15 to 94.2% in 2017-18. This has been achieved through inspection, business engagement and enforcement where necessary.

- Completed 100% of planned high risk inspections (A-C risk).
- Successful resource planning and management to achieve key targets
- Inspected 230 new businesses –exceeded target
- Increased the number of food business signed up to the Healthier Catering Commitment from 75 in 15-16 to 125 in 17-18.
- Continued to take robust action against businesses where serious non compliance was identified. 44 Formal Notices, 7 simple cautions and over 500 written warning letters,
- 2 businesses required emergency prohibition and were temporarily closed down to protect the public.
- 1 Business had its product approval status revoked
- 2 Businesses voluntarily surrendered food products which posed a serious risk to the public.
- Worked in partnership with the police and FSA Wales to seize a consignment of illegally slaughtered ewes destined for North London Asian/African Community

Challenges in 2017-18

The cultural and business profile in Haringey continues to make the demands made on the Food Safety Team somewhat unpredictable. A great deal of resource is required to keep track and secure improvements in food businesses. This is largely due to the condition of the some of the building stock, economic challenges within the community, the diverse community and high percentage of food business that change in ownership. New businesses are automatically

considered as non compliant until they are inspected. This increases the number 'non compliant' businesses recorded on the database. It is not unusual for a business to change hands 2-3 times in year

The CEH team has been set up to provide a cost effective, flexible resource to deliver a range of EH functions whilst supporting other regulatory services. This means that resources have sometimes been stretched to be deployed to cover other high risk/high priority areas of work – i.e. food safety officers may be called on to support health and safety, animal welfare, pollution, public health matters.

23. VARIATION FROM THE SERVICE PLAN 2017-18

The service plan objectives were met

24. AREAS FOR IMPROVEMENT 2018-19

- Continue to raise compliance levels and maintain the number of premises with a Food Hygiene rating of 3 4 and 5 at 94% or above
- Continue to raise compliance levels by focussing on robust enforcement in line with enforcement policy
- Continue to develop smarter working techniques to improve on efficiency and value for money.

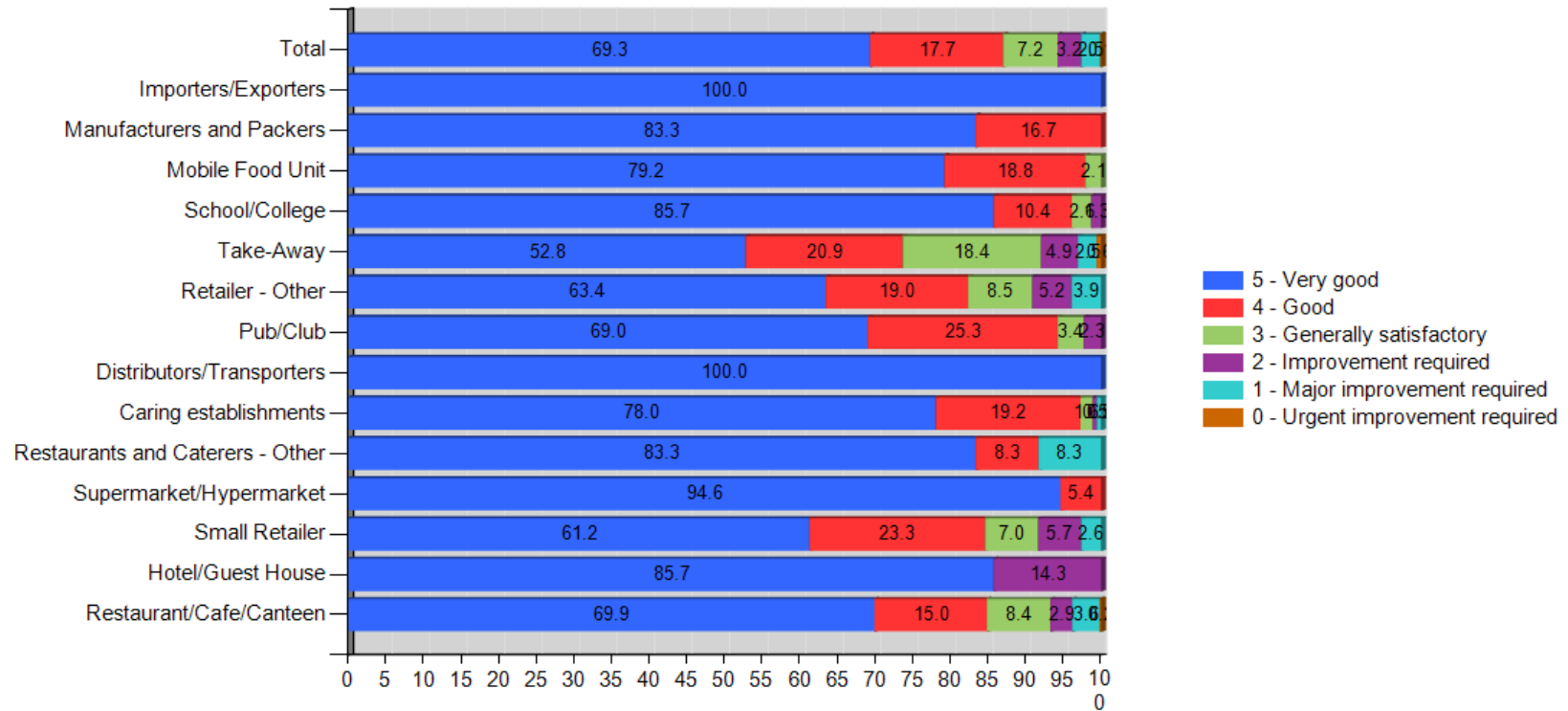
25. Appendix 1 – Food Intervention Plan 2018-19

Commercial Environmental Health	Achieved 2017-18	O/S from Previous @ 1st April 2018	Proposed Target 2018-19	Comments
PROACTIVE INSPECTIONS				
Food Hygiene Inspections (FHI's)				
Target FHI's (Category A's - D's)	627	2	548	6 x A 55 x B 205 x C 282 x D
New/Unrated Food Premises				
New/Unrated FHI's	230	146	200	This figure may increase over the year due to new registrations
Alternative Enforcement Strategy (AES)				
Target Food Hygiene E risk AES	326	0	163	Send questionnaires – inspect min 10%
Target E risk Inspections			16	Inspect 10% of E risk – following questionnaire return or other intel
Food Standards Inspections (FSI's)				
Target FSI's - Cat A	7	0	7	
Target FSI's - Cat B*	114	84	112	If due within year at time of Food hygiene Inspection

Target FSI's – Cat C	218	132	200	If due within year at time of Food hygiene Inspection
Animal Feed Inspections				
Target Animal Feed Inspections	8	0	8	
Enforcement Activity				
Prosecution (Conviction)	0		N/A	In line with enforcement policy
Simple Cautions Issued	7			In line with enforcement policy
Formal Written Warnings	500		500	Formal warning written to address any non-compliances found during interventions
No of FB with a FHR of 3 (Satisfactory) or above.	94.2%	N/A	94%	Aim to improve levels of compliance
Reactive Activity				
Complaints/Service Requests - Received			1000	Prioritised for action based on risk. Where appropriate deferred until next inspection. Aim for consumers to self-help where practical.

26. Appendix 2 – Sampling Plan – awaiting publication

27. Distribution of Food hygiene Ratings 2017-18



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HEALTH & SAFETY SERVICE DELIVERY PLAN 2018/19

Introduction

Commercial Environmental Health enforce Health & Safety legislation and take measures to ensure the health, safety and welfare of people at work and the general public whom may be affected by work activities.

Health & Safety activities contribute to the Council's vision:

To work with communities to make Haringey an even better place to live,

by delivering a responsive, high quality services to employers, employees and the general public, in line with the Council's Priority 3:

'Clean and Safe' - A clean, well maintained and safe borough where people are proud to live and work.

We will contribute to these priorities by:

- Encouraging the prevention of accidents and intervening early when notified of unsafe work practises
- Ensuring a fair and equal borough through delivery of a consistent approach to all employers and businesses regardless of size and scope.
- Working with our communities to build resilient businesses that are able to help themselves and support others
- Working in partnership with those agencies/groups identified below.
- Remaining customer focus and meeting our customer service standards
- Providing value for money through effectively targeting resources in line with the national priorities identified in the National Local Authorities Enforcement Code.

The Commercial Environmental Health Team consists of 5.3 FTE Enforcement Officers who spend approximate 10% of their time on Health & Safety matters.

Our Key Achievements in 2017/18

Inspections: We carried out three Health and Safety both of which resulted in the service of and improvement notices.

Non Routine Visits: We carried out 67 interventions at a variety of business: 8 Project based inspections (5 Band Saws and 6 Gas Safety), 13 general complaints and service request, 29 Mailshots in relation to Gas Safety & Carbon Monoxide, 4 information and intelligence, 17 special treatments and massage and 5 smoke free.

Accident Investigations: We received 87 accidents reports including 48 over 7 days injuries, 1 major injury, 27 members of the public taken from the scene by ambulance or remained in hospital for more than 24 hours, 9 dangerous occurrences, 1 Fatality and 1 Industrial Disease. The team completed 52 cases, 6 of which resulted in either verbal or written advice and 13 of which are to be reviewed at the next intervention.

Complaints – The team responded to 32 complaints/requests for service, including 40 general H&S complaints/service requests, 24 Consultations including Licensing, Lift Engineer Reports and Asbestos Works Notifications.

Our Priorities for 2018/19

High Risk Inspections: We will inspect 100% of all premises risk rated as Category A, and ensure that suitable action is taken to reduce the risk they pose. We will also take appropriate action against businesses that become high risk following an intervention as a result of local intelligence.

Massage & Special Treatments: We will assess all new applications to ensure the premises, therapists and practises meet the licensing criteria prior to the commencement of treatment. We will review all applications to vary licenses and implement a programme of inspections based on risk for existing businesses in order to ensure compliance at their licensing renewal date. Enforcement Action such as a Licensing Review, Simple Caution or Prosecution will be instigated where businesses are found to be non-compliant.

Accident Investigations: We will investigate all accident notification in accordance with the HSE Incident Selection Criteria Guidance LAC 22/13 (Rev 1)(as revised).

Complaints – The team will respond to complaints/requests for service within 5 working days in not less than 95% of the time.

Non-Routine Visits: We will carry out visits to business for the purpose of:

- investigating general complaints and service request,
- to assess premises inline with our role as a responsible authority under the Licensing Act 2013, and
- to ensure compliance with the Health Act 2006 in relation to smoke free premises.

We will also revisit all premises that are risk rated as High Risk – Category A to ensure they have undertaken the works required to reduce the risk they pose to employees and/or members of the public.

Weeks of Action: We will participate in weeks of action, the council's area based initiative, working in conjunction with other regulatory services such as Trading Standards, Planning building Control and the Neighbourhood Action Team.



Fireworks Safety: We will inspect high risk registered outlets to ensure that the health and safety legislation is being complied with in relation to how goods are stored.

Project Based Work: The Commercial EH team will participate in the following London Wide Projects:

- Carbon monoxide in Catering Premises; and
- Workplace Transport

These projects aims to look at the material breach rate and to consider if they should be subject of further interventions based on local intelligence.

Formal Actions: To take formal action i.e. Simple Cautions and Prosecutions where appropriate in accordance with the current enforcement policy. We will seek to recover the proceeds of crime from offenders where possible to demonstrate that our service value of for money.

Our Partners

We will participate in partnership working in order to enhance the effectiveness of our actions. Our current partners include:

Local Businesses – working hard with local business to ensure that we deliver services that matter in a timely, effective, efficient and satisfactory way

Health and Safety Executive- working with the HSE where required

Immigration Services - Carrying out joint operations to reduce illegal working

Public Health – to contribute towards an agreed action plan with respect to reducing the negative impacts of smoking and in particular shisha.

North West London Quadrant Health and Safety Group - to carry out agreed projects throughout the region.

All London Boroughs Health & Safety Group - to participate in London-wide projects – accessing funding as and when available.

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TRADING STANDARDS SERVICE DELIVERY PLAN 2018/19

Introduction

Trading Standards Services enforce Consumer Protection legislation and other measures to reduce consumer detriment and assist honest businesses.

Our practitioners provide protection from unsafe, unfair and illegal practices carried out locally and nationally, in the retail environment, online and in consumers' homes.

We focus on delivering responsive, high quality services to employers, employees and the general public, in line with the Council's Priority 3:

'Clean and Safe' - A clean, well maintained and safe borough where people are proud to live and work.

We will contribute to these priorities by:

- Prevention and early intervention.
- A fair and equal borough.
- Working with our communities.
- Working in partnership.
- Customer focus.
- Value for money.

The Trading Standards Team consists of 2.8 FTE Enforcement Officers. See Fig 1 for illustration of how this resource was used in 2017-18.

Our Key Achievements in 2017/18

Consumer Complaints and Enquiries: We investigated 164 consumer complaints and enquiries concerning breaches of consumer protection legislation.

Age Restricted Sales: We carried out 99 attempts to purchase age restricted goods with the assistance of young volunteers and Police Cadets. Attempts were made in relation to alcohol, cigarettes and fireworks resulting in 6 illegal sales to young people. The rate of sales in 2017/18 reduced to 4% against a rate of 13% positive sales in 2016/17. This reduction is thought to be due to the successful implementation of the Responsible Retailers Scheme.

Joint Operations with Her Majesty’s Revenue and Customs (HMRC): We carried out 14 joint enforcement sessions with our partners: HMRC, visiting a total of 83 premises. Together 12.41kg of hand rolling/chewing tobacco, in excess of 4380 cigarettes and almost 43.16 litres of spirits were seized because they were either non-duty paid and/or counterfeit.

Inspections: We completed 486 enforcement inspections, including 36 Supermarkets for weights and measures, 7 high-risk businesses licensed to sell fireworks for their storage safety, 9 Jewellery shops to check on hallmarking and 283 businesses to encourage them to join the Responsible Retailers Scheme.

Responsible Retailers Scheme: The team signed up 58 new businesses to the scheme and completed 209 compliance visits to ensure new and existing members continued to comply with the schemes criteria.

Prosecutions and Formal Action: We had 5 successful prosecutions and issued 16 Simple Cautions to traders during the year for a range of offences including the sale of counterfeit cigarettes and alcohol and sales of knives, alcohol and cigarettes to children. The above action resulted in fines, compensation & costs amounting to approximately £10,900.00.

