



HARINGEY Statement of Gambling Policy 2022-2025

Gambling Policy and Local Area Profile on locations likely to be at risk from gambling harm



Foreword – Cllr Bevan (Cabinet Member)

The UK has one of the most accessible gambling markets, with opportunities to gamble available on most high streets and, with the increase in online gambling, in virtually every home. Most people in the UK have gambled at some point and most of those who gamble have no issues with keeping their gambling within sensible and manageable limits, but it is not the same for all. We appreciate that there is a lot of public concern and interest in this policy, and the public should be assured that we have built in the best safeguards that we are permitted to utilise within the government legislation.

Some gambling can be problematic, affecting a person's ability to live and work. People with gambling problems often experience a range of negative effects, including health issues, relationship breakdown and difficulties with debt. In more severe cases, gambling problems can lead to crime, thoughts of suicide or suicide itself.

When the Gambling Act 2005 (the Act) came into force in late 2007, it brought in a new, comprehensive system for gambling regulation in Great Britain. The Act established a dedicated national regulator in the form of the Gambling Commission and recognised the potential local impact and importance of gambling.

The regulatory environment in Great Britain is changing, becoming more focused on risk. Licensing authorities are expected to take the lead on local regulation of gambling. As such, policy is becoming more focused on understanding and mitigating gambling-related harm rather than focusing on problem gambling alone.

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. Integral to this has been the analysis of gambling related harm which informs this policy. The analysis explores local area-based vulnerability to gambling related harm and, as such, provides context to both this policy and the '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.

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. We will work to ensure that the local risk assessments produced by gambling operators are meaningful and reflective of the real risks in Haringey.

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 also sets out to offer adequate protections to our local community.

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 the voluntary sector. Whilst self-regulation 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.

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1 Introduction

- 1.1 This document is the Statement of Gambling Policy, for the London Borough of Haringey. Under section 349 of the Gambling Act 2005 (the Act), the Council is required to publish a Statement of Principles which it proposes to apply when exercising its functions under the Act. The form of the Statement of Gambling Policy is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The Gambling Commission's Guidance to licensing authorities (5th Edition) (Commission's Guidance) contains further detail on the form of the council's Statement of Principles.

In producing this Statement of Gambling Policy, the Licensing Authority has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses received from those consulted upon the policy.

- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 The Gambling Commission is 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.

1.6 Consultation

- 1.7 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 resident's association/General public

1.8 Our consultation took place between 9th July 2021 and 06th September 2021 and we followed the HM Government Code of Practice on Consultation (published July 2012).

1.9 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

1.10 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.

1.11 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

1.12 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.

1.13 Local Area Profile

- 1.14 The national body for regulating gambling in the UK, the Gambling Commission, advises that local authorities, acting as licensing authorities under the Gambling Act 2005, complete a Local Area Profile. Haringey has produced a Local Area Profile (LAP). The Haringey LAP assesses locations' vulnerability to gambling-related harm, by taking into account the latest data on deprivation, public health risks and current locations of gambling establishments.

Effective LAPs enable the Gambling Commission, licensing authorities and applicants to have a better awareness of the local area and any risks. Applicants are required to take into account the information in the LAP in their risk assessments and set out how they will address these in any new licence application or in an application to vary a licence. Although not a statutory requirement, the benefits of the inclusion of the Local Area Profile within the Policy include:

- Greater clarity on the relevant factors the Council, acting as the Licensing Authority under the Gambling Act 2005, will take into account when making decisions;
- Applicants are aware of the factors and risks that they will need to address within any applications and are required to set out controls and measures to address these;
- The Licensing Authority can make robust and fair decisions with reference to the published, clear LAP (therefore decisions are less likely to be challenged); and
- It encourages a proactive approach to risk that is less likely to result in reduced compliance.

The Local Area Profile is attached at Appendix 1 within this Statement of Gambling Policy.

1.15 Areas of Vulnerability

- 1.16 The Local Area Profile (LAP) identifies the areas in the borough which are the most vulnerable in terms of people at risk from gambling-related harm. These areas are considered to be at risk for vulnerable in terms of the potential from gambling harm. Under the Gambling Act, each case (e.g. application) is determined on its own merits by the Licensing Authority, however operators are required to address the specific increased risks of harm posed from an existing or potential premises being located within one of these identified areas. Research shows that higher problem gambling risk prevalence rates exist where there are high concentrations of Gambling premises in the same locality.

- 1.17 The Local Area Profile (LAP) has identified several clusters of gambling premise (where three or more are located within 400m of each other) within Haringey. These are in:

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

- 1.18 Existing and potential operators will be expected to bear these specific areas in mind in setting out how they will mitigate risks on the vulnerable people in these areas. How they will manage their gambling operation, design the layout of any new premises and how relevant appropriate control measure will be put in place to limit and reduce potential harm on those likely to be affected.

1.19 No Casinos resolution

- 1.20 Section 166 of the Gambling Act 2005 enables the Council, as the Licensing Authority under the Act, to issue a resolution not to issue casino licences for the duration of the document, and to consult on this proposal via the public consultation exercise. There are currently no casinos within the borough. This resolution continues into the revised policy.

Part 1 – General Principles

- 1.1 The Licensing Authority in carrying out its functions under s153 of the Gambling Act 2005 ('the Act') will aim to permit the use of premises for gambling in so far as it thinks it:
- a) in accordance with any relevant code of practice issued by the Gambling Commission;
 - b) in accordance with any relevant guidance issued by the Gambling Commission;
 - c) reasonably consistent with the licensing objectives; and
 - d) in accordance with the Authority's Statement of Principles
- 1.2 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act. The sole exception to this rule is for Casino premises licences – as the borough has adopted a 'no- casino' resolution, the Authority will not consider any application for a new casino premises licence.

