

**Notice of Meeting**

**LICENSING AND REGULATORY COMMITTEE**

**Monday, 3 October 2022 - 7:00 pm**  
**Council Chamber, Town Hall, Barking**

**Members:** Cllr Adegboyega Oluwole (Chair), Cllr Faraaz Shaukat (Deputy Chair), Cllr Alison Cormack, Cllr Irma Freeborn, Cllr Victoria Hornby, Cllr Mohammed Khan, Cllr Olawale Martins, Cllr Hardial Singh Rai, Cllr Lynda Rice and Cllr Sabbir Zamee

Date of publication: 23 September 2022

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**AGENDA**

**1. Apologies for Absence**

**2. Declaration of Members' Interests**

In accordance with the Council's Constitution, Members are asked to declare any interest they may have in any matter which is to be considered at this meeting.

**3. Minutes - To confirm as correct the minutes of the meeting held on 23 September 2020 (Pages 3 - 5)**

**4. Minutes - To confirm as correct the minutes of the meeting held on 23 June 2021 (Pages 7 - 9)**

**5. Gambling Act 2005: Draft Statement of Gambling Licensing Policy 2022 - 2025 for Public Consultation (Pages 11 - 94)**

**6. Update on Licensing Applications and Appeals (Pages 95 - 97)**

7. **Any other public items which the Chair decides are urgent**
  
8. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

### **Private Business**

The public and press have a legal right to attend Council meetings such as the Licensing and Regulatory Board, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended). ***There are no such items at the time of preparing this agenda.***

9. **Any other confidential or exempt items which the Chair decides are urgent**

## Our Vision for Barking and Dagenham

# **ONE BOROUGH; ONE COMMUNITY; NO-ONE LEFT BEHIND**

## Our Priorities

### **Participation and Engagement**

- To collaboratively build the foundations, platforms and networks that enable greater participation by:
  - Building capacity in and with the social sector to improve cross-sector collaboration
  - Developing opportunities to meaningfully participate across the Borough to improve individual agency and social networks
  - Facilitating democratic participation to create a more engaged, trusted and responsive democracy
- To design relational practices into the Council's activity and to focus that activity on the root causes of poverty and deprivation by:
  - Embedding our participatory principles across the Council's activity
  - Focusing our participatory activity on some of the root causes of poverty

### **Prevention, Independence and Resilience**

- Working together with partners to deliver improved outcomes for children, families and adults
- Providing safe, innovative, strength-based and sustainable practice in all preventative and statutory services
- Every child gets the best start in life
- All children can attend and achieve in inclusive, good quality local schools
- More young people are supported to achieve success in adulthood through higher, further education and access to employment
- More children and young people in care find permanent, safe and stable homes
- All care leavers can access a good, enhanced local offer that meets their health, education, housing and employment needs
- Young people and vulnerable adults are safeguarded in the context of their families, peers, schools and communities

- Our children, young people, and their communities' benefit from a whole systems approach to tackling the impact of knife crime
- Zero tolerance to domestic abuse drives local action that tackles underlying causes, challenges perpetrators and empowers survivors
- All residents with a disability can access from birth, transition to, and in adulthood support that is seamless, personalised and enables them to thrive and contribute to their communities. Families with children who have Special Educational Needs or Disabilities (SEND) can access a good local offer in their communities that enables them independence and to live their lives to the full
- Children, young people and adults can better access social, emotional and mental wellbeing support - including loneliness reduction - in their communities
- All vulnerable adults are supported to access good quality, sustainable care that enables safety, independence, choice and control
- All vulnerable older people can access timely, purposeful integrated care in their communities that helps keep them safe and independent for longer, and in their own homes
- Effective use of public health interventions to reduce health inequalities

## **Inclusive Growth**

- Homes: For local people and other working Londoners
- Jobs: A thriving and inclusive local economy
- Places: Aspirational and resilient places
- Environment: Becoming the green capital of the capital

## **Well Run Organisation**

- Delivers value for money for the taxpayer
- Employs capable and values-driven staff, demonstrating excellent people management
- Enables democratic participation, works relationally and is transparent
- Puts the customer at the heart of what it does
- Is equipped and has the capability to deliver its vision

## MINUTES OF LICENSING AND REGULATORY COMMITTEE

Wednesday, 23 September 2020  
(5:00 - 6:17 pm)

**Present:** Cllr Moin Quadri (Chair), Cllr Peter Chand, Cllr Josie Channer, Cllr Kashif Haroon, Cllr Donna Lumsden, Cllr Adegboyega Oluwole and Cllr Glenda Paddle

**Apologies:** Cllr Faraaz Shaukat

### 1. Declaration of Members' Interests

There were no declarations of interest.