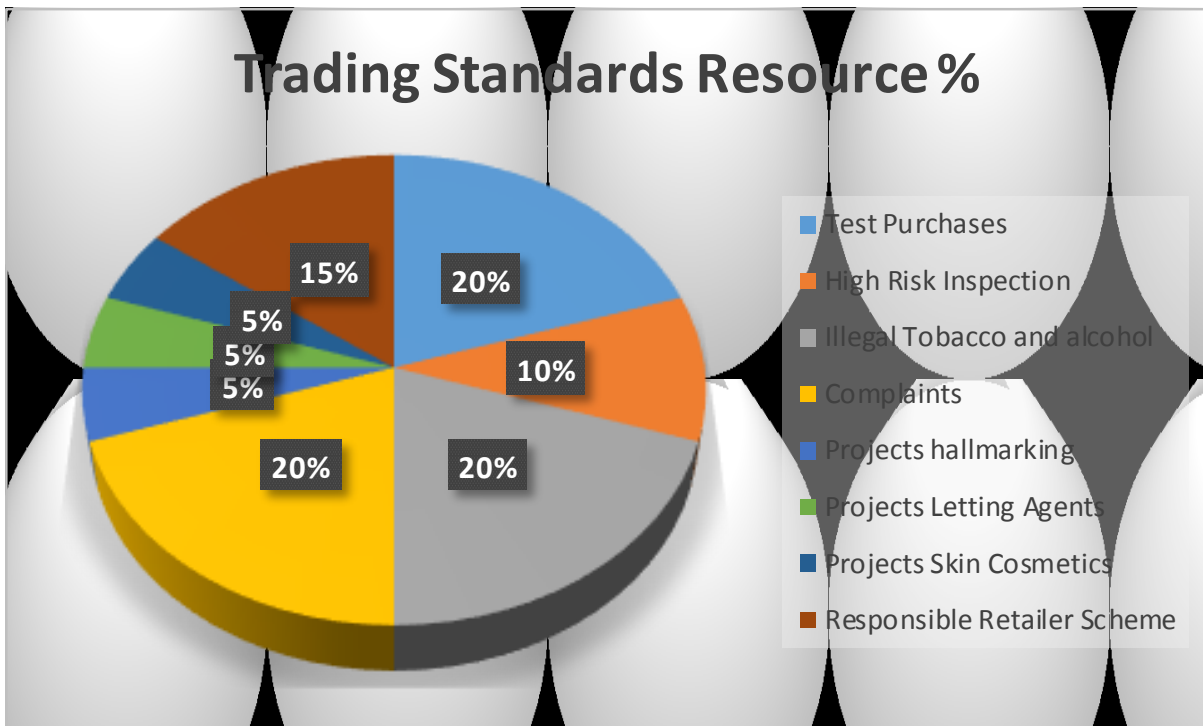


Fig 1. Illustration of the resource taken to deliver each project:

Our Priorities for 2018/19

Age Restricted Sales: We will continue to carry out test purchase attempts at 100 businesses in order to reduce the incidence of sales of dangerous products to young people, including alcohol, tobacco, e-cigarettes, fireworks and knives. We aim to maintain the current level of sales at 4%, and will continue to take enforcement action such as a Licensing Review, Simple Caution or Prosecution where positive sales are made.

Responsible Retailer Scheme: The scheme aims to improve business compliance with respect to age restricted sales, supply of illicit tobacco and alcohol and to promote associated public health messages. We will continue introducing the scheme in the Tottenham, Noel Park and Haringey Areas to coincide with joint partnership work as well as widening it to include Fortis Green and Highgate Road. We will attempt to recruit up to 80% of licensed premises within the identified areas. We also aim to carry out compliance checks at all premises which have been members of the scheme for more than a year, all newly signed up businesses to ensure that they are fulfilling their obligations as well as revisiting those that refuse to sign up.

Product Safety: We will respond to all referrals relating to sales of unsafe products within the borough of Haringey with a view to ensuring they are swiftly removed from sale. We will take enforcement action in accordance with our enforcement policy against anyone found to have a blatant disregard for consumer safety.

Joint Operations with Her Majesty's Revenue and Customs (HMRC): We will carry out a minimum of eight operations with HMRC in order to reduce the amount of counterfeit and non-duty paid alcohol and tobacco available in the borough.

Inspections: We will carry out comprehensive trading standards inspections at a number of premises that represent the highest level of risk to the public. This may include food composition and labelling work that will contribute to the Food Standards Plan.

Weeks of Action: We will participate in weeks of action, the council's area based initiatives, working in conjunction with other regulatory services such as Environmental Health and the Neighbourhood Action Team.

Projects based work: We will execute proactive projects based work in the following themes: Letting Agents, Skin Lightening Cosmetic and Jewellery Hallmarking.

Fireworks Safety: We will inspect all newly registered outlets to ensure that goods are stored safely and appropriately. We will also carry out compliance visits and a programme of targeted test purchases aimed at preventing the sale of fireworks to children.

Counterfeiting: We will act upon all complaints and enquiries we receive about counterfeit goods, giving priority to cases concerning an imminent risk to the public. We will consider legal action against offenders where appropriate and pursue recover of proceeds of crime wherever possible.

Formal Actions: We will take formal action i.e. Simple Cautions and Prosecutions where appropriate in accordance with the current enforcement policy. We will seek to recover the proceeds of crime from offenders where possible to demonstrate that our service is value for money.

Our Partners

We will participate in partnership working in order to enhance the effectiveness of our actions. Our current partners include:

Police - working with Police Cadets to carry out underage sales operations

HMRC - Carrying out joint operations to reduce illicit and counterfeit alcohol and tobacco in Haringey

Public Health – to contribute towards an agreed action plan with respect to reducing negative impacts of tobacco and alcohol

North West London Trading Standards Authorities - to carry out agreed projects throughout the region for example, product safety

London Trading Standards (LTS) - to participate in London-wide projects – accessing funding as and when available.

Report for: Regulatory Committee to consider and comment if appropriate on the revised Statement of Gambling Policy under the Gambling Act 2005 - 20th November 2018

Title: Consultation on draft revised Statement of Gambling Policy.

Report

authorised by : Stephen McDonnell, Director for Environment and Neighbourhoods

Lead Officer: Daliah Barrett, 0208489 8232, daliah.barrett@haringey.gov.uk

Ward(s) affected: 'All'

Report for Key/

Non Key Decision: Key decision

1. Describe the issue under consideration

- 1.1 It is a requirement to review the Council's Statement of Gambling Policy every three years. The current policy was adopted in January 2016 and is therefore due for review this year, to be published in March 2019. This report seeks comment from the Regulatory Committee on the attached draft policy that is currently under public consultation. In order to comply with Section 349 of the Gambling Act 2005 the authority needs to have consulted upon and adopted a Statement of Gambling Policy.
- 1.2 The draft revised policy and the Local Area Profile Supplementary document establishes that the Council has serious concerns of the impact from on street gambling premises particularly those in the most vulnerable and 'at risk' areas of the borough. The Council considers that it is necessary to seek to control the number of facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk, and in line with the duty, to aim to permit gambling insofar as it is reasonably consistent with the pursuit of the licensing objectives.
- 1.3 All areas shown within the local area profile as being at high overall risk of gambling related harm, are generally considered inappropriate for further gambling establishments, which could potentially raise the risk of gambling related harm to vulnerable people living in those areas. Operators are asked to consider very carefully whether seeking to locate new premises or relocating existing premises within these areas would be consistent with the licensing objectives and the local risks identified.

2. Cabinet Member Introduction

- 2.1 The Council has a duty to consult on the proposed policy and officers are seeking approval to conduct the consultation and I am pleased to bring forward this document.

Following consultation, a further report will be presented to the Cabinet on 22nd January 2019 with the results of the consultation and seeking approval to the draft Statement of Gambling Policy at Full Council in February 2019.

Given the impact on our communities of on street gambling premises, especially in areas defined 'at risk' and 'vulnerable' it is timely that this consultation asks gambling operators to consider carefully where they are located, and to ensure they are consistent with the licensing objectives.

3. Recommendations

That the Regulatory Committee:

- 3.1 Review the draft Statement of Gambling Policy and provide any comments on the policy for recommendation onto the Cabinet and then Full Council for adoption.

4. Reasons for decision

- 4.1 To comply with the requirements of the Gambling Act 2005 the Council must prepare and consult on a statement of gambling policy for the period 2019-2022.
- 4.2 The purpose of the policy is to define how the responsibilities under the Act are going to be exercised and administered.
- 4.3 To obtain the views of interested parties on the proposed statement of gambling policy and use these views to formulate any changes to the policy.

5. Alternative options considered

- 5.1 No alternatives were considered. It is a statutory requirement that the policy be reviewed at least every three years, and that a public consultation is carried out. If the Council did not have a policy it would be acting ultra vires with regards to any decisions it makes when determining gambling premises licences.
- 5.2 The Gambling Commission has laid down requirements which the council must follow with regards to the Gambling Policy. If they are not followed the Council could face risk of judicial challenge. The Gambling Commission guidance has been followed in drafting this revised policy.

6. Background information

- 6.1 The Council is the licensing authority for the purposes of the Act and is required to prepare a Statement of Gambling Policy that it proposes to apply in exercising its functions under the Act.
- 6.2 The policy sets out the general approach the Council will take when carrying out its regulatory role under the Act and promoting the three licensing objectives.
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way, and

- Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 6.3 Local licensing authorities have had ongoing concerns that, due to the “aim to permit” direction, insufficient consideration has been given to local context and circumstance within licensing decisions. This has led to: -
- concerns within local licensing authorities over lack of discretion;
 - an increase in betting shops in high street locations in the most deprived areas;
 - the increase in betting shop numbers has been driven by their ability to install up to 4 Fixed Odds Betting Terminals;
 - concerns that vulnerable people are being targeted or and exploited; and
 - concerns that children are being exposed to gambling and becoming normalised to gambling.
- 6.4 The Act was designed to be ‘light touch’ legislation covering a wide range of licensable activities such as betting premises, track betting and adult gaming centres as well as casinos.
- 6.5 In 2016, the Gambling Commission made some key changes to the standard Licence Conditions and Codes of Practice (LCCP) with which all licensed Operators must comply with under their Operators’ Licence. The Social Responsibility Code, which forms part of the LCCP, now requires prospective and current operators to have regard within their business operating risk-assessments to local risks including any set out in the local authority statement of policy. This has provided an opportunity for local issues to be considered within licence application determinations.
- 6.6 The Act specifies that Local authorities should ‘aim to permit’ gambling, provided it is in accordance with the Code of Practice and guidance issued by the Gambling Commission (GC), reasonably consistent with the licensing objectives and in accordance with the Statement of Gambling Policy. The effect of this duty is that Licensing Authorities must approach their functions in a way that seeks to regulate gambling by using powers to promote the licensing objectives rather than by starting to restrict them from the outset.

7. Proposed changes

- 7.1 There are a number of changes and amendments to the policy that are highlighted in the draft document. The changes reflect the update in the Guidance published by the Gambling Commission Guidance published by the Gambling Commission. The draft policy is attached at Appendix 1 and the Local Area Profile Guidance at Appendix 2.
- 7.2 There are no changes to the direction or intent of the policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision-making.
- 7.3 The draft policy includes a Local area profile as encouraged by the latest GC guidance. It recommends improvement to the approach to gambling licensing and regulation by:
- Increased focus on risk and regulation

- Increased attention to local area risk
 - Encourage partnership and collaboration between stakeholders to mitigate risks.
- 7.4 All industry operators have had to undertake local area risk assessments to explore what risks their gambling establishments pose to the licensing objectives, including the protection of young and vulnerable people. The Local Area Profile, acts as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments.
- 7.5 The policy statement now includes a separate attachment on the Council's expectations around operators' local risk assessments. This will enable the Council to regulate local gambling more effectively by being able to hold operators to account if their assessments fall short of the Council's expectations.
- 7.6 The updated policy includes a revised format of the policy document and changes are as follows:
- Foreword - New Lead Member commentary
 - New index page
 - Section 1. Updates introduction to the document / Address updated
 - Section 2 -Consultation updated section
 - Section 3 & 10 - Objectives updated section
 - Section 7 – Update for information sharing
 - Section 8-9– Gambling Prevalence
 - Section 16 – Application of the social responsibility codes
 - Section 17 – Location/ Local area risk assessments
 - Section 19– Conditions
 - Part E – Enforcement and Reviews
 - Supplementary document – Graphs and background information on local area profile across the borough
- 7.7 The policy will be subject to consultation with stakeholders, with any comments received on the draft presented to Cabinet in February 2019.

8. Consultation

- 8.1 Consultation is required to ensure any changes to the Statement of Gambling Policy are clear and transparent for businesses, responsible authorities and the public.
- 8.2 The Gambling Act 2005 contains details of the consultees that must be consulted as part of the review of the policy. These are:
- The Chief Officer of Police for the authority's area;
 - 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 of 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 Act.
 - Publicise the consultation on the Council's website

- All the Responsible Authorities

8.3 Additionally the following will be included in the consultation:

- Holders of licences issued under the Gambling Act 2005;
- Trade Associations representing the gambling industry;
- Haringey Social Services;
- Haringey Public Health Directorate;
- Residents Associations.

8.4 We will then analyse the comments, prepare any changes considered appropriate to the draft policy for final approval and present a further report to the Cabinet in January 2019 for recommendation to adopt to Full Council in February 2019.

8.5 Timeline and adoption route:

Draft document discussed with AD	October 2018
Brief to Corporate Board if required	11 th October 2018
Report taken to Cabinet to seek sign off on approval to start consultation.	13 th November 2019 (subject to 5 working days Call-in)
Consultation started – 6 weeks	19 th November 2018
Report taken to Regulatory Services/Cabinet and Overview and Scrutiny for noting and making comments that will be taken to Cabinet.	Regulatory 20 th November 2018 O&S 19 th November
10 weeks Consultation ends	28 th January 2019
Brief to Corporate Board (if required)	January 2019
Report to Cabinet with outcome of consultation and final version to ask for recommendation to Full Council to adopt	12 th February 2019
Report to Full Council for adoption	18 th March 2019
4 weeks public notice period.	March - April 2019

9. Contribution to strategic outcomes

9.1 The Gambling Act Statement of Licensing policy 2019-2022 will contribute to our fundamental themes and priorities as follows:

Priority 3 of the Corporate Plan - A clean, well maintained and safe borough
Where people are proud to live and work.

9.2 Objective 1 - Strengthening Communities and partnerships to improve our environment and reduce crime, enabling residents and traders to feel safe and proud of where they live. This will be delivered by effectively working with community networks, such as traders and residents associations and working in partnership with police colleagues. For gambling premises this may be achieved

through better CCTV provisions, operating a local Bet Watch Scheme for the trade.