The Licensing Objectives

- 1.3 In exercising our functions under the Act, the Authority must have regard to the licensing objectives as set out in the Act. These licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.4 The objectives do not include considerations in relation to public safety or public nuisance, while the requirement in relation to children and vulnerable persons is explicitly to protect them from being harmed or exploited by gambling, rather than from more general forms of harm or exploitation. In its guidance to licensing authorities, the Commission advises that this will involve "preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed

at children or advertised in such a way that makes them particularly attractive to children, excepting Category D gaming machines.

Responsible Authorities

1.5 Responsible authorities are bodies that must be notified of applications, and that are entitled to make representations in relation to applications for, and in relation to premises licences. The responsible authorities are:

- the Licensing Authority in whose area the premises is situated
- the Gambling Commission
- the Metropolitan Police
- the London Fire Brigade
- Planning Service
- HM Revenue and Customs.
- Children's Safeguarding Board

Interested Parties

1.6 Interested parties are people or businesses who can make representations about premises licence applications, or apply for a review of an existing licence. They are defined in s158 of the Act as:

- a) living sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) having business interests that might be affected by the authorised activities
or
- c) representing persons who satisfy paragraph (a) or (b)

1.7 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. Each case will be decided upon its merits, and the Licensing Authority will not apply a rigid rule to its decision making. It will consider the examples of relevant factors provided in the Gambling Commission's guidance to licensing authorities.

1.8 Concerns need to be clearly expressed or identified in the body of the representation. There is no requirement for a representor to produce a recorded history of problems at a premises to support their representations, in fact it is recognised that this would not be possible for new premises. However, case law established through the Licensing Act regime in relation to pubs etc. advises that evidence such as speculation and unsubstantiated points cannot be considered.

The representation must explain the basis, or grounds, for the concern raised and certain parts of the Councils Gambling Policy Statement as well as the Gambling Commission Guidance issued under Section 24 of the Act, may assist in assuring that the representation is as effective as possible.

1.9 In considering whether a person lives 'sufficiently close to the premises', the following factors will be taken into account:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;

- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
 - the circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
- 1.10 For example, it could be reasonable for an Authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school with children who have poor school attendance and (c) a residential hostel for vulnerable adults.
- 1.11 When determining whether a person has business interests that be may be affected the Commission suggest that factors that are likely to be relevant are:
- the size of the premises;
 - the ‘catchment’ area of the premises (i.e. how far people travel to visit); and
 - whether the person making the representation has business interests in that catchment area that might be affected.
- 1.12 It will also consider the Gambling Commission's guidance that "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. Trade associations, trade unions, residents and tenants' associations will normally only be viewed as interested parties if they have a member who can be classed as an interested party – i.e. who lives sufficiently close to the premises to be likely to be affected by activities being applied for.
- 1.13 Persons whose business interests are within the same gambling sector as the subject of their representation (or review application) will be expected to satisfy the Licensing Authority that their representation (or application) is not made with the intent of limiting competition to their own business, particularly given that the Act does not replicate the previous requirement for satisfaction of a ‘demand test’. The Licensing Authority will disregard representations that are thought to be vexatious, frivolous, or that will not influence the determination of the application.
- 1.14 Interested parties can be persons who are democratically elected such as Councillors and Members of Parliament (MPs). No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the ward likely to be affected. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate or relative) ‘represents’ someone who is an interested party. Members who are asked by an interested party to represent them should not sit on the Sub-Committee considering that application.
- 1.15 Although an area may have some localised social issues that cause valid concerns for residents, there is often existing legislation in force and other enforcement mechanisms available for dealing with them. For this reason, the Gambling Act makes clear that certain considerations may not form the basis of relevant representations in relation to gambling applications.

They include:

- Anti-social behaviour;
- Litter;
- Street drinking;
- Homelessness;
- Unmet demand;

- The possible effect the grant of an application may have on property value;
- Moral or ethical views of gambling;
- Congregation of people in the vicinity;
- Nuisance

In respect of each of these issues, the Gambling Commission makes clear that regulatory authorities must look to other legislation and powers, and not the Gambling Act 2005, to deal with them. Representations based on the above concerns cannot be taken into account.

Licensing Authority Functions

1.16 Licensing authorities have responsibilities under the Act for:

- the licensing of premises where gambling activities are to take place, through the issuing of Premises Licences;
- the preliminary approval of proposed premises for gambling activities, through the issue of Provisional Statements;
- the regulation of members' clubs, commercial clubs and miners' welfare institutes who wish to undertake certain gaming activities, through Club Gaming Permits and/or Club Machine Permits;
- the receipt of notifications and the issue of permits for the provision of gaming machines at premises licensed to supply alcohol for consumption on the premises, under the Licensing Act 2003;
- the regulation of family entertainment centre premises providing gaming machines;
- the regulation of prize gaming through the issue of permits;
- the receipt and endorsement of Temporary Use Notices, for infrequent gaming activities;
- the receipt of Occasional Use Notices, for infrequent betting activities;
- the registration of non-commercial societies for the provision of small society lotteries;
- the exchange of information with the Gambling Commission regarding details of licences, permits and notices and enforcement issues (see section below on 'exchange of information'); and the maintenance of registers of the applications, licences, permits and notices received and issued by the Authority
- Maintain registers of the permits and licences that are issued under these functions

1.17 The Licensing Authority will not involve itself in any matters relating to the regulation of remote gambling (for example, telephone betting or internet casino gaming), the responsibility for which lies with the Gambling Commission.