- 9.3 Objective 2 – To make our streets, parks and estates, clean, well maintained and safe. Gambling premises would be visited to ensure that they had waste contracts and were disposing of their rubbish via suitable arrangements.
- 9.4 Objective 4- To prevent and reduce violence against women and girls (VAWG). This will be delivered by raising awareness with the boroughs licence holders of the issues and scale of VAWG.
- 9.5 Objective 5 – To work with partners to prevent and reduce more serious crime, in particular youth crime and gang activity. This will be delivered by working in partnership with police colleagues, schools and residents and businesses.
- 9.6 The policy balances the right of an applicant to make an application under the Act and to have the application considered on its merits, against the right of any person to make representation on an application to seek a review of an existing licence.
- 9.7 The above Priorities and objectives are underpinned by a number of cross – cutting principles, namely;
- Prevention and early intervention – preventing poor outcomes for young people and intervening early when help and support is needed.
 - A fair and equal borough – tackling the barriers facing the most disadvantaged and enabling them to reach their potential;
 - Working together with our communities – building resilient communities where people are able to help themselves and support each other.
 - Value for Money – achieving the best outcome from the investment made;
 - Customer focus – placing our customers’ needs at the centre of what we do;
 - Working in partnership – delivering with and through others.
- 9.8 A balance will ensure that gambling operators are provided with a framework within which to operate, while providing assurance to the public and protecting children and vulnerable people.

10 Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

- 10.1 The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows.
- 10.2 In accordance with section 349 of the Gambling Act 2005 the Council, as licensing authority, is required at least every 3 years to prepare and publish its Statement of Gambling Policy. In preparing its statement the Council is statutorily required to consult with the consultees listed at paragraph 8.2 of this report and it is also good practice to consult those bodies listed at paragraph 8.3.
- 10.3 Members will be aware that in carrying out its consultations, the Council must adhere to the so called 'Sedley principles'. These are :

- (1) That consultation must be at a time when proposals are still at a formative stage;
- (2) That the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response;
- (3) That adequate time must be given for consideration and response; and
- (4) That the product of consultation must be conscientiously taken into account in finalising the policy.

11. Finance

11.1 The cost of the public consultation on the draft new Statement of Gambling Policy will be met from existing budgets. There are no other financial implications.

12. Procurement

12.1 There are no procurement related issues in relation to the content of this report.

13 Equality

13.1 The Council has a public sector equality duty under the Equality Act (2010) to have due regard to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who share those characteristics and people who do not.

13.2 When framing its policy on the licensing of gambling premises, the Council must work within the statutory parameters of the Gambling Act, which includes a general 'aim to permit'.

13.3 The Council is required to review its gambling policy every three years. The policy was last adopted in 2016, where an Equality Impact Assessment (EqIA) was completed. The Cabinet Report and EqIA can be found on the Council's website.

13.4 The current policy seeks to mitigate known inequalities, detailed in the 2016 Equality Impact Assessment. The impacts on individuals and groups with protected characteristics have not fundamentally changed as the policy has not changed.

13.5 As part of the process to review and re-adopt the gambling policy, the Council will go out to public consultation and seek feedback from residents. The Council will include a Local Area Profile in the package of documents available to the public

to assist the consultation. The Local Area Profile will sit alongside the policy and will strengthen the risk assessments completed by betting operators. Any feedback from consultees, where appropriate, will feed into the final report taken to the Council post-consultation.

14. Planning Powers

- 14.1 Boroughs have planning powers to control the uses of the high street shops through the Use Classes Order. However, permitted development rights limit a borough's powers in many respects.
- 14.2 Under the Use Classes Order, betting shops fall within the A2 use class. The A2 use class also includes banks, building societies, bureau de change, professional services, estate agents and employment agencies. Changes between uses in the A2 use class do not require planning permission.
- 14.3 The General Permitted Development Order allows a change of use from restaurants and cafes (Use Class A3), drinking establishments (Use Class A4) and hot food takeaways (Use Class A5) to a use in the A2 use class without requiring planning permission.
- 14.4 Therefore, new betting shops may readily be established in a high street without any additional planning consent being necessary.
- 14.5. The Gambling Act does not allow for the Licensing Authority to have regard to whether or not a proposal by an applicant is likely to be permitted developments rights and requiring a planning application to be made.

15. Use of Appendices

Appendix 1 - Haringey Draft Statement of Licensing Policy for the Gambling Act 2019-2022.

Appendix 2 – Local Area Profile

16 Local Government (Access to Information) Act 1985

Gambling Commission Guidance for Licensing Authorities 5th Edition

Gambling Commission Licensing Conditions and Codes of Practice October 2017

**HARINGEY DRAFT STATEMENT
OF GAMBLING POLICY
2019-2022**



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Foreword – Cllr Brabazon (Cabinet Member)

Haringey is an exciting, vibrant borough with a wide range of leisure and cultural opportunities. This includes gambling, a legal entertainment activity that brings enjoyment to many Haringey residents. The Council's policy is that residents should have the opportunity to enjoy gambling in a safe, controlled way, free from harm. This is only possible if the specific risks associated with gambling in Haringey are understood by all; if the Council takes a strong and clear approach to licensing, and if gambling operators show genuine responsibility in the steps they take to respond to risks.

This Gambling Policy lays out the risks associated with gambling that we face in Haringey, and what the Council expects of gambling operators in terms of their response to those risks. The risks we are concerned about include those covered by the licensing objectives of the Gambling Act 2005 - crime and disorder; and the harm/exploitation of children and other vulnerable persons. There are also Haringey-specific risks - we are particularly concerned about the clustering of betting shops in Haringey's most deprived communities, where there is also a higher incidence of crime, mental health conditions and demand for debt advice. Haringey is particularly concerned about the health impacts of problem gambling. In particular there are significantly higher risks associated with category B Fixed Odds Betting Terminals (FOBTs) in promoting gambling addictions, and the associated harm to health and wellbeing.

We welcome the requirement of the Gambling Commission's Licence Conditions and Codes of Practice, for licensees to assess and respond to the local risks to the licensing objectives posed by the provision of gambling facilities at their premises. We will ensure that the local risks assessments produced by gambling operators are meaningful and reflective of the real risks in Haringey. This policy lays out the evidence for what those local risks are, identifies the particular borough wards in which risks are most manifest, and crucially, clearly defines what sorts of policies, procedures or control measures we expect gambling operators to put in place to mitigate the risks.

Considering local risks is only part of the overall approach needed to control gambling we are still reliant on gambling operators demonstrating genuine social responsibility and responding to the spirit, not just the letter, of their responsibilities around local risk assessments. We work with operators to strive to meet expectations in full and put in place policies, procedures and control measures that make a genuine difference in reducing the risk of gambling related harms. In particular, we call on operators to respond to our concerns about FOBTs, through policies that promote verified accounts and enable problem gambling to be identified early in a way that triggers effective interventions.

For these reasons, this Authority has set out to establish a gambling licensing policy which recognises good industry practice and intends to support responsible operators but which also sets out to offer adequate protections to our local community.

The clarity of our expectations and our commitment to constructive partnership working with operators, means there is no excuse for inadequate risk assessments or policy proposals from operators. We will continue to monitor the impact of gambling on our communities in detail and listen to the views of our residents, public sector partners and voluntary sector. Whilst self-regulation has its place and is important, if operators consistently fail to respond to Haringey's specific risks and exercise social responsibility and governance, we will not hesitate to lead the call for greater licensing powers to be granted to Local Authorities.

Integral to this has been the analysis of gambling related harm which informs this policy. The analysis explored local area based vulnerability to gambling related harm and, as such, provided both context to this policy and a 'local area profile'. This enables consideration to be

given to local issues that must be addressed by local operators and to the extent to which any further development of a gambling offer within the borough may be appropriate.

Part A - Statement of Gambling Policy

1. Introduction

The London Borough of Haringey (the Council) became a “Licensing Authority” under the Gambling Act 2005 (the Act), which came into force in 2007 and established a new regime for the regulation of commercial gambling whilst repealing a number of pieces of older law.

- 1.1. The policy opens with a more general introduction to Haringey (Section A), followed by detail on the objectives this Authority will rely on in fulfilling its licensing responsibilities (section B). Section C of this policy sets out the principles and considerations this Authority will go through in determining gambling premises licences. All new and current operators must have regard to this section when compiling local risk assessments and should make this section their starting point when absorbing the content of this policy alongside the Local Area Profile supplementary guidance. The steps that this and other responsible authorities would wish to see given appropriate consideration within risk assessments and operating schedules. It is intended to reflect and enhance industry good practice. This section is also intended to make clear certain aspects of the applications process for the benefit of all. This includes information on consultation, responsible authorities, interested parties and relevant objections. Sections D (permits etc) sets out in some detail the various permits, Section E deals with enforcement matters, establishing how this Authority and partner service and external agencies intend to work collaboratively together, in a fair, transparent, open and consistent manner, to provide intelligent directed regulation.
- 1.2. The Act requires the Council, along with all other licensing authorities, to publish a statement of Gambling Policy that will be applied when carrying out its licensing functions. This statement of Licensing Policy (the statement) fulfils that statutory requirement and details the Council’s general approach to the making of decisions under the Act. Where updates are required due to changes in national legislation, statutory guidance or contact details the council reserves the right to amend this policy without consultation where it is necessary to ensure policy reflects national legislation or statutory guidance.
- 1.3. The main function of the Council as a Licensing Authority, through its licensing committee, will be to licence premises where gambling is to take place and issue a range of licences, permits and authorisations for gambling in its area. The Licensing Authority will also have power to impose conditions and review licences.
- 1.4. The Council will be empowered by the Act to take enforcement action when an offence under the legislation has been committed. Offences include when premises or activities are unlicensed, or licence conditions are not complied with; to support this enforcement there are powers of entry and inspection.
- 1.5. This policy refers to the Gambling Commission, which has wider functions under the Act and with whom the Council will work alongside as a dual regulator. However, it does not discuss the role and responsibilities of the Commission and any references in this policy will only be insofar as it impacts on, or clarifies, this Authority’s functions. For example, the Commission is exclusively responsible for issuing operator and personal licences, which is a necessity before the Council can consider an application for a premises licence.

1.1 The Gambling Commission is also mentioned in this policy as being responsible for issuing

Codes of Practice and Guidance to licensing authorities regarding the manner in which they are to exercise their functions. This policy endorses the principles set out in the Gambling Commission Guidance and key licensing objectives and confirms that the Council will take account of all such guidance. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The policy must then be re-published.

2. Consultation

Haringey Council consulted widely upon this Policy statement before finalising and publishing. A list of those persons consulted is provided below, in line with the Act and the Gambling Commission’s Guidance.

- The Chief Officer of Police;
- The Fire Authority
- One or more persons who appear to the authority to represent the 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.
- Services within the Council with an interest in the gambling process (Responsible Authorities)
- Local Safeguarding Children Board
- Councillors
- H.M Revenue and Customs
- Other organisations that appear to be affected by licensing matters covered in the Policy.
- Neighbouring boroughs.
- Local residents association

2.1. Our consultation took place between XXXXX and XXXXX and we followed the HM Government Code of Practice on Consultation (published July 2012).

2.2. The full list of comments made and the consideration by the Council of those comments is available/will be available by request to: Licensing@haringey.gov.uk / via the Council’s website at: www.haringey.gov.uk/licensing

2.3. The policy was approved at a meeting of the Full Council on (TBC) and was published via our website on. Copies were placed in the public libraries of the area as well as being available in the Civic Centre.

2.4. Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Licensing Team
Level 1 River Park House
225 High Road, Wood Green
London
N22 8GH
licensing@haringey.gov.uk

- 2.5. It should be noted that this statement of licensing policy 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 according to the statutory requirements of the Gambling Act 2005. The council acknowledges that it may need to depart from this policy and from the guidance issued under the Act in individual and exceptional circumstances, and where the case merits such a decision in the interest of the promotion of the licensing objectives. Any such decision will be taken in consultation with the appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded.

3. Objectives

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

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or 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.**

3.1. It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

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

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

The Council is required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits; Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- Receive notification from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits; Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;

- Provide information to the Gambling Commission regarding details of licences issued (see section below on information exchange);
- Maintain registers of the permits and licences that are issued under these functions.

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

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

3.5. The scheme of delegation is set out at Appendix 1.

4. Declaration

This statement of licensing policy 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 according to the statutory requirements of the Gambling Act 2005.

4.1. In producing this document, the council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

5. Responsible Authorities

The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.

5.1. The council is required by regulations to state the principles it will apply 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 democratically elected persons, rather than any particular vested interest group etc.
- Answerable to democratically elected Councillors and not to any particular interest group.

5.2. In accordance with the regulations the Council designates the Director of Children Services for this purpose.

5.3. The following are Responsible Authorities:

- The Gambling Commission

- Her Majesty's Commissioners of Customs and Excise (now known as Her Majesty's Revenue & Customs)
- The Metropolitan Police Service
- The London Fire and Emergency Planning Authority
- The Council, as Licensing Authority
- The Council, as Planning Authority
- The Council's Director of Children's Services
- The Council's Environmental Health Service
- The Council's Public Health Service
- Any other person or body who may be prescribed by regulations made by the Secretary of State for Culture, Media and Sport ('the Secretary of State')

5.4. Contact details of all the Responsible Authorities under the Gambling Act 2005 are available on the Council's web site. Contact details of all the responsible authorities under the Gambling Act 2005 are available on the council's website within the guidance documents at Appendix 5.

6. Interested parties

Interested parties are certain types of people or organisations that have the right to make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party 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 applications is made, the person -

- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- has business interests that might be affected by the authorised activities, or
- represents persons who satisfy paragraph (a) or (b)”

6.1. The Council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The council 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 local authorities.
- Within this framework the Council will accept representations made on behalf of **residents' and tenants'** associations.
- In order to determine if an interested party lives or has business interests, sufficiently close to the premises to be likely to be affected by the gambling activities, the council will consider factors such as the size of the premises and the nature of the activities taking place.

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

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

6.3. The council will provide more detailed information on the making of representations in a separate guidance note. The guidance note has been prepared in accordance with relevant Statutory Instruments and Gambling Commission guidance.

7. Exchange of information

Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.

7.1. The principle that the council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

8. Gambling Prevalence and Problem Gambling

In 2015 the Gambling Commission commissioned research by the **National Centre for Social Research (NatCen)**, to study gambling behaviour in the UK. The research aim was to:

- Describe the prevalence of gambling participation, at-risk gambling and problem gambling and;
- Explore characteristics associated with gambling participation, at-risk gambling, and problem gambling.

8.1. It found that 63% of adults (16+) in Great Britain had gambled in the previous year, with men (66%) being more likely than women (59%) to do so. Previous year gambling participation varied by age with participation rates being highest among the middle age groups and lowest among the very young or very old. This pattern was the same for men and women. Rates of previous year gambling are heavily influenced by the popularity of the National Lottery. Overall, 45% of British adults had gambled on other activities in the past year. When National Lottery only gamblers are excluded, gambling participation was highest among younger adults. Among both men and women the most popular forms of gambling were: purchase of tickets for the **national lottery** (46%); purchase of scratch cards (23%), and participation in other lotteries (15%).

8.2. At-risk gambling was measured using the Problem Gambling Severity Index (PGSI). This identifies people who have experienced some difficulty with their gambling behaviour but who are not classified as problem gamblers. Two groups are identified: gamblers at 'low risk of harm' (a PGSI score of 1-2) and gamblers at 'moderate risk' of harm (a PGSI score of 3-7). Overall, 2.8% of adults were low risk gamblers (a PGSI score of 1-2) and a further 1.1% were moderate risk gamblers (a PGSI score of 3-7), meaning that overall 3.9% of adults had a PGSI score which categorised them as 'at-risk' gamblers. Rates of low risk and moderate risk gambling were higher among men than women and were higher among younger age groups.

8.3. The highest rates of problem gambling were among those who had participated in spread betting (20.1%), betting via a betting exchange (16.2%), playing poker in pubs or clubs (15.9%), betting offline on events other than sports or horse or dog racing (15.5%) and playing machines in bookmakers (11.5%).

8.4. Problem gambling was more prevalent among people who had participated in a number of gambling activities in the past year (prevalence was 11.9% for those who participated in seven or more activities compared to 0.3% of those who had taken part in just one gambling activity in the last year).

8.5. The GamCare annual review (2016-2017)² reported the following:

- 43,367 calls/webchats were answered by Help Line in 16/17 compared to 34,198 the year before – a 23% in calls.
- An even split of calls made in relation to online and offline gambling.
- 77% of calls were made by the gambler, 20% were made by an affected other.
- The greatest impact of problem gambling reported is anxiety/stress, financial difficulties and family/relationship difficulties.
- 2 million unique visitors to the website, which was double to last year.
- 1,200 more clients treated this year compared to last year.

9. Gambling in Haringey

In Haringey we currently have 64 Betting shops, 5 Adult Gaming Centres (AGCs), 1 Bingo premises and 2 track betting premises.

9.1 In April 2011 a Haringey scrutiny report noted that betting shops were located disproportionately within the east of the borough (85%), and that there was a correlation between the location of betting shops and social deprivation with 43% of betting shops are located in the most deprived super output areas (10%) of the borough.

9.2 Although gambling is a legal entertainment activity it can, in some locations have a negative impact on individuals and the wider community. The Council has worked to understand how gambling can affect its residents and visitors. The Council has also sought to identify individuals who live in the local area who are potentially vulnerable to gambling related harm. Haringey has considered the evidence gathered on the health/social impacts of gambling through our partners such as Public Health and Citizens' Advice Centres to bring together the local area profile. We expect license applicants/holders to take account of that information to mitigate those impacts effectively through their risk assessments and thereby have meaningful dialogue with the Council, Police and other partners in addressing the concerns identified.

Part B Promotion of the licensing objectives

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

10.1. This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, and that regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing,

which is the remit of the Licensing Authority. The Gambling Commission's guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an area is known to have high levels of crime this authority will consider carefully whether gambling premises are suitable to be located there, taking into account such factors as,

- levels of recorded crime,
- the type of that crime,
- levels of ASB related complaints.

10.2. Applicants are advised to examine crime and ASB statistics that relate to the vicinity of their application. This will allow for the application to be tailored to the specific locality and to include any additional measures potentially required to support the objective to be set out in the application. This may also reduce the likelihood of objections being made to the application. Advice about accessing such data can be provided by the Licensing Authority.

10.3. This Licensing Authority accepts that issues of nuisance cannot be addressed via the Gambling Act provisions, although preventing gambling from being a source of disorder is a licensing objective. The Licensing Authority is also mindful that what starts as nuisance may subsequently escalate to disorder, and that such disorder can have a serious effect on the lives of local residents. If an application for licence review were to be made on the basis of disorder the authority will then distinguish between disorder and nuisance, considering factors such as:

- whether police assistance was required;
- how threatening the behaviour was to those who could see it;
- how frequently it is reported;
- prevalence of persons loitering outside;
- the times of day when disorder is reported;
- the impact on residents.

10.4. Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.

11. Ensuring that gambling is conducted in a fair and open way

11.1. The council is aware that except in the case of tracks (see section 21) generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

11.2. However the council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

11.3. Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

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

12.1 Protection of children

This licensing objective means preventing children from taking part in most types of gambling. The council will therefore consider 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.

12.2 In premises that may attract children this Authority expects licence holders to train staff to recognise child sexual exploitation, and for staff to be able to demonstrate an understanding of the steps they should take if their suspicions are aroused.

12.3 The Act provides the following definition for child and young adult in Section 45:

Meaning of “child” and “young person”

(1) In this Act “child” means an individual who is less than 16 years old.

(2) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

12.4 The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises.

12.5 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

13 Protection of vulnerable people

The council is aware of the difficulty in defining the term “vulnerable person”.

13.1 The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term “vulnerable people” but will, for regulatory purposes assume that this group includes people:

- “who gamble more than they want to, people who gamble beyond their means, elderly
- persons, and people who may not be able to make informed or balanced decisions
- about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”

13.2 The Department of Health document “No Secrets” offers a definition of a vulnerable adult as a person:

- “who is or may be in need of community care services by reason of mental or other
- disability, age or illness; and who is or may be unable to take care of him or herself, or
- unable to protect him or herself against significant harm or exploitation.”

13.3 In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling;
- Access to gambling by children and young persons;
- Information on how to gambling responsibly and help for problem

gamblers;

- Customer interaction;
- Self-exclusion;
- Employment of children and young persons.

13.4 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.

13.5 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets;
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable;
- trained personnel for the purpose of identifying and providing support to vulnerable persons;
- self-exclusion schemes;
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people;
- posters with GamCare Helpline and website in prominent locations;
- windows, entrances and advertisements to be positioned or designed not to entice passers-by.

13.6 It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

13.7 The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed conditions by the applicant.

Part C Types of Gambling Premises licences

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

14.1 The Council 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: is :

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

14.2 It is appreciated that as per the Gambling Commission's Guidance for local authorities

"moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution') and also that unmet demand is not a criterion for a licensing authority.

14.3 The council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.

14.4 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.

15 Definition of “premises”

Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to 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. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

15.1 The council 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 council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

15.2 The council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the council will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

15.3 The Gambling Commission’s relevant access provisions for each premises type are reproduced below

Type of Premises	Access Provisions
Casinos	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from any other licensed gambling premises.

Betting shops	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track
FECs	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track.

15.4 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

16. Licence Conditions Code of Practice (LCCP) - Application of Social Responsibility Codes.

16.1 The Gambling Commission has issued 'Licence Conditions and Codes of Practice (LCCP) under the Gambling Act 2005 which came into effect on 6th May 2018. These were a significant update on previous LCCP and are in three parts:

- General Conditions attached to operating licences
- Principal Code of Practice: Social Responsibility provisions and Ordinary provisions
- General Conditions attached to Personal Licences.

16.2 Haringey will expect all applicants to have considered the LCCP and included relevant parts within their application.

16.3 In particular, all non-remote licensees 'must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy' (Social responsibility (SR) code 10.1.1); and 11.4 Local risk assessments must be reviewed when there are significant changes in local circumstances (including those identified in a licensing authority's statement of licensing policy) or at the premises, or when applying for a new licence or variation of a licence (SR code 10.1.2).

16.4 Haringey may, at its discretion, add conditions from the Gambling Commission LCCPs to any applicants licence as it sees fit.

17 Local Area Profile and Risk Assessments

Haringey is an improving progressive borough, however, as can be seen from the analysis provided under the local area profile, the east of the borough compares poorly with the west and carry's high levels of deprivation that potentially puts people in those areas at risk to gambling related harm. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10 for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

- 17.1 This position gives rise to serious concerns of the impact of any further increase in the number of gambling premises in those most vulnerable and 'at risk' areas of the borough. This Authority considers that it is necessary to seek to control the number of facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk, and in line with the duty, to aim to permit gambling insofar as it is reasonably consistent with the pursuit of the licensing objectives. All areas shown within the local area profile as being at high overall risk of gambling related harm, are generally considered inappropriate for further gambling establishments, which would tend to raise the risk of gambling related harm to vulnerable people living in those areas. Operators are asked to consider very carefully whether seeking to locate new premises or relocating existing premises within these areas would be consistent with the licensing objectives. Wherever the facilities are proposed, operators should consider, having regard to the individual mapping provided, each of the specific characteristics of their local area. Each premises' specific risk-assessment should recognise these and provide appropriate proactive mitigation or control measures.
- 17.2 The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. With regard to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:
- the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area;
 - the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children;
 - the size of the premises and the nature of the activities taking place;
 - any levels of organised crime in the area.
- 17.3 It is a requirement of the code that such risk assessments should be shared with the Council when applying for a new licence, making a variation or when there is a significant change in local circumstances (including any update of the Gambling Policy). Where there are significant changes at a licensee's premises that may affect the mitigation of local risk, or otherwise on request from the Authority. The LB Haringey expects that such risk assessments will automatically be shared for all premises and to take into account the following:
- 17.4 Any special risks created by geographic location. To include schools, colleges or establishments frequented by children and young people, residential areas where there

may be a high concentration of children and young persons, and the measures proposed to reduce any specific risk of children and young people from these premises accessing gambling facilities at the licensee's premises and to identify any potential risks to vulnerable persons. Assessment of risk covers the following:

- a. Identify risk factors
- b. Who can be harmed and how
- c. Evaluate the risk
- d. Record and score findings
- e. Monitor and review

17.5 Other matters that the assessment may include:

- local area crime statistics;
- whether the premises is in an area of deprivation;
- whether the premises is in an area subject to high levels of crime and/or disorder;
- the ethnic profile of residents in the area;
- the demographics of the area in relation to vulnerable groups;
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather;
- the training of staff to recognise child sexual exploitation and the steps to be taken if it is suspected;
- details as to the location and coverage of working CCTV cameras, and how the system will be monitored;
- the layout of the premises so that staff have an unobstructed view of persons using the premises;
- the number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises;
- arrangements for monitoring and dealing with under age persons and vulnerable, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc;
- the provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality;
- where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence;
- the training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.

17.6 Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

17.7 A good risk assessment accompanying an application will:

- Enable the licensing authority to see that the applicant has considered the community and the risks within it;
- Provide greater clarity for operators leading to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application;
- Enable the licensing authority to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge;
- Encourage a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

17.8 In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

17.9 There is evidence that some groups in the population may be more vulnerable to gambling related harm. This does not only apply to people on low incomes but also people who are less able to make reasoned decisions because of poor mental health or addiction. Children and young people may be particularly susceptible, as their youth and inexperience may make them more inclined to risk-taking behaviour and less able to manage the consequences of those decisions.

17.10 To help support applicants and licence holders to better understand their local environment, an analysis of gambling related harm has been prepared as a 'local area profile'. A copy of the document is provided at Appendix 2. By drawing on relevant and reliable published socio-economic and public health data sets together with local police data concerning anti-social behaviour, the local area profile uses special analysis techniques to provide a model of area-based vulnerability to gambling related harm across the borough. Both current operators and potential new operators to the borough are asked to consider the detail provided carefully, and should have regard to both the overall summary map and the individual mapping provided in respect of each relevant data set.

17.11 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome. Assessing local risk should therefore provide a means for licensees to address local concerns about gambling premises; and for licensing authorities and gambling licensees to work collaboratively with a view to minimising risks, within the framework of aiming to permit gambling where reasonably consistent with licensing objectives.

18. Duplication with other regulatory regimes

The council will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about proposed conditions which are not able to be met by the applicant due to planning restrictions, should such a situation arise, this may include consideration of the proposed hours of operation. The Council will consider the hours proposed in accordance to the risk assessment and area profile.

19 Conditions

The Council is aware that the Secretary of State has set mandatory conditions and default conditions. The Gambling Commission has set Licence Conditions and Codes of

Practice which are necessary for the general good conduct of gambling premises. The Council will not seek to impose further individual conditions in relation to matters that have already been dealt with.

- 19.1 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the council will attach individual conditions to address this.
- 19.2 Any conditions attached to a licence issued by the council will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for, and/or related to
 - the area where the premises is based;
 - fairly and reasonably related to the scale, type and location of premises;
 - consistent with the licensing objectives, and
 - reasonable in all other respects.
- 19.3 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 19.4 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover issues such as:
- proof of age schemes;
 - CCTV;
 - supervision of entrances;
 - supervision of machine areas;
 - a reduction in the number of betting machines (betting premises);
 - the staffing of premises;
 - physical separation of areas;
 - location of entrance points;
 - notices / signage;
 - specific opening hours;
 - a requirement that children must be accompanied by an adult;
 - enhanced CRB checks of the applicant and/or staff;
 - support to persons with gambling addiction;
 - policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half terms and summer holidays;
 - policies to address the problems associated with truant children who may attempt to gain access to premises and gamble;
 - any one or a combination of these measures.
- 19.5 This list is not mandatory or exhaustive and is merely indicative of examples of certain

measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

19.6 There are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible for the applicant 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, winnings or prizes.

20. Door supervision

The council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (CRB) check on potential staff and for such personnel to have attended industry recognised training.

21. Adult gaming centres

Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises.

21.1 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

21.2 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 16.16.

22. Licensed family entertainment centres (FECs)

22.1 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located.

22.2 Where category C or above machines are available in premises to which children are admitted then the council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high;
- only adults are admitted to the area where the machines (category C) are located;
- access to the area where the machines are located is supervised at all times;
- the area where the machines are located is arranged so that it can be observed by staff; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

22.3 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

22.4 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

22.5 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- appropriate measures and training for staff as regards suspected truant children on the premises;
- measures and training covering how staff would deal with unsupervised very young children being on the premises;
- measures and training covering how staff would deal with children causing perceived problems on or around the premises;
- the arrangements for supervision of premises either by staff or the use of CCTV.