1.18 Duplication of other regulatory regimes, such as health and safety or fire safety, will be avoided in so far as is possible. This Authority will not consider whether a premise that is the subject of a licensing application is likely to be awarded planning permission or building regulations approval, in its consideration of that application.

1.20 Exchange of Information

- 1.21 The Licensing Authority 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 Licensing Authority will also have regard to any guidance issued by the Gambling Commission on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 1.22 Where required by law applicants will receive copies of any representations made in respect of their application, although sensitive or personal information not required to be disclosed will be redacted.

1.23 **Enforcement**

- 1.24 The Licensing Authority's enforcement principles will be guided by the Gambling Commission's guidance to licensing authorities in respect of the inspection of premises and the powers to institute criminal proceedings. The Licensing Authority 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;
 - Targeted: regulation should be focused on the problem, and minimise side effects
 - Within the principles of the Regulators Code issued by the Better Regulation Delivery Office of the Department for Business Innovation and Skills
- a. The Licensing Authority may arrange for the inspection of premises, both licensed or otherwise, in response to specific complaints about those premises and the provision of unauthorised gambling activities therein. Should officers witness offences or breaches of an authorisation, appropriate action will be taken in accordance with our enforcement policy.
- b. The main enforcement and compliance role for this Licensing Authority in terms of the Act will be to ensure compliance with the premises licences and the other permissions that it issues. The Gambling Commission will be the lead enforcement body for operating and personal licences. It is also noted that all issues relating to forms of remote gambling, as well as issues relating to the manufacture, supply or repair of gaming machines, will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- c. This Licensing Authority will also keep itself informed of developments regarding the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities. 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.

- d. 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.
- e. 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.

1.25 Gaming Machines

- f. Throughout this document, references are made to gaming machines as being within categories A, B, C or D, or in some cases, sub-categories such as B1, B2, B3 or B4.
- g. Gaming machines are categorised according to the nature of their operation, the maximum charge to use and the maximum prize available, and the legislation sets out the categories and sub-categories of machines that may be made available under each type of licence or permit. The Secretary of State is responsible for establishing the applicable values of each category and sub- category by way of statutory instrument.
- h. The categories and values applicable to each category are subject to change and are therefore not included in this document. Current information is available from the Council's website at [gaming-machine-permits-guide link here](#).

1.26 Gambling Risk Assessments

- i. The Gambling Commission introduced a new licensing condition within the Licence Conditions and Codes of Practice (LCCP) which came into effect in April 2016. This resulted in the requirements for premises based gambling operators to undertake a local gambling risk assessment of their premises and the potential impact that the premises and its operation may have on the licensing objectives. This condition made it a requirement for all gambling operator to consider local area information provided by the Licensing Authority via their Statement of Gambling Policy.
- j. These provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. 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.
- k. The council has produced a Local Area Profile (LAP) to assist applicants to conduct, assess and complete a premises based gambling risk assessments. All gambling operators within the borough or new operators applying for a new licence must have regards to the LAP when completing or revising their risk assessments.
Appendix 1
- l. The council views these risks as an important component of the overall assessment and management of local risks. It will assist operators in this process by providing specific information on the concerns surrounding gambling within the borough and the impact on the licensing objectives. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

Part 2 – Premises Licences

Licensing authorities determine applications with reference to the three licensing objectives under the Gambling Act 2005.

2.1. LICENSING OBJECTIVE 1:

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

- 2.2. This Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- 2.3 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 anti-social behaviour-related complaints.
- 2.4 Applicants are advised to examine crime and anti-social behaviour statistics that relate to the vicinity of their application. They will be expected to have a good understanding of the local area in which they operate, or intend to operate, a gaming premises. The applicant must evidence that they meet the criteria set out in this policy. Operators must be aware of how their operation may impact this objective. Applicants will be expected to provide details of their crime prevention measures and any associated risk assessments carried out.
- 2.5 Applicants for premises licences must meet the requirements of the Commission to obtain and hold an operator's licence. Applicants will have to hold such licence (except occupiers of tracks who do not propose to offer gambling themselves). The Licensing Authority will not (unless evidence to the contrary comes to light) have to ascertain if the applicant is suitable to hold a premises licence. The Licensing Authority will have to be satisfied that the premises will not adversely affect the licensing objectives and is compliant with the Commission's Guidance, codes or practice and this Statement of Gambling Policy.
- 2.6 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

2.7. LICENSING OBJECTIVE 2

Ensuring that gambling is conducted in a fair and open way

- 2.8 This Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of ensuring that gambling is conducted in a fair and open way.
- 2.9 The Gambling Commission is the primary body concerned with ensuring that each operator conducts gambling in a fair and open way. This Licensing Authority will consider each application on its own merits and will look more closely at operator where an operator's licence is not required. Track owners do not require an operator's licence and any application for such a licence will be scrutinised to ensure this objective is met. In these circumstances, the applicant would be expected to address how they intend to ensure that gambling will be conducted fairly and openly. The Licensing Authority may consider imposing conditions to ensure that the environment in which betting takes place is suitable.

2.10 LICENSING OBJECTIVE 3

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

- 2.11 This Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.12 The Gambling Commission's guidance for this objective means preventing children from taking part in gambling (as well as restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the guidance, whether specific measures are required at particular premises, with regard to this licensing objective.
- 2.13 The Licensing Authority is also aware of the Codes of Practice that the Gambling Commission has issued in respect of this licensing objective, in relation to specific categories of premises.
- 2.14 It is noted that the Act and Commissions Guidance does not define the term "vulnerable persons". It is noted that the Gambling Commission states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs". This Licensing Authority will consider the promotion of this licensing objective on a case by case basis.
- 2.15 In a borough with both high alcohol and drug dependency the Licensing Authority are particularly concerned about both the health and social the health and social wellbeing of residents. Applicants must be able to demonstrate within their application how they

will protect vulnerable persons, possibly by providing information on how they operate exclusion schemes, the way in which they identify those gambling beyond their means and the measures they take to stop those suffering from any impairment from participating in gambling, and also the training provided to staff to support these aims.

- 2.16 It is appreciated that, in accordance with the Gambling Commission's guidance, moral objections to gambling are not a valid reason to reject applications for premises licences, and also that unmet demand is not a criterion for a Licensing Authority to consider.
- 2.17 The Licensing Authority expects applicants to take appropriate measures to promote the licensing objectives, which may include such issues as proof of age schemes, supervision of entrances and gaming machine areas, CCTV, physical separation of areas, self-exclusion schemes, and provision of information leaflets / helpline numbers for organisations such as GamCare. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 2.18 The issue of a premises licence must be reasonably consistent with the promotion of the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's guidance to licensing authorities.

Conditions

- 2.19 Premises licences issued by the Licensing Authority will be subject to mandatory and/or default conditions and conditions imposed by the council. The council may also impose further conditions in response to specific issues, which will be decided on a case by case basis.
- 2.20 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - related to the scale and type of premises; and
 - reasonable in all respects.
- 2.21 An applicant can request that default conditions are excluded from a licence, and in these circumstances the Licensing Authority may instead impose an appropriate condition that addresses a similar matter to the excluded condition (for example, if a default condition relating to permitted trading times is excluded, the Licensing Authority may attach a condition permitting longer trading hours). The Licensing Authority will give a full explanation of the rationale behind the decision to attach any additional condition, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.
- 2.22 It is noted that there are conditions that the Licensing Authority cannot attach to premises licences. These are conditions:
- which make it impossible to comply with an operating licence.
 - as to gaming machines that contradict the provisions in the Act.
 - making activities, premises or parts of them operate as a membership club
 - on fees, winnings, stakes or prizes.

2.23. The Licensing Authority recognises that betting shop premises may only offer gambling facilities between the hours of 07.00 and 22.00, these being the default hours. The Licensing Authority will expect new applicants to consider if these hours are appropriate for the location subject to the application. The Authority is aware that in some areas early morning start times can cause anti-social behaviour problems, and the Authority is keen to ensure that newly granted licences do not exacerbate existing problems.

2.24 Location of Premises

2.25 Applicants for new or variation applications of premises licences within a gambling vulnerability ward must include detailed information as to how the proposals will be reasonably consistent with the gambling objectives and policies. Applicants are expected to establish whether there are any sensitive premises or locations within close proximity to the premises and what the risk level is for the area based on vulnerability. Where this is the case, applicants should submit information as to how they plan to be reasonably consistent with the strand of the licensing objectives concerned with the protection of children and other vulnerable persons from being harmed or exploited by gambling. The additional supporting information may contain the following:

How the premises operate will restrict access to children, young people or other vulnerable persons:

- whether a proof of age scheme is being used
- will the appropriate number of security staff be employed at appropriate times;
- will opening times be set so that the premises are not adding to any anti social behaviour; and
- what procedures and staff training are in place to identify vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs, etc.

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

2.26 The applicant for a premises licence will have to specifically consider how the location of the premises will impact on the objectives. Applicants will have to clearly show that they have considered the potential impact of their proposed business on the licensing objectives and propose ways that will reduce or remove any likely adverse impact on them.

2.27 The council will consider proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities or learning difficulties, and those with problem gambling or with alcohol or drug abuse problems, as very likely to adversely affect the gambling objectives.

2.28 The council considers that 'sensitive locations' will include locations which have been identified as having a higher concentration of vulnerable groups and where there are concentrations of gambling premises in an area where children or other vulnerable persons are likely to be harmed or exploited.

2.29 It should be noted that this policy does not preclude any application being made and that every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.

2.30 The Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated
- from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

2.31 These considerations will apply to premises including buildings where multiple premises licences may have effect.

2.32 The council has produced a Local Area Profile (LAP) to assist operators. The profile outlines the possible risks to gambling-related harm. The LAP sets out the information that gambling operators need to consider for new applications or when updating their risk assessments for existing premises. The council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. Applicants are able to refer to the Local Area Profile to establish the risks for the area and what vulnerable groups are present. This will inform the consideration and implementation of any control measures that would mitigate the risk to the vulnerable. The applicant must set out the risks, their consideration and adequate control measures within their premises risk assessments. The Licensing Authority will assess the risks presented and determine whether the proposed steps are suitable to mitigate the risks of harm within the area. The Licensing Authority will expect all applicants for a new licence to submit the completed assessment with their application.

2.33 Haringey's Local Area Profile has been produced based on the Gambling Commission's recommendations; in order to:

- Enable licensing authorities to better serve their local community, by improving Haringey's understanding of the community and the local risk profile
- Provide improved clarity for operators as to the relevant factors in Licensing Authority decision-making. This aims to lead to improved premises licence applications, with the potential operator already incorporating controls and measures to mitigate risk in their application;
- Enable 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; and
- Encourage a proactive approach to risk that is likely to result in reduced compliance and enforcement action.
- Encourage the use of Challenge 25 on relevant premises.