22.6 Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Metropolitan Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

22.7 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.

22.8 The council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on

these premises licences.

23. Casinos

The London Borough of Haringey has not passed a resolution in relation to casinos, but it is noted that the Government has not awarded a casino licence to Haringey.

24. Bingo premises

There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act.

24.1 The council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one meter high;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised at all times;
- the area where the machines are located is arranged so that it can be observed by staff;
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18;
- children will not be admitted to bingo premises unless accompanied by an adult.

24.2 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.

24.3 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.

25. Betting premises

Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self-contained facilities at race courses as well as the general betting premises licences that track operators will require.

25.1 Betting machines

The council is aware that Section 181 of the Act contains an express power for licensing authorities 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. When considering whether to impose a condition to restrict number of betting machines in particular premises, the council, amongst other things, 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.

25.2 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons, highlighted in section 13.

25.3 Where certain measures are not already addressed by the mandatory/default

conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

26. Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totaliser” or “tote”), and also general betting, often known as “fixed-odds” betting. Multiple betting outlets are usually located on tracks such as ‘on-course’ betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be ‘off-course’ betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

27.1 All tracks will require a primary ‘general betting premises licence’ that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

27.2 Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where possible the council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.

27.3 If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator’s premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.

27.4 Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence. If you require further guidance on this provision please contact the Licensing

Team.

- 27.5 Children and persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.
- 27.6 The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

28. Travelling fairs

Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the new Act.

- 28.1 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.
- 28.2 The council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 28.3 The council is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

29. Provisional statements

A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).

- 29.1 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a) which could not have been raised by objectors at the provisional licence stage; or
 - b) which in the authority's opinion reflect a change in the operator's circumstances.
- 29.2 When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

Part D - Permits, notices and lottery registrations.

30. Unlicensed family entertainment centre gaming machine permits (UFECs)

The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.

30.1 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

30.2 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- appropriate measures and training for staff as regards suspected truant children on the premises;
- measures and training covering how staff would deal with unsupervised very young children being on the premises;
- measures and training covering how staff would deal with children causing perceived problems on or around the premises;
- the arrangements for supervision of premises either by staff or the use of CCTV.

30.3 Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of The Metropolitan Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is in-operative the Police and Local Authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

30.4 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.

30.6 The council will also expect, as per the Gambling Commission Guidance, that applicants 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 conviction (those that are set out in Schedule 7 of the Act), and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

30.7 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the “Gambling Policy” have been addressed through the application.

30.8 Applicants only need to address the “Gambling Policy” when making their initial applications and not at renewal time.

31 Gaming machine permits in premises licensed for the sale of alcohol

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

31.1 If a premises wishes to have more than two machines, then it needs to apply for a permit and the council must 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 “*such matters as they think relevant.*” The council 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 harm or being exploited by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.

31.2 All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.

31.3 Measures which may satisfy the council that persons under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare.

31.4 The council can decide to grant the permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions other than these cannot

be attached.

31.5 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(s).

31.6 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.

31.7 Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission on the website.

32. Prize gaming permits

Section 288 defines gaming as 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. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.

32.1 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

32.2 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

32.3 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- appropriate measures and training for staff as regards suspected truant children on the premises;
- measures and training covering how staff would deal with unsupervised very young children being on the premises;
- measures and training covering how staff would deal with children causing perceived problems on or around the premises.
- the arrangements for supervision of premises either by staff or the use of CCTV.

32.4 Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards and to the satisfaction of The Metropolitan Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative, the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

32.5 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.

32.6 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible;
- That the gaming offered is within the law.

32.7 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the “Gambling Policy” have been addressed through the application.

32.8 There are conditions in the Gambling Act 2005 by which the permit holder must comply. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

33. Club gaming and club machine permits

Members clubs and miners’ welfare institutes may apply for a ‘club gaming permit’ or a ‘club machine permit’. The ‘club gaming permit’ will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming. i.e. poker, bingo etc. A ‘club machine permit’ will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a ‘club machine permit’ only.

33.1 To qualify for these special club permits a members club must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming. 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 the Royal British Legion and clubs with political affiliations.

33.2 Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include:

- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised;
- notices and signage;
- the provision of information leaflets / helpline numbers for organisations such as GamCare.

33.3 Before granting the permit the council will need to satisfy itself that the premises meets

the requirements of a members' club and that the majority of members are over 18.

33.4 The council may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

33.5 There is also a 'fast-track' procedure available 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 Commission or the police, and the ground upon which the council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming,
- (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.

34. Temporary use notices

Temporary use notices allow the use of premises on not more than 21 days in any 12 month period 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 useful for a temporary use notice would include hotels, conference centres and sporting venues.

34.1 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.

34.2 Only persons or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.

34.3 A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.

34.4 The Act makes a special reference, in the context of temporary use notices, to a "set of premises" to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a "set of premises", the council will look at, amongst other things, the ownership/occupation and control of the

premises. The council will be ready 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.

35. Occasional use notices (for tracks)

There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the council by the person responsible for the administration of the events on a track or by an occupier of the track.

35.1 The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.

36. Small society lottery registrations

36.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

36.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

36.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Haringey and want to run such lottery.

36.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

36.5 To be 'non-commercial' a society must be established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

36.6 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries please contact the council.

36.7 The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

Part E

37. Enforcement

The council will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

37.1 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:

- **proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **consistent:** rules and standards must be joined up and implemented fairly;
- **transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **targeted:** regulation should be focused on the problem, and minimise side effects

37.2 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

37.3 Where there is a Primary Authority scheme in place, the council will seek guidance from the Primary Authority before taking any action involving test purchasing operations, unless these arise as a result of a complaint.

37.4 Further information, including an index of all Primary Authority arrangements can be found at <https://primaryauthorityregister.info/par/index.php/home>

37.5 The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.

37.6 The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.

37.7 The Gambling Commission have highlighted that local authorities in general are likely to receive very few, or no complaints about gambling. Unlike other regulated areas, such as alcohol, gambling is much less visible as a concern for residents. As a result, the Gambling Commission advises the Council to proactively conduct inspections, to build up the picture of whether a premises can establish true compliance, and can assess whether the necessary protections, especially for the young and vulnerable are in place and working effectively.

37.8 The Council's Inspection programme requires all new licensed premises to be inspected shortly after the licence has been issued, and every premises should expect at least one inspection per year. Inspections of premises are also undertaken if complaints are received, if variation applications are received or there is some other intelligence that suggests an inspection is appropriate. Compliance will be checked in a daytime or evening inspection. Where a one-off event takes place under a Temporary Use Notice or Occasional Use Notice, the Council may also carry out inspections to ensure the Licensing Objectives are being promoted.

37.9 High-risk premises are those premises that have a history of complaints, a history of non-compliance and require greater attention. The Council will operate a lighter touch in respect of low-risk premises so that resources are more effectively targeted to problem premises. We will also target enforcement towards illegal gambling as it is potentially higher risk/harm due to the lack of regulation. The council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities. The council's enforcement/compliance protocols/written agreements will be available upon request.

38. Legislation, Policies and Strategies

In undertaking its licensing function under the Gambling Act 2005, the Council is also bound by other legislation, including:-

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-Social Behaviour Act 2003;
6. The Race Relations Act 1976 (as amended);

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

38.1 National Strategies

The Council will also seek to discharge its responsibilities identified by other Government Strategies, in so far as they impact on the objectives of the licensing function.

38.2 Local Strategies and Policies

Where appropriate, the Council will consider applications with reference to other adopted local strategies and policies, including the following:-

1. Working Together with Communities
2. The Haringey Safer Communities Strategy
3. Enforcement Policies.

38.3 Integrating Strategies

There are many stakeholders involved in the Leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case, the Council will aim, as far as possible, to co-ordinate them.

The Council considers that where appropriate and in so far as is consistent with the Gambling Act, Guidance and Codes of Practice issued under sections 24 and 25 of the

Gambling Act 2005, it is desirable that this Policy complements other relevant plans and strategies aimed at the management of town centres and the night-time economy.

38.4 Relevant plans and strategies include:-

Crime and Disorder Strategy – The Council will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. As far as possible, licensing decisions will aim to contribute to the targets set in the Crime and Disorder Strategy and conditions attached to licences and certificates will reflect local crime prevention strategies.

38.5 Safer Communities Strategy

The Community Safety Strategy is committed to tackling the key areas of crime and building prevention initiatives into neighbourhoods. The licensing authority will support the work of the Safer Communities Strategy within the scope of the licensing objectives under the Act

- Haringey Council – A Community Plan – As far as possible, any licensing decisions will be in line with the aspirations of this community plan.
- Local Transport Plan – the Council aims to work with the local transport authority and will consider ways in which the public can be dispersed from licensed premises and events so as to avoid disturbance, crime and disorder. The Police will be encouraged to report on matters related to the swift and safe dispersal of people from licensed premises.
- Racial Equality – The Council is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The impact on these issues of the Gambling Policy will be monitored and amendments will be made as necessary.
- Domestic Violence Strategy – The Council will ensure consultation to ensure that any correlation between gambling and domestic violence can be detected at the earliest opportunity.
- Children and Young Persons Strategy – The Council will have regard to the impact on this strategy and the criteria for safeguarding children from becoming addicted.
- Anti-Poverty Strategy – As far as possible, any licensing decisions will have regard to this strategy. It will support the work of the Anti Poverty Strategy as they are developed within the scope of the licensing objectives under the Act.
- Proper integration will be assured by the Licensing Authority's Licensing Committee providing reports, when appropriate, to its Planning Committee on the situation regarding licensed premises in the area, including the general impact of gambling related crime and disorder, to enable the Planning Committee to have regard to such matters when taking its decisions.
- The Council will ensure that the Licensing Committee receives reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations.

- Economic Strategies – The Council will ensure that the Licensing Committee is appraised of the employment situation in the area and the need for new investment and employment where appropriate.
- Enforcement Policy – All licensing enforcement will be conducted in accordance with the Enforcement Concordat, and the Haringey Enforcement Policy.

These links to other corporate strategies will be formulated in detail as a result of the consultation process.

39. Decision Making

Committee Terms of Reference

A Licensing Sub-Committee of Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

39.1 The Licensing Committee

The Licensing Committee will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Gambling Act 2005. Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

39.2 The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it. The Licensing Committee will refer to the Full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

39.3 Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

39.6 The Council's Licensing Officers will deal with all other licensing applications where either no representations have been received, or where representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case. There is no right of appeal against a determination that representations are not admissible.

39.7 Allocation of Decision Making Responsibilities

The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Council Officers.

The table shown at Appendix A sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.

This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

40 Reviews

40.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may amended or new conditions added.

40.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is:

- i) in accordance with any relevant code of practice issued by the Gambling Commission
- ii) in accordance with any relevant guidance issued by the Gambling Commission
- iii) reasonably consistent with the licensing objectives and
- iv) in accordance with this authority's Gambling Act 2005 – Statement of Licensing Policy.

In addition the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.

40.3 The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate. Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

40.4 The licensing authority must carry out the review as soon as possible after the 28 day period for making representation has passed.

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

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) 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.

40.6 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

40.7 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

40.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

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

41. Diversity and Equality

Subject to the general requirements of the Act, the Licensing Authority will promote equality of opportunity. In such respects, nothing within this statement of licensing principles shall undermine the right of any individual to apply for any of the licences and/or authorisations provided under the terms of the Act. The Council is aware that some applications may have greater impact on groups, organisations or associations in respect of their race, gender, age, disability, sexuality or religious beliefs. With a view to eliminating unlawful discrimination, applicants will be expected (where appropriate) to address these concerns.

Where applications made by these groups or organisations representing them highlight special needs or customs that may affect their application, the Council, in recognising its duty to promote good relations between persons of different groups, will give consideration to supporting those needs or customs whilst seeking to promote the three licensing objectives.

42. Human Rights

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. The Council will have particular regard to its rights and responsibilities under the Human Rights Act 1998 when determining applications, considering enforcement and reviewing this policy.

42.1 The Council will have particular regard to:

- Article 6 – that in determination of civil rights everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 – that everyone has the right to respect for his home and private life (removal or restriction of a licence may effect a persons private life); and
- Article 1 of the First Protocol – that every person is entitled to peaceful enjoyment of his or her possessions (a licence is considered a possession in law);

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

APPENDIX 1

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		Can only be delegated to a sub-committee, not officers	

Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence			The initial grounds for review will be for officers to validate. Licensing Sub Committee will then hear the review if the grounds are valid under s.198
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits			Cancellation of club gaming /machine permits and other permits decisions would be appropriate for officers.
Applications for other permits			Dealt with by officers

Cancellation of licensed premises gaming machine permits			Dealt with by officers
Consideration of temporary use notice		X	
Decision to give a counter notice to a temporary use notice			

Definitions

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

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

'The Act' means the Gambling Act 2005.

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

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

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

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

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

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

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

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

'LCCP' Licensing Conditions Code of Practice issued by the Gambling Commission

**GAMBLING ACT 2005
GAMBLING LOCAL AREA PROFILE
JANUARY 2019**

1. Introduction

1.1 This profile has been drafted by the Council as an associate document to the Council's Statement Gambling Policy following the recommendations of the Gambling Commission and the Local Government Association. Data has been used from a number of published sources together with information from the responsible authorities. It is intended to assist local Gambling Operators prepare their local assessments.

At this time the Council does not have any evidence to indicate Gambling activities in the Borough are a problem. However potential risks are always present and the Council encourages operators and all others involved to work together to address such issues or concerns.

1.2 This document is to highlight areas of the borough inhabited or frequented by people who might be at risk of being harmed or exploited by gambling. Licensees have a specific responsibility to assess local risks to the licensing objectives that come about due to the provision of gambling facilities at each of their premises. Whilst it is not a requirement for licensing authorities to complete a risk assessment of the local area, it is encouraged by the Gambling Commission that such risk assessments, known as the local area profile are a significant benefit to both the licensing authority and the operators. The benefits listed are:

- it enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it
- greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application
- it enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge
- it encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

2. Haringey approach to local area profile

2.1 The Local Area Profile Supplementary document establishes that the Council has serious concerns of the impact from on street gambling premises particularly those in the most vulnerable and 'at risk' areas of the borough. The Council considers that it is necessary to seek to control the number of facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk, and in line with the duty, to aim to permit gambling insofar as it is reasonably consistent with the pursuit of the licensing objectives. The document provides an overview of the geographical areas in the borough identified as currently being of greater risk to gambling related harm.