2.34 Division of Premises / Primary Usage

2.35 In the Act, 'premises' is defined as including 'any place'. Section 152 of the Act prevents more than one premises licence applying to any single place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises

such as a pleasure park, tracks or shopping centres to obtain discrete premises licences, where appropriate safeguards are in place.

- 2.36 This Licensing Authority takes particular note of the Gambling Commission's guidance which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non- gambling) purposes. In particular they should be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
 - Customers should be able to participate in the activities identified on the premises licence.
- 2.37 The Licensing Authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's guidance.
- 2.38 This Licensing Authority is also aware that an issue has arisen in some parts of the country, where operators have sought to sub-divide existing single licensed premises, and obtain further premises licences in respect of each sub-division. It has been observed that this practice has been used predominantly in respect of categories of premises licences which allow the operation of a small, fixed number of high-value gaming machines – in effect, using multiple premises licences in respect of different areas of a single business to artificially increase the permitted number of category B machines that can be made available.

2.39 The Licensing Authority notes the Commission's guidance that in most cases the expectation is that a single building/plot will be the subject of an application for a licence. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. When assessing whether premises can be regarded as separate, the Licensing Authority proposes to apply the following criteria:

- Does each premises have its own external entrance, or is this accessed via another premises?
- Does each premise trade as a separate entity, or under a single banner?
- Are the premises subject to separate non-domestic rateable valuations?
- Is each premises operated by different persons, or by the same proprietor?
- What is the quality of separation (i.e. if dividing barriers are to be used, are they temporary or permanent, do they provide floor to ceiling division or are they of a fixed height, are they transparent or opaque, etc)?
- Is there a genuine need to establish a division between premises, or is the division aimed solely at artificially increasing the permitted number of high-value gaming machines?

2.40 If it is proposed to utilise sterile, non-gambling areas to create sub-divisions, then the Licensing Authority will apply the following criteria to those areas:

- Is the area proposed for non-gambling activities a token separation?
- Is it genuinely an area which the public would go to for purposes other than gambling?
- Is it in effect a device to introduce artificial separation or genuinely a functionally separate area?
- Is there in effect direct access between the divisions or is there a place from which access can be gained to two premises?

2.41 The Licensing Authority also notes that any premises subject to multiple discrete premises licences must be able to comply with the mandatory conditions restricting access to each licensed premises, as follows:

Premises type

Adult gaming centre

Access restrictions

No direct access from any other licensed gambling premises, or from premises with a family entertainment centre gaming machine permit, a club gaming/machine permit, or an alcohol licensed premises gaming machine permit

Betting (other)

Access from a street or another betting premises only. No direct access from any premises used for retail sale of goods or services

Betting (track)

No direct access from licensed casino or adult gaming centre premises

Bingo

No direct access from licensed casino, adult gaming centre or betting (other) premises

Family Entertainment Centre

No direct access from licensed casino, adult gaming centre or betting (other) premises

2.42 In the case of some divided premises, it appears that the intended primary use of a premises licence had not been offered, with operators solely making use of the additional machine entitlement (for example, holding a Bingo premises licence but not making any facilities for playing bingo available). The Gambling Commission consulted on this issue and subsequently issued a revision to the Licence Conditions and Codes of Practice affecting Bingo, Betting and Casino operating licences. Holders of these licences are now mandated to provide suitable and sufficient facilities for their primary gambling activity in any of their associated premises.

2.43 Door Supervisors

The Gambling Commission advises in its guidance that if a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to those premises are supervised, and impose a condition to that effect. Consideration must also be given to whether that supervisor needs to be licensed or not, as the statutory requirements vary by premises type. This Licensing Authority notes the contents of Part 33 of the Commission's guidance, which outlines a limited relaxation of the licensing requirement for door supervisors at licensed bingo and casino premises – however, operators are encouraged to use door supervisors who are licensed by the Security Industry Authority at these venues. Any other venue using door supervisors must use qualified staff registered with the Security Industry Authority.

2.44 Provisional Statements

The Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

2.45 Developers may wish to apply to this Authority for a provisional statement before entering into a contract to buy or lease property or land, to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement, nor do they need to have a right to occupy the premises in respect of which the application is made.

2.46 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

2.47 The holder of a provisional statement may subsequently apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

2.48 In addition, the Authority may refuse the premises licence (or grant it on terms different from those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the Authority's opinion reflect a change in the operator's circumstances; or
- where the premise has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

2.49 If a developer has already acquired a premise and has a right of occupation, and holds an appropriate operating licence, there is no requirement for them to obtain a provisional statement prior to making an application for a premises licence, this will be a matter of choice. However, where premises are likely to require construction or development work prior to being ready for use for gambling (and as such are not in a state where they can be inspected during the application process), the Licensing Authority may seek to attach the following additional conditions to any licence granted:

- The premises are to be constructed in accordance with the deposited plans and shall not trade until such time as they have been inspected and approved by officers of the Licensing Authority.
- The licence is to be offered for surrender should the premises not have been completed in accordance with the deposited plans within the period of 24 months starting on the day that the licence first takes effect.

2.50 Reviews

Applications for a review of a premises licence can be made at any time by interested parties or responsible authorities, including the Licensing Authority. The Licensing Authority must grant an application for review, unless it considers that the grounds on which the review is sought:

- Raise issues that are not relevant to Gambling Commission Guidance/codes of practice, the Licensing Authorities Statement of Policy or the licensing objectives.
- Are frivolous
- Are vexatious
- Will certainly not cause this Authority to wish to alter/revoke/suspend the licence
- Are substantially the same as grounds cited in a previous application relating to the same premises
- Are substantially the same as representations made at the time of the application for the premises licence was considered.

2.51 The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate. In particular, the Licensing Authority may 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.

2.52 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, that will begin 7 days after receipt of the application. The Licensing Authority will publish notice of the application on the website within this initial 7-day period.

2.53 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

2.54 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:

- to add, remove or amend a licence condition imposed by the Licensing Authority;
- to exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- to suspend the premises licence for a period not exceeding three months; or
- to revoke the premises licence.

2.55 In determining what action, if any, should be taken following a review, the Licensing Authority will have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

2.56 Following the completion of the review, the Licensing Authority will notify its decision in writing to the licence holder, the applicant for review (if any), any person who made representations in respect of the review, and the responsible authorities designated in regulations made under the Act.

2.57 Categories of Premises Licence

2.58 Casino Premises Licences

The London Borough of Haringey has resolved, under section 166 of the Act, not to issue any Casino premises licences. This resolution shall have effect from 31st January 2022 until 30th January 2025, unless revoked prior to this date.

2.59 At present, the Act only allows for a fixed number of 'regional', 'large' and 'small' casinos to be licensed nationally. Licensing authorities must be expressly authorised by the Secretary of State to issue new licences for any of these categories, to ensure that the national limits are not exceeded. Haringey is not amongst the authorities that have been so authorised.

2.60 Adult Gaming Centre Premises Licences

Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the Licensing Authority.

2.61 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling, and will expect the applicant to satisfy the Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

2.62 Betting (Other) Premises Licences

The Authority notes the difference between betting terminals, which are designed to receive bets on real events, and gaming machines such as fixed odds betting terminals (FOBTs), which are reliant upon the outcome of a virtual event. It is further noted that betting premises are entitled to offer up to four gaming machines in total, which may include category B2 (FOBT) machines. There are no statutory limits on the number of betting terminals that may be made available in betting premises, although the Licensing Authority notes that it may attach a condition to a licence limiting the number if concerns

exist over the availability of machines to children or vulnerable persons which cannot be satisfied through alternative means.

- 2.63 This Licensing Authority will, as per the Commission's guidance, 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 betting terminals by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number, nature and circumstances of betting terminals an operator wants to offer.

2.64 Betting (Track) Premises Licences

The Licensing Authority is aware that tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas which they are not permitted to enter.

- 2.65 The Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when football matches/darts championship, dog-racing and/or horse-racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 2.66 Parliament amended section 55 of the Act, to allow the employment of persons under the age of 18 years at track premises, in functions not associated with gambling (for example, as ticket checkers, concession kiosk staff, litter collectors, and so on). However, the offence under section 51, prohibiting the employment of children and young persons to provide facilities for gambling, is unaffected. Proprietors of track premises must ensure that any persons under the age of 18 employed at their premises are not called upon to assist with the operation of betting facilities.
- 2.67 The entitlement to make up to four gaming machines available for use at the track premises may only be utilised if the holder of the premises licence also holds a pool betting operating licence. In situations where this is the case and it is proposed to make gaming machines available for use, any gaming machines (other than category D machines) should be located in areas from which children are excluded. If the track premises is licensed for the sale of alcohol, a further two gaming machines may be made available by way of the automatic entitlement for alcohol-licensed premises, upon payment of the appropriate notification fee.
- 2.68 Betting terminals may also be made available for use at track premises, and this Licensing Authority proposes to apply the same principles as set out in the Betting (other) Premises Licence section above to track premises.
- 2.69 A condition to track premises licences is that the track operator is to ensure that the terms for placing bets are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public.
- 2.70 Applicants are required to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity. Plans for tracks

do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

- 2.71 This Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Authority can satisfy itself that the plan indicates the main areas where betting might take place.

2.72 Bingo Premises Licences

This Licensing Authority notes the Gambling Commission's guidance, that licensing authorities will need to satisfy themselves that it is possible for bingo to be played in any premises for which they issue a bingo premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence and/or apply for new licences, as discussed in the Division of Premises and Primary Usage section above.

- 2.73 Should children be allowed to enter premises licensed for bingo, they are not permitted to participate in the bingo, nor may they make use of any category of gaming machine, other than those in category D. Where category B or C machines are made available in premises to which children are admitted it is expected that:

- all such machines will be located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults will be admitted to the area where the machines are located;
- access to the area where the machines are located will be supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; 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.

2.74 Family Entertainment Centre Premises Licences

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

- 2.75 This Licensing Authority will, as per the Gambling Commission's guidance, refer to the Commission's website and make itself aware of any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

Part 3 – Permits and Notices

- 3.1 While the proprietors of dedicated, high-value gambling outlets will generally be required to complete a comprehensive application process to obtain Premises and Operating Licences, the Act also makes provision for simpler processes for incidental and low-value gambling opportunities, such as gaming machines in pubs, bars and clubs, and small-stakes prize gaming. This part of the Statement outlines the Principles that we will apply to applications for gaming and gaming machine permits, and notifications of temporary or occasional gambling usage.