2.2 All areas shown within the local area profile as being at high overall risk of Gambling related harm, are generally considered inappropriate for further gambling establishments, which could potentially raise the risk of gambling

related harm to vulnerable people living in those areas. Operators are asked to consider very carefully whether seeking to locate new premises or relocating existing premises within these areas would be consistent with the licensing objectives and the local risks identified.

2.3 This begins with the Gambling Act 2005 and the objective of the protection of children from harm and other vulnerable persons from being harmed or exploited by gambling. Within the Haringey Statement of Gambling Policy we state that the East of the borough carries higher deprivation and social economic imbalances and therefore should have special consideration given to it in relation to the proximity of gambling premises to

- an educational establishment, including colleges and universities, youth clubs, recreational establishments;
- close to a centre dealing with vulnerable people, including housing, clinics, recovery centre, food banks;
- situated in an area of high crime;
- situated in an area of deprivation;
- close to the location of services for children such as libraries and leisure centres;
- Places of worship, community facilities or public buildings
- Areas where there is considered to be an over concentration of similar existing licensed operations.
- close to the location of businesses providing instant access to cash such as payday loans, pawn shops.

2.4 In this context and in response to the changes in the GLA, we have completed an assessment of the key characteristics of the Borough to identify areas of higher risk of vulnerability to gambling-related harm. This assessment is Haringey's local area profile.

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

2.5 This Authority will take specific note of whether an application relates to a premise that is:

- close to an educational establishment, including colleges and universities;
- close to a centre dealing with vulnerable people;
- situated in an area of high crime;
- situated in an area of deprivation;
- close to the location of services for children such as libraries and leisure centres;
- close to the location of businesses providing instant access to cash such as payday loans, pawn shops.

2.6. This Authority will expect applicants for a new licence to submit the completed assessment with their application. It must identify the risks and state what control mechanisms are to be employed at the premises to ensure that the licensing objectives are being met having regard to the local area profiles produced by this Authority. The assessment must consider at a minimum:

- The local area, including but not restricted to the types of premises and operation in the area surrounding the gambling premises; the character of the area, for example is it predominantly residential or commercial, is it a family orientated area; transport links; educational facilities; centres for vulnerable people; ethnicity, age, economic makeup of the local community; high crime area; high unemployment area; pawn broker/pay day loan businesses in the vicinity; footfall in the vicinity; recorded incidents of attempted underage gambling; other gambling premises in the vicinity
- The gambling operation, including but not restricted to what gambling products it provides in the premises; the staffing levels within the premises; the level and requirement for staff training; whether loyalty or account cards are used or not; the security and crime preventions arrangements it has in place; how it advertises locally and on the premises; the marketing material within the premises; the display and provision of information
- The design and layout of the premises, including but not restricted to whether the staff have obstructed views of gaming machines or entrances; whether the design is such that children can see gambling taking place.
- The control mechanisms to be put in place to mitigate the risks e.g. the use of CCTV cameras, the provision of magnetic door locks, employment of door supervisors, employing a challenge 25 scheme, increased number of trained staff

2.7 Other issues that may be considered such as:

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

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

2.9 If the operator does not put forward measures to overcome the risks, or the Council considers that the operator's proposed measures do not adequately mitigate the risk, the council will consider what measures are needed which can include additional conditions or even refusal of the application if appropriate. The Authority expects that each shop will have a copy of its local area risk assessment onsite for authorised officers to view on request.

3 The Profile of The London Borough of Haringey

Map of the London borough of Haringey



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3.1 Haringey is one of London's 32 Boroughs. It is located in the north of the capital and is more than 11 square miles in area. According to the 2001 Census nearly half of its 254,900 people come from ethnic minority backgrounds. It is often said that Haringey is an outer London Borough with inner London challenges.

3.2 As a gateway to central London we are determined to be a well-connected hub of activity rather than a Dormitory Borough. Our Growth Strategy lays out ambitious objectives for achieving full employment and establishing Haringey at the epicentre of London's small and medium sized innovation economy.

Haringey is a vibrant place to live, with many different cultures mixing, and a fantastic variety of characterful High Streets – from the metropolitan centre at Wood Green to the boutiques and restaurants of Muswell Hill and Crouch End – creating a strong sense of local pride.

- 3.3 There are approximately 100,000 dwellings and approximately 8,200 businesses employing 64,700 people. The most recent indices of multiple deprivation (IMD) (2010) show that Haringey is one of the most deprived authorities in the country, ranking 13th out of 326 authorities, and it is ranked 4th in London, yet it is also a borough of contrasts, with great prosperity and affluence in some communities.
- 3.4 Persistent inequalities are manifest in the health and wellbeing of our residents. The life expectancy gap between the most and least deprived wards is 7 years for men and 3 years for women. The borough is facing an obesity crisis with 1 in 4 reception aged children, and 1 in 3 10/11 year olds, measured as overweight or obese. The number of people with long term conditions like diabetes and heart disease is increasing and there are approximately 4,000 adults with severe mental illnesses – three times more than would be expected, even given Haringey's level of deprivation.
- 3.5 There are also inequalities in educational achievement, access to employment and housing quality. The borough has seen twelve consecutive years of improvement in GCSE performance and A-levels scores, making Haringey one of the top 3 most improved areas. Yet too many of our young people still leave school without the skills needed to secure sustainable employment, blocking their access to one of the world's most dynamic economies at their doorstep. It remains our priority to make all of our schools outstanding and, through our new STEM commission, to ensure our young people are accessing the skills needed for the jobs of the future.
- 3.6 The Council's response to these challenges is to meet them head on with ambition, innovation and a commitment to work ever more closely with residents, businesses and public sector partners. Nowhere is our ambition greater than in our most deprived communities in Tottenham. Working with central and local Government, developers and major local businesses like Tottenham Hotspur, the Council has secured £1bn of public and private investment in Tottenham's physical environment. Wood Green is another community that will be the focus of major regeneration that will look to build more homes, create better connections to Alexandra Palace and maximise the impact of new transport links provided by Crossrail 2. We are determined that regeneration will be shaped by the views of residents and are pioneering new governance structures to embed the residents voice in the key decisions.
- 3.7 We are also determined that regeneration has a transformative effect on the health and wellbeing of residents. Regeneration has the potential to promote health and wellbeing through the built environment in a number of ways, including designing infrastructure to increase ease of walking and cycling, increasing the accessibility and perceived safety of green space, and shaping the retail offer in our town centres. The local area profiles will enable us to better manage the expectations of the betting operator.

4. Local Area Profile/Social Responsibility

4.1 Haringey is concerned with the impact on the vulnerable who are at risk from betting in the borough. The nature of the risk cuts across a number of themes such as health impact, mental health, drug and alcohol addiction, bad debt, crime and anti-social behaviour as well as risk from violence within the home.

4.2 Haringey will take a robust and proportionate approach to licensing issues. Premises which will impact on the economy of this borough and its community will be expected to build into operation plans, sufficient measures to minimise the impact of the premises operation on the residential, and other economic based activities.

In order to protect its community's well being and family life, the borough will require significant risk assessments and control methods to be available with any application for a premises licence. The east of the borough has particular heightened risk around anti-social behaviour and deprivation, risk assessments for betting premises in these areas will need to show specific measures to deal with these issues that will not exacerbate existing problems. This does not mean that an assessment does not need to be made for the rest of the Borough only that assessments need to be relevant to the risks.

4.3 Although gambling is a legal entertainment activity it can, in some locations have a negative impact on individuals and the wider community. The Council has tried to understand how gambling can affect its residents and visitors. The Council has also sought to identify individuals who live in the local area who are potentially vulnerable to gambling related harm through work carried out by the ASBAT Team and information from the Citizen Advice Team.

4.4 In order to protect its community and family life, the borough will require risk assessments and control methods to be available with any application for a premises licence.

Appendix 2 Local Licensing Guidance

1. The risk based approach provides a better understanding of, and enables a proportionate response, to risk. Risk is related to the probability of an event

happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives. This guide will assist gambling operators in undertaking and preparing their local (premises) risk assessments. This guidance provides a framework for the local risk assessment process that will provide a uniform approach across all non-remote gambling sectors. This will benefit the Council as Licensing Authority under the Gambling Act 2005 (the Act), as well as responsible authorities and interested parties when considering new and variation applications.

2. Gambling operators will be required to undertake a risk assessment for all of their existing premises. Operators must also undertake a review of those assessments when certain triggers are met. These are,
 - new premises application
 - significant changes in local circumstances
 - Variation of the premises licence
3. This Authority considers that these local risk assessments are a key component of the overall assessment and management of the local risks. Each locality has its own challenges and in order to assist applicants this Authority has produced maps of the area containing the location of existing gambling premises, and centres dealing with vulnerable persons. In addition, the Authority has produced local profiles for each Ward which contains demographic, economic and crime information. This information will be available on the Council's website and will be reviewed and updated.
4. Haringey is concerned with the impact on the vulnerable who are at risk from betting in their areas, we have therefore made an assessment of the pattern of gambling and associated risks to the licensing objectives in wards across the borough.

The policy is reflective of local issues, local data, local risk and the expectations that a licensing authority has of operators who either currently offer gambling facilities or wish to do so in the future. The existence of a clear and robust statement of policy provides greater scope for licensing authorities to work in partnership with operators, other local businesses, communities, and responsible authorities to identify and to proactively mitigate local risks to the licensing objectives.

5. Methodology – Datasets used

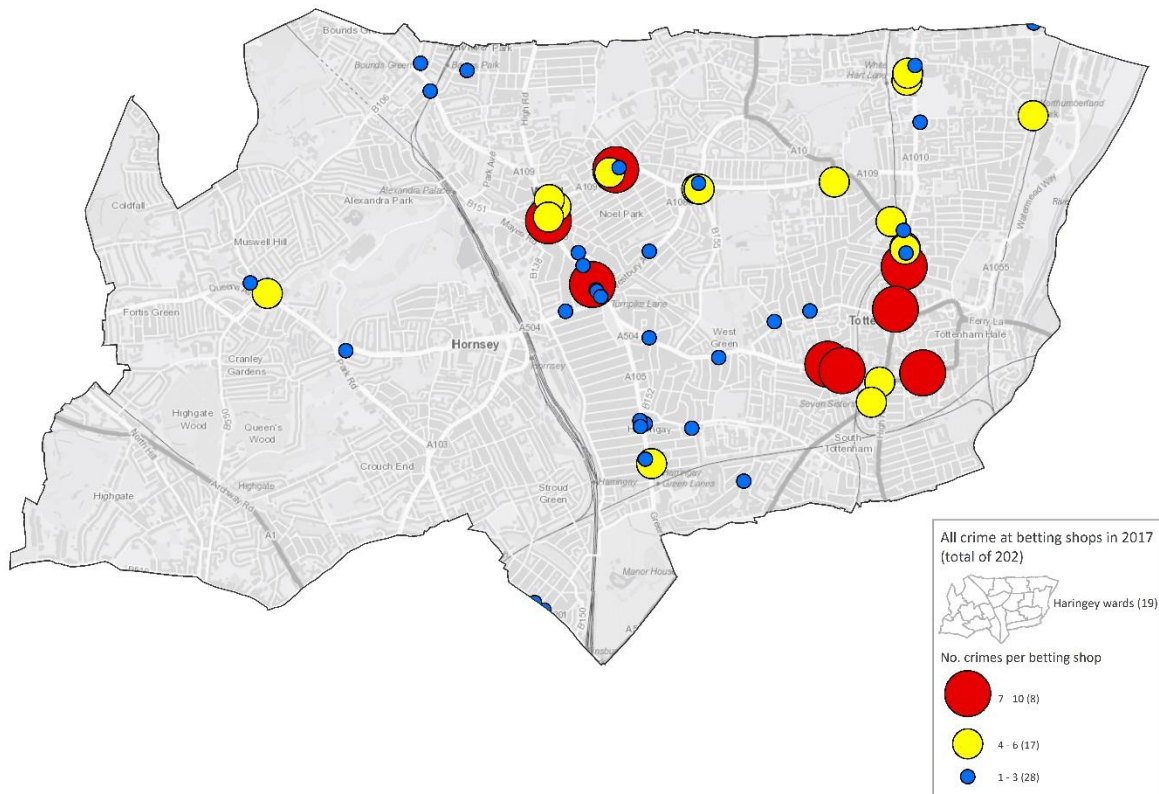
Table 1. Special consideration is given in relation to the proximity of gambling premises to the following locations;

Criteria	Datasets	Source	Access to data
Local schools	All secondary schools in Haringey	Corporate GIS	Green
Youth clubs	Youth clubs registered in Haringey	LBH	Red
Shops used by families & children	Shopping centres, supermarkets & shops relevant to children & families in Haringey	LBH	Red
Parks & open spaces	Parks, open spaces, play areas/adventure playgrounds & basketball courts in Haringey	Corporate GIS	Green
Leisure & recreational establishments used by families	List of leisure centres, cinemas, theatres, cultural events, museums, galleries & community organisations in Haringey	LBH	Yellow
Area with high level of organised crime	Suspected & convicted CSE offences, human trafficking, modern day slavery & drug offences in Haringey	Haringey police	Red
Places of worship	List of faith premises in Haringey	Corporate GIS	Green
Community facilities & public buildings	List of community centres, tenant halls, libraries & other public buildings in Haringey		Red
Areas with an over-concentration of similar existing licensed operation	List of current licensed gambling establishments in Haringey		Green

Table 2. Special consideration is given in relation to the proximity of gambling premises to the following vulnerable groups:

Criteria	Description	Source	Access to data
Children (<18) & young people (students in higher education)	No. residents under 18, educational establishments (colleges) & student accommodation	LBH	Green
Problem gamblers seeking treatment	Gamblers anonymous		Red
Living in deprived areas	IMD 2015		Green
Financial difficulties / debt	List of food banks, pawnbrokers & payday loan shops	LBH	Yellow
Substance abuse / misuse	List of drug & alcohol treatment services, narcotics & alcohol anonymous meetings & needle exchange services	Public health	Yellow
Poor mental health	List of GPs treating patients for schizophrenia, bipolar affective disorder, depression & other psychoses	Public health	Green
Unemployed	List of Job centres & economically active unemployed residents	2011 Census	Green
Homeless	List of hostels, supported housing, registered care & temporary accommodation in Haringey.	Public Health	Red
Minority ethnic groups	No. of Asian / African / Caribbean / Black British & Arab or other ethnic groups	Nomis	Green

Map showing crime in betting shops in Haringey for 2017:



6. The above map illustrates the wards with the highest crimes relating to betting shops within Haringey that will require additional consideration from operators wishing to operate in these areas:

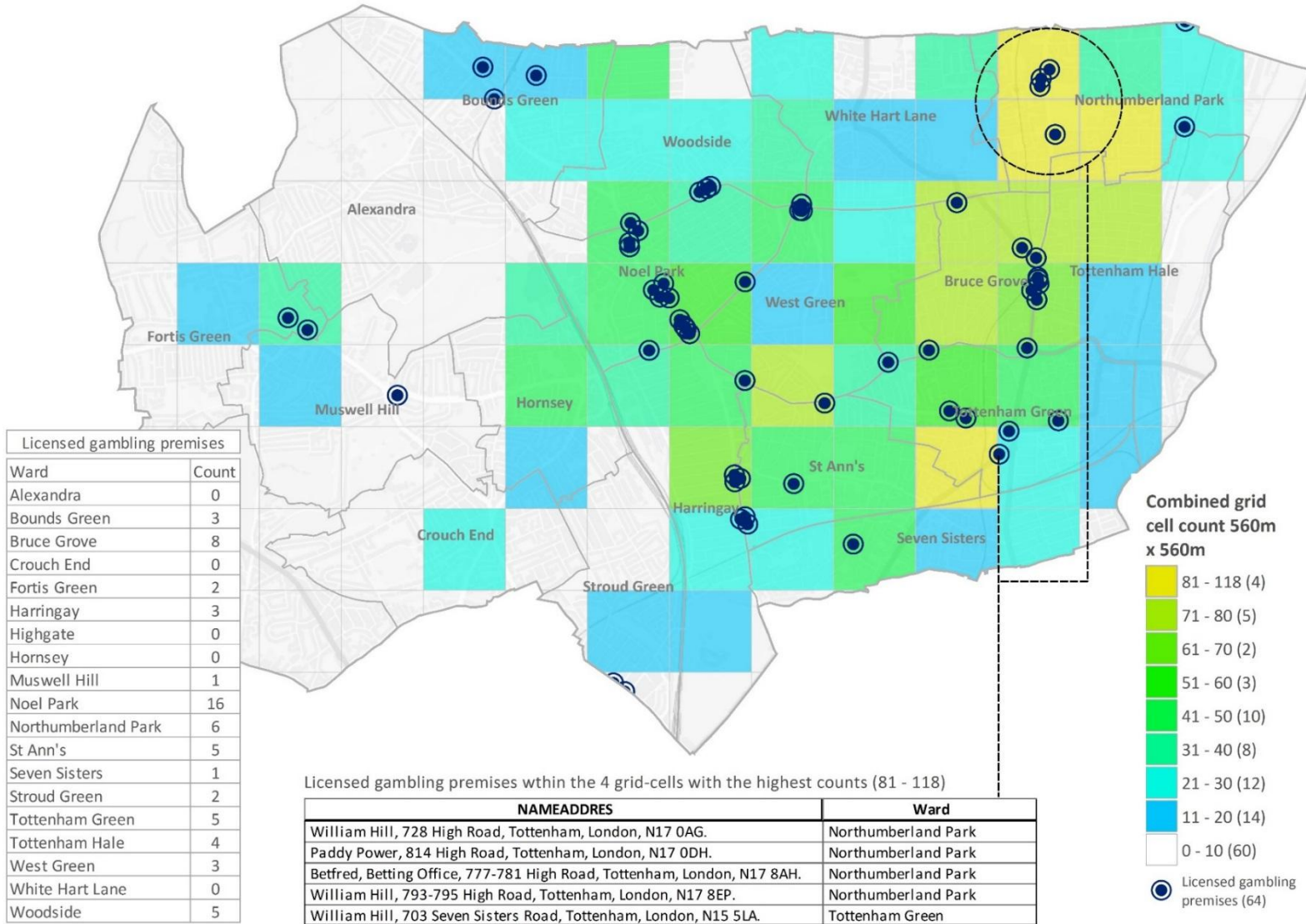
- Noel Park Ward
- Bruce Grove Ward
- West Green Ward
- Tottenham Green Ward
- Tottenham Hale Ward
- Northumberland Park ward
- White Hart Lane.

These areas have been chosen due to:

- Higher levels of crime
- Drug dealing and misuse
- Gang activity in the area
- Issues with street drinking and anti-social behaviour
- Issues with street begging
- Homelessness
- Mental health support accommodation

<p>Areas in Haringey identified as being at risk to gambling-related harm</p> <p>Proximity or hotspot maps identify clusters of location and vulnerable persons incidents relative to each other compared to their overall dispersal throughout the borough (Maps 1, 2 & 3)</p>			
<p>Map 1. Licensed gambling premises proximity</p>	<p>Map 2. Locations criteria proximity</p>	<p>Map 3. Vulnerable persons criteria proximity</p>	
<p>PROXIMITY MAPS</p>	<p>Licensed gambling premises proximity</p>	<p>Locations criteria proximity</p>	<p>Vulnerable persons proximity</p>
<p>Data source: LBH Licensing</p>	<p>Data source: See Table 1</p>	<p>Data source: See Table 2</p>	
<p>Count or thematic maps total the sum of location and vulnerable person's incidents by grid-cell. Each cell measures 560m x 560m and there are a total of 118 grids covering Haringey borough (Maps 4, 5, 6 & 7)</p>			
<p>Map 4. Licensed gambling premises count</p>	<p>Map 5. Locations criteria count</p>	<p>Map 6. Vulnerable persons criteria count</p>	
<p>COUNT MAPS</p>	<p>Licensed gambling premises</p>	<p>Location criteria count</p>	<p>Vulnerable persons criteria count</p>
<p>Data source: LBH Licensing</p>	<p>Data source: See Table 1</p>	<p>Data source: See Table 2</p>	

Map 7. Combined locations and vulnerable persons incident count per grid-cell overlaid with current licensed gambling premises (64 in total)



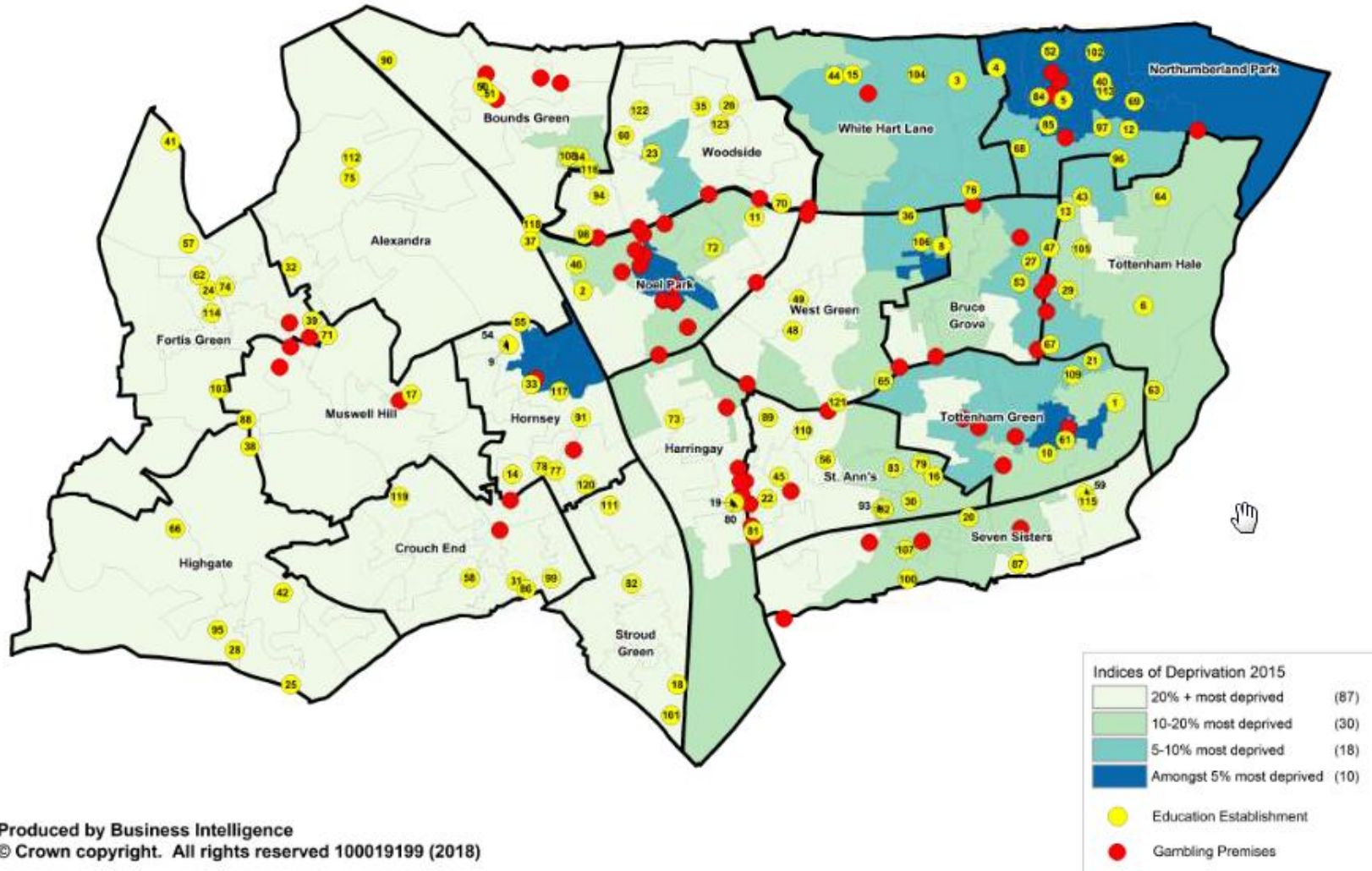
The Gambling Act 2005 prescribes in its licensing objectives the “protection of children and other vulnerable persons from being harmed or exploited by gambling”. Data shown in Table 1 and Table 2 below was collated and used to determine risk areas vulnerable to gambling related harm

Description	Datasets	Geography	Source
Area with high levels of organised crime	Suspected & convicted Child Sexual Exploitation (CSE) incidents, human trafficking, modern day slavery & drug offences	Ward	Haringey police
Areas with an over-concentration of similar existing licensed operation	Licensed gambling establishments in Haringey i.e. betting shops & adult gaming centres (AGC)	Building	LBH , Licensing
Community facilities & public buildings	Community centres, tenant halls, libraries & other public buildings	Building	Valuations Office
Leisure & recreational establishments used by families	Leisure centres, cinemas, theatres, cultural events, museums, galleries & community organisations	Building	LBH, Licensing, Planning
Education	Secondary schools and further education establishments	Building	LBH, Environments & Neighbourhood
Recreational grounds	Parks, open spaces, play areas/adventure playgrounds	Polygon	LBH, Environments & Neighbourhood
Places of worship	Churches and faith based premises	Building	LBH, Environments & Neighbourhood
Shops used by families & children	Shopping centres, supermarkets and take-away/chicken shops	Building	LBH, Licensing, Planning
Youth clubs	Youth clubs	Building	LBH, YJS

Description	Datasets	Geography level	Source
Young people	No. residents under 18	LSOA	Census 2011
Financial difficulties / debt	Food banks, pawnbrokers & payday loan shops	Building	LBH, Licensing
Homeless	Temporary accommodation	Building	LBH, Housing
Living in deprived areas	Index of Multiple Deprivation (IMD) 2015	LSOA	Dept. Communities & Local Government
Minority ethnic groups	Non- white ethnic groups i.e. Asian / African / Caribbean / Black British & Arab or other ethnic groups	LSOA	Census 2011
Poor mental health	Employment Support Allowance (ESA) claimants for mental health conditions	LSOA	Nomis
Problem gamblers seeking treatment	No data found for Haringey	NA	NA
Substance abuse / misuse	Drug & alcohol treatment services & needle exchange pharmacies	Building	LBH, Public health
Unemployed	Job Seekers Allowance (JSA) claimants	LSOA	Nomis

Methodology: Datasets were mapped using their Easting and Northing co-ordinates. Address-point level co-ordinates were created from building address information in datasets where co-ordinates were not provided. Datasets relating to areas such as parks/open spaces and deprivation data aggregated to LSOA - used their polygon centroid as co-ordinates. The distance used for measuring proximity and grid-cell size is 560m. This distance is based on the average of distances measured between residents homes and local facilities (post office, primary school, general store or supermarket and GP surgery) in Haringey as published by the Department for Communities and Local Government

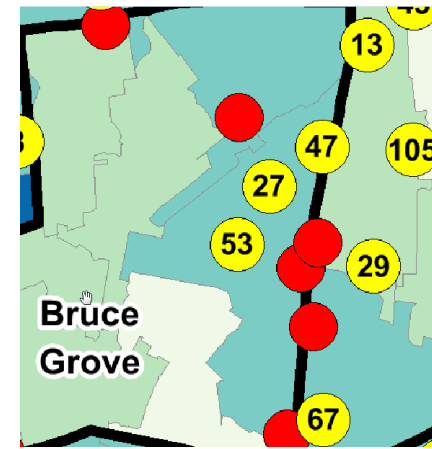
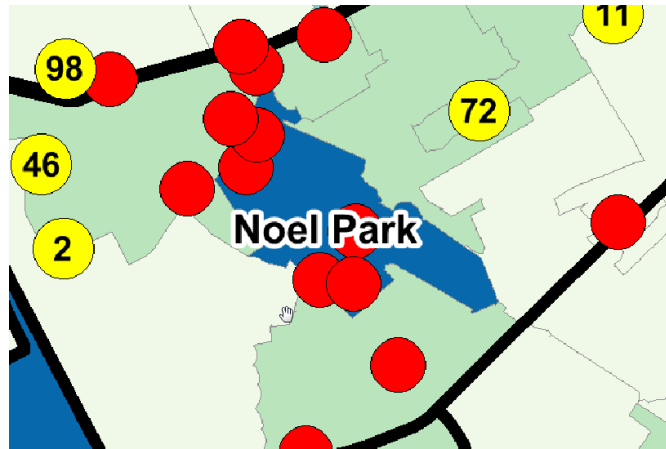
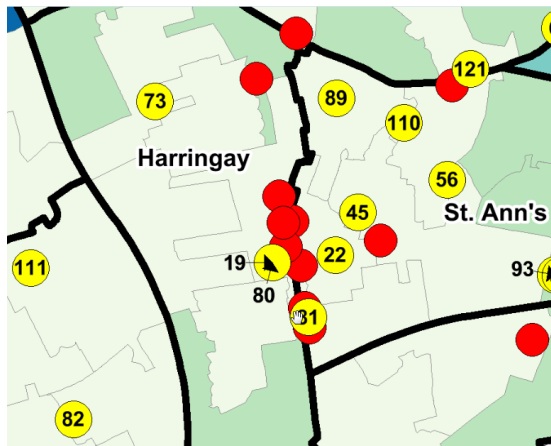
Gambling Premises & All Educational Establishments with Indices of Multiple Deprivation (IMD 2015)