Alcohol Licensed Premises Gaming Machine Permits & Notifications

- 3.2 Since September 2007, a premises wishing to operate with category C or D gaming machines under section 282 of the Gambling Act 2005 must apply to its Licensing Authority for either a gaming permit or a gaming notification. Gaming permits and notifications have superseded section 34 permits.
- 3.3 Permits can only be used for premises licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises. A premises licensed to sell alcohol under the Licensing Act 2003 is automatically entitled to two gaming machines of category C and/or D. The holder of the on-premises licence under the Licensing Act 2003 must notify the council (a 'notification') of their intention to make the gaming machines available for use and they must pay the prescribed fee.
- 3.4 Holders of licensed premises gaming machine permits will be required to pay an annual fee.
- 3.5 If the premises licence holder under the Licensing Act 2003 changes, the permission falls, therefore a new notification must be sent to the Licensing Authority.
- 3.6 The Licensing Authority **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 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 2005 has been committed on the premises.
- 3.7 **Permit for 3 or more gaming machines**
If a licensed premises wishing to have 3 or more gaming machines of category C or D, they must apply to the council for a licensed premises gaming machine permit. When considering that application, the Licensing Authority must have regard to the licensing objectives and any guidance issued by the Gambling Commission. The Licensing Authority may also consider "such other matters as they think relevant."
- 3.8 This Licensing Authority will decide upon the interpretation of "such other matters" 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 Licensing Authority will expect the applicant 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 machines (category C). Examples of measures to satisfy the Authority may include the gaming machines being positioned in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also assist. Regarding the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 3.9 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be made for, and dealt with as, an Adult Gaming Centre premises licence. The Council when determining an application for an alcohol-licensed premises gaming machine permit will consider each application on its own merits.
- 3.10 It should be noted that the council may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:
- (a) it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect;
 - (b) gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit;
 - (c) the premises are mainly used or are to be used for making gaming machines available; and/ or
 - (d) an offence under the Gambling Act 2005 has been committed on the premises.
- 3.11 Before the council cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow them the opportunity to make a representation. If the permit holder requests a hearing the council will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.

3.12 Club Gaming Permits and Club Machine Permits

Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit or a Club Machine Permit, while commercial clubs may apply for a Club Machine Permit only. A Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D) only.

- 3.13 A club must meet the following criteria to be considered a members' club

- It must have at least 25 members;
- It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations);
- It must be permanent in nature;
- It must not be established to make a commercial profit;
- It must be controlled by its members equally.

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

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

- 3.15 There are statutory conditions on club gaming permits that no child may use a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

3.16 Unlicensed Family Entertainment Centre Gaming Machine Permits

Premises that are proposed to be used as Unlicensed Family Entertainment Centres (UFECs) are those that offer only category D machines and a permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that category D machines have no age restrictions, these premises will particularly appeal to children and young persons. Therefore, the council will give particular weight to matters relating to child protection Issues. The council will grant an application for a permit only if it is satisfied that the premises will be used as an unlicensed FEC, and following consultation with the Chief of Police. Applicants must demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (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 (as referred to in the relevant Gambling Commission Guidance)

Any application for a permit will be considered with regard to the licensing objectives and to any relevant guidance issued by the Commission. Particular weight will be given to child protection

- 3.17 The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include appropriate measures / training for staff as regarding suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This Licensing Authority will also expect, as per Gambling Commission guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant (or company directors if the applicant is a limited company) has no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

- 3.18 Applicants will also be asked to supply a plan of the internal layout of the family entertainment centre, drawn to an appropriate scale, that shows the location of the area(s) where category D gaming machine will be made available for use.
- 3.19 It is noted that a Licensing Authority cannot attach conditions to this type of permit.
- 3.20 A licensed family entertainment centre is entitled to make both category C and D machines available. A full premises licence will be required from the Licensing Authority and an operating licence from the Gambling Commission.

Prize Gaming Permits

- 3.21. In any application for a prize gaming permit the applicant should set out the types of gaming that he or she is intending to offer, and should also be able to demonstrate:
- that they understand the limits on stakes and prizes that are set out in Regulations;
 - that the gaming offered is within the law; and
 - that appropriate measures will be taken to ensure that children are protected from being harmed or exploited by gambling – in particular, the measures that will be taken to ensure that children cannot participate in the gambling offered.
- 3.22 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 3.23 There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the Licensing Authority cannot attach further conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

Temporary Use Notices

- 3.24 Temporary Use Notices allow a gambling operator the use of a premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.
- 3.25 The Licensing Authority can only accept a Temporary Use Notice from a person or company holding a relevant non-remote operating licence.
- 3.26 The types of gambling activities that may be authorised by a Temporary Use Notice are set out by the Secretary of State in regulations made under the Act. Currently, the only permitted activity is the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Possible examples of this could include

gaming tournaments with such games as backgammon, mah-jong, rummy, dominoes, cribbage, bingo and poker.

- 3.27 Temporary Use Notices are subject to a statutory limit that a set of premises may be used for no more than 21 days in any 12 month period. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of "a set of premises", the Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises.
- 3.28 This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

Occasional Use Notices

- 3.29 Occasional Use Notices may be used to authorise infrequent betting at track premises, on no more than 8 days in any calendar year. They cannot be used to authorise any other form of gambling activity (e.g. gaming machines). Providing that the 8-day limit is not breached, there is no provision for correctly-served notices to be refused by a Licensing Authority.
- 3.30 The Licensing Authority notes that the definition of track premises is not restricted to permanent premises, but can include any premises or land on which a race or sporting event is to take place. Consideration will therefore be given to the nature of the premises specified in a notice, in addition to whether the person giving the notice is an occupier of the track, or is responsible for the administration of events at the track.
- 3.31 It is further noted that Occasional Use Notices do not relieve any person accepting bets at the track premises from the requirement to hold an appropriate Betting operating licence, nor from the requirements of any conditions imposed upon that licence.

Travelling Fairs

- 3.32 The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated. The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 3.33 It is noted 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. This Licensing Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.
- 3.34 It will fall to this Licensing Authority to decide whether, at travelling fairs where category D machines are to be made available for use and / or equal chance prize gaming without a permit is offered, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

Part 4 – Lotteries

- 4.1 The Gambling Act 2005 regulates all forms of fund-raising lotteries promoted in the UK. With the exception of the National Lottery, which is not regulated under this Act, it is illegal to promote a lottery for private or commercial gain.
- 4.2 While the term 'lottery' is used within the legislation, these provisions are also likely to apply to raffles, prize draws, tombola's, sweepstakes, scratch-card sales, and so on, any arrangement in which a ticket is sold for a random chance of winning a prize. For the sake of simplicity, 'lottery' is used to define all of these.
- 4.3 Broadly speaking, there are two categories of lottery established under the Act –
- **Licensed lotteries** include those run by societies that aim to raise more than £20,000 in a single draw, or £250,000 in a calendar year, as well as any lotteries promoted by a Local Authority. An operating licence must be held by the promoter(s) of these lotteries.
 - **Exempt lotteries** fall into one of four sub-categories, each with its own limits on the amounts that can be raised, the purposes for which it can be promoted, and the manner in which it must be run. These sub-categories comprise Incidental Non-Commercial Lotteries, Customer Lotteries, Private Lotteries, and Small Society Lotteries.
 - The administration and enforcement of licensed lotteries is carried out solely by the Gambling Commission, although local authorities may provide information and intelligence to assist in these processes. Of the four sub-categories of exempt lotteries, only Small Society Lotteries require registration with a Local Authority – no authorisation is required for the other three categories. Both the Commission and local authorities may carry out enforcement checks to ensure that any exempt lotteries are carried on in accordance with the relevant legal restrictions.
- 4.4 Should a society registered with a Licensing Authority for the promotion of small society lotteries promote a lottery which causes either on the statutory limits on proceeds to be exceeded, then any subsequent lotteries promoted by that society in the current calendar year or any of the following three calendar years will be deemed to be large society lotteries, and will require the society to obtain a relevant operating licence from the Gambling Commission. The registration with the Licensing Authority will remain in force, but will not serve to authorise any lottery schemes during this period – it is open to the society as to whether to cancel the registration.

Free Prize Draws & Skill Competitions

- 4.5 The Gambling Act 2005 does not include any measures to regulate prize draws where there is no charge to enter, nor any competition where the outcome relies significantly upon a participant's skill, judgement or knowledge. Generally, the Licensing Authority will be unable to become involved in any matters relating to these schemes.
- 4.6 However, on some occasions, schemes that are presented as skill competitions will actually fall under the definition of lotteries, or prize (chance) gaming, and would therefore need to comply with the statutory requirements. Alongside the Gambling Commission, licensing authorities are obliged to monitor the boundaries between lotteries and skill competitions, and will provide advice and assistance to ensure that any competitions are run in compliance with the relevant laws. This Licensing Authority

notes the criteria set out in section 14 of the Act relating to the characteristics of a skill competition, and, when called upon to assess a particular scheme, will seek to ensure that the competition includes a suitable challenge of skill, judgement or knowledge that will:

- prevent a significant proportion of people who wish to participate from doing so; or
- prevent a significant proportion of people who participate from receiving a prize.

5. 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 2014;
6. The Equality Act 2010

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

5.1 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.

5.2 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.

5.3 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.

5.4 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.

5.5 Community Safety 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 Community Safety 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 the Equality Act 2010 to have due regard to the need to;
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - ‘Protected characteristics’ are defined by the Act as: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation
- 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.

6 Decision Making

Committee Terms of Reference

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.

6.1 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.

6.2 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.

6.3 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.

6.4 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.

6.5 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 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. 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.

6.6 Delegation of Functions

6.7 The table shown below sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers in accordance with the Act. 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.

Matter to be dealt with	Council	Licensing (Sub-) Committee	Officers
Final approval of Statement of Principles		✓	
Resolution not to issue casino licences		✓	
Fee setting (where appropriate)		✓	
Application for a provisional statement	Where representations have been received and not withdrawn		Where representations were not received or have all been withdrawn
Application for a premises licence	Where representations have been received and not withdrawn		Where representations were not received or have all been withdrawn
Application for variation of a premises licence	Where representations have been received and not withdrawn		Where representations were not received or have all been withdrawn
Application for transfer of a premises licence	Where representations have been received from the relevant responsible authorities		Where representations were not received or have all been withdrawn
Application for reinstatement of a premises licence	Where representations have been received from the relevant responsible authorities		Where representations were not received or have all been withdrawn
Consideration of application for review of a premises licence		✓	
Initiation of review of a premises licence by Licensing Authority		✓	
Application for club gaming / club machine permits	Where objections have been made and not withdrawn		Where objections were not made or have all been withdrawn
Cancellation of club gaming / club machine permits		✓	
Applications for other permits		✓	
Cancellation of licensed premises gaming machine permits		✓	
Consideration of temporary use notice	Where objections have been made and not withdrawn		Where objections were not made or have all been withdrawn
Acknowledgement of occasional use notice		✓	
Registration of non-commercial societies for small society lotteries		✓	
Revocation or cancellation of small society lottery registrations		✓	