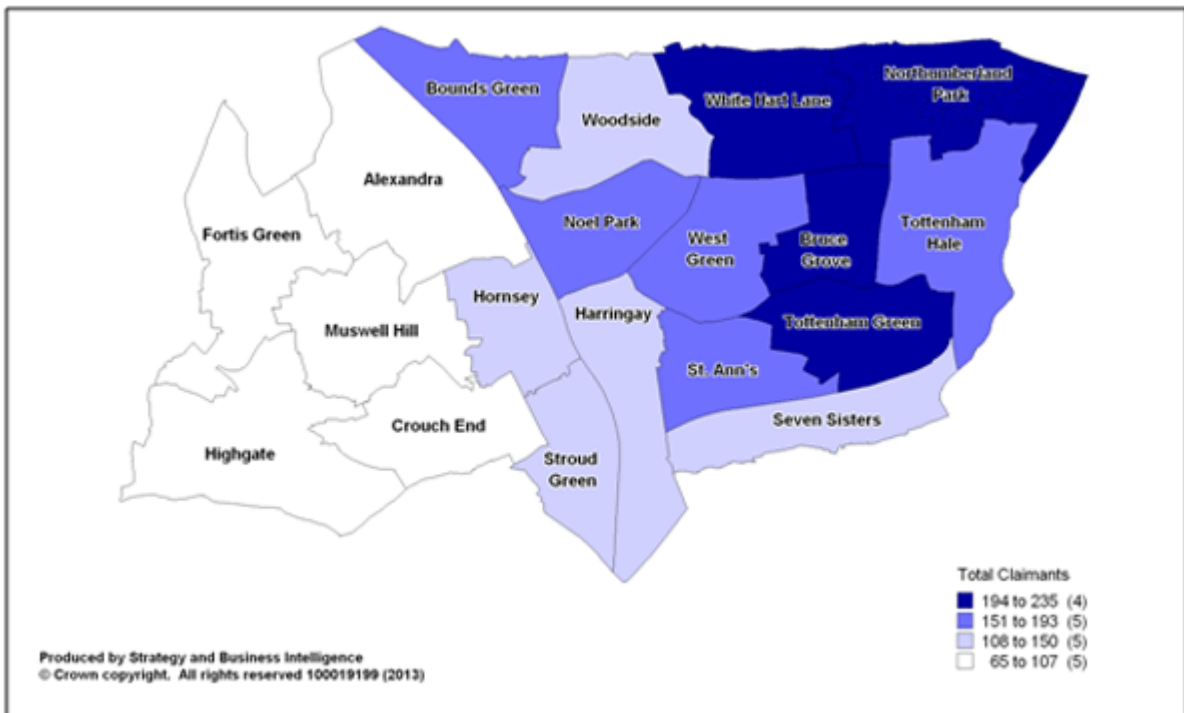
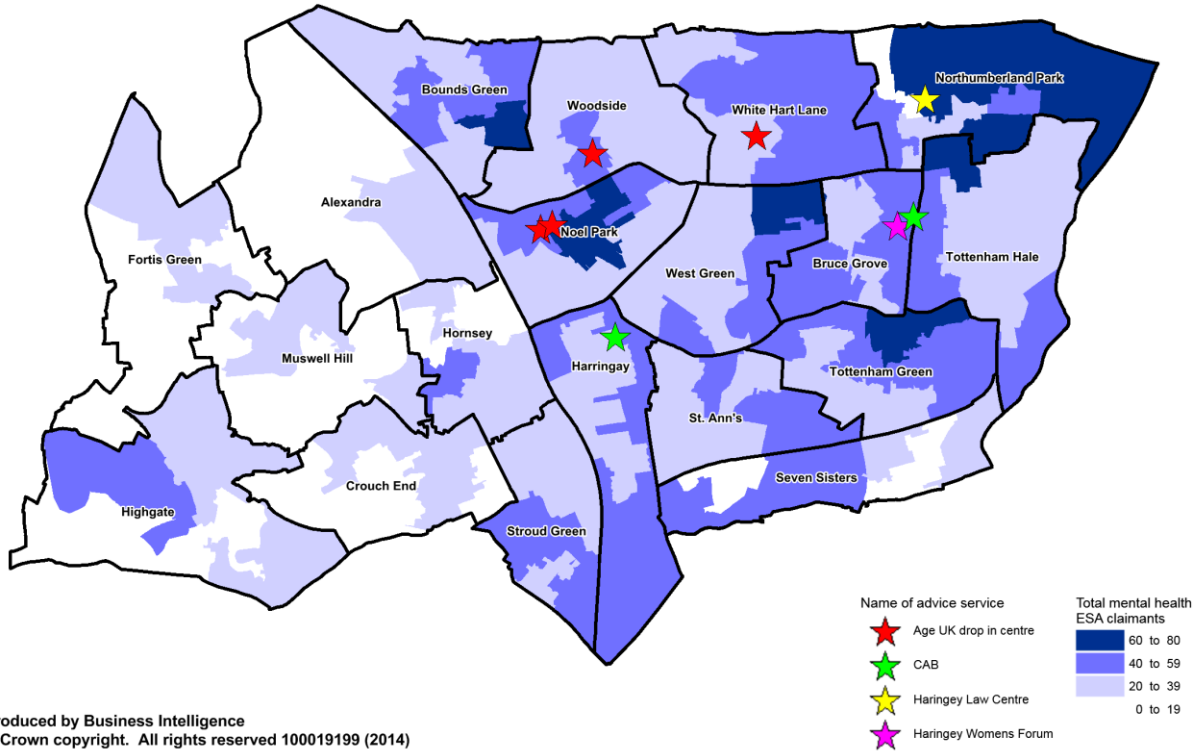
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Schools with the highest number of gambling premises within the 400m radius

School Name	Number of Gambling Premises
(80,81) South Haringay Junior and Infant School	8
(53) Bruce Grove Primary School	7
(72) Noel Park Primary School	6



Total number of Employment Support Allowance (ESA) claimants for Mental Health
May 2014

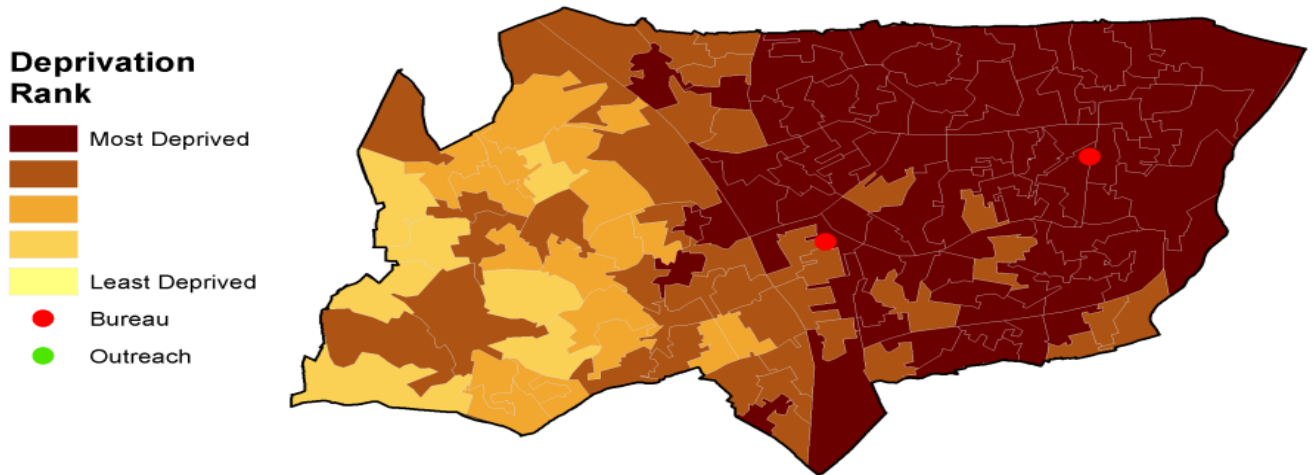
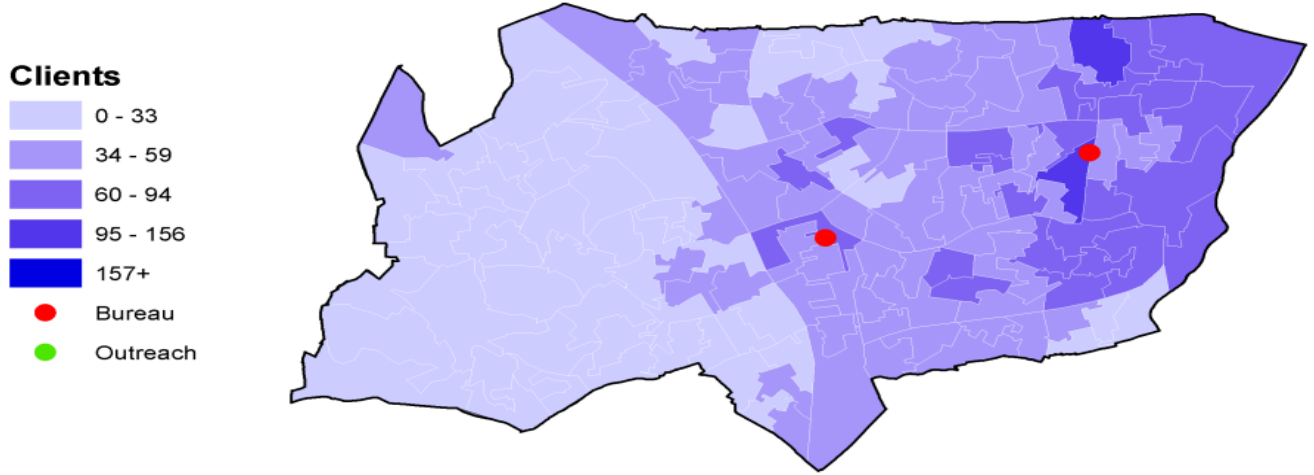


Risk factors in Haringey

Haringey has high level of factors that increase the risk to mental health, such as deprivation, unemployment and homelessness, all of which are more concentrated in the east of the borough. The proportion of residents living alone (24%) locally is greater than in London and England (22% and 18% respectively). Five in every 1,000 residents in Haringey are homeless, a rate which is higher than the London average (Source: DCLG). Joblessness is higher in the east and 48% of people claiming allowance have mental health behavioral disorders. Increases in unemployment, debt, overcrowding and homelessness (driven by changes to the temporary accommodation subsidy system, combined with high rents) can potentially further increase the level of mental health problems in Haringey

- Risk factors associated with poor mental health and wellbeing, such as unemployment, economic deprivation and poor quality housing, are high in Haringey compared to London and England. These issues are more prevalent in the east of the borough.
- Haringey has high levels of severe and enduring mental illness compared to London and England (Source: [Community mental health profile 2013 - external link](#)). The rate of psychotic disorder is more prevalent in the east of Haringey (Source MH First – QOF).
- Patients from black or black British ethnic groups account for less than fifth (18.8%, Census 2011) of Haringey population but represent over a quarter (28%) of hospital admissions for mental health issues and further 44 per cent of admissions under the Mental Health Act (1983) Section (Source: BEH Mental Health Trust 2012/13).
- Haringey's suicide rate is higher than in London and England. On average 26 Haringey residents, of whom the majority are men, commit suicide each year. Only one in four are known to mental health services and one in twenty to a GP. (Source: Coroners Suicide Audit data Produced by Public Health Directorate).
- Nearly one in three (32%) offenders on probation report having a mental health issue. For one in five (20%) this is compounded by problems with drug or alcohol misuse. (Source: Community Safety Strategic Assessment: Annual audit of crime and disorder in Haringey 2012/13).
- Haringey has a large independent supported housing provision for people with mental health issues. This provision is used by local authorities around London which places extensive pressures on Haringey services. Most of these services are placed in east of the borough.

Map showing clients attending Citizens Advice in relation to debt matters. The map below relates to areas of deprivation across the borough.



9. Local risks and control measures

- 9.1 There are two specific parts to the risk assessment process, the assessment of the local risks and the determination of appropriate mitigation to reduce those risks.
- 9.2. Operators may be familiar with identifying risks in relation to health and safety and food hygiene legislation. Risk assessments are also used for security and crime purposes, for example for money laundering and as part of trade association best practice, such as the Safe Bet Alliance.
- 9.3 This local risk assessment process, although similar requires a much broader range of considerations when identifying local risk. Operators must consider the local area in which the premises are situated, the gambling operation and the premises both internally and externally.
- 9.4 The control measures that operators will put in place to mitigate any risk associated with the gambling operation will be dependent on the type of gambling activities provided, how the company operates and the size of the organisation.
- 9.5 The final control measures relate to specific physical measure that will address an identified risk factor. These physical control measures may, for example, include alarms, CCTV cameras, doors, magnetic locks, time locks on safes, spit kits, window shutters, fogging systems, UV lights in toilets.
- 9.6 The control measures identified to mitigate a perceived risk may involve a combination of systems, design and physical measures. For example to address the risk factors relating to children gaining access to an over 18 restricted gambling premises, the operator may identify the following control measures:
- Systems: PASS card or age verification policies, challenge 21 scheme, staff training and door staff.
 - Design: Exterior design which will not attract children into the premises, the entrance layout will enable staff and security to watch those entering the premises and challenge them on the grounds of age.
 - Physical: Magnetic door locks and ID scans.

10 Licence conditions

As set out in the code provisions, applications for new premises licences and for variations to existing licences will require a local risk assessment. The control measures specified in these risk assessments may be incorporated into the new or varied premises licences through the imposition of appropriate conditions.

11 Specific considerations for Fixed Odds Betting Terminals:

Fixed odds betting terminals (FOBTs) are electronic machines, sited in betting shops, which contain a variety of games, including roulette. Each machine accepts bets for amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games.

- 11.1 The *Gambling Act 2005* classified FOBTs as B2 gaming machines. Up to four

machines can be sited on betting premises. Betting Operators are required to show in their risk assessments how they will show responsible management to customers at risk of harm from this form of gambling. The operator's approach to social responsibility focusing particularly on how staff are trained to engage with customers to monitor their frequency, duration and spend of their gambling behavior at the FOBT. Operators should demonstrate their escalation process for interaction with customers.

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