### 2. Minutes - To confirm as correct the minutes of the meeting held on 30 September 2019

The minutes of the meeting held on 30 September 2019 were confirmed as correct.

### 3. Coronavirus (COVID-19) Pandemic and the Licensed Trades

The Council's Service Manager, Public Protection (SMPP) presented a report regarding the impact that the COVID-19 Pandemic have and will continue to have on Licensed Trades.

A timeline for the closure and re-opening of license trades was presented to Members:

- 20<sup>th</sup> March 2020 - The general closure of entertainment, hospitality, and leisure venues, excluding food trading premises;
- 15<sup>th</sup> June 2020 - Re-opening of retail shops and public facing business;
- 4<sup>th</sup> July 2020 - Re-opening of pubs, bars, restaurants;
- 13<sup>th</sup> July 2020 - Re-opening of special treatments premises except those working in 'highest risk' zone; and
- 15<sup>th</sup> August 2020 - Relaxation on performing arts. Socially distanced "COVID-Secure" indoor and outdoor performances enabled plus special treatments provided in 'highest risk zone'.

In all cases, business re-opening had been subject to the premises involved to be able to be made 'COVID-Secure'. This had required each operator to undertake a COVID risk-assessment of their premises. The COVID risk assessment established the necessary controls and measures that needed to be implemented, to ensure the premises was safe and secure from risk of transmitting the virus. In order to support business operators, the Government had established a range of sector specific guidance documents.

In recognition that many operators may have found the task of undertaking COVID-19 risk assessments difficult and daunting, the Licensing Service with the

Enforcement Team had made direct contact with many business operators. Officers ensured that business operators had access to the relevant sector specific Guidance and that they understood how to undertake a risk-assessment and use this to develop their own plans to make their premises “COVID-Secure”. While officers had been unable to develop individual plans for operators or to endorse plans that had been developed, officers had been able to provide advice and opinions that have supported the operators in taking responsibility.

In response to questions the SMPP informed members that:

- Following up from intelligence reports and complaints, to date, the Council, and the Police Partner Service Agencies (PPSA) had issued 34 Prohibition notices and five Direction Notices to premises that were in breach of COVID-19 rules. Some premises were forced to close for a period of two weeks due to non-compliance with COVID regulations. The premises were advised to use the two-week closure to ensure compliancy with current COVID regulations. Before reopening, these premises were visited by enforcement teams to confirm they were following COVID regulations, before being allowed open. To date, there have been no issues of fines to premises for breaching COVID-19 rules.
- COVID Marshalls was an option that was currently being considered by the Council. At present, the Council was using employees of enforcement teams to enforce COVID restrictions. Currently there was little information regarding powers of COVID Marshalls. However, it was assumed that the powers COVID Marshalls would be granted, would be similar to those currently used by the licensing authority.

The report was noted.

#### **4. Business and Planning Act 2020 - Pavement Licensing**

The Senior Licensing Officer presented a report on the new pavement licensing regulations that have been introduced to support economic recovery from the disruption caused by the COVID-19 outbreak.

A pavement licence authorised the operator of a business selling, or proposing to sell, food and drink to put removeable furniture such as counters, tables, and chairs on the highway adjacent to that premises. The pavement licence intended to provide a new, fast procedure to grant pavement licences to premises and bypassed other existing regulatory regimes which would otherwise consider the use of the public highway, including:

- The Highways Act;
- Planning; and
- Street trading.

However, the new pavement licence would not add to or alter any entitlements that the premises may or may not have to serve food or beverages. Such entitlements will still be covered in the normal way by of:

- The planning regime;
- The licensing regime; and
- Tenancy agreements.

Any new pavement licence issued would not be extended beyond the date of the 30<sup>th</sup> September 2021, when the new regime ends. Members were advised that currently only one pavement licence application submitted.

The officer explained the process of approving a pavement licence, advising that following receipt of an application a consultation period ran for five working days starting the day after the receipt of the application and A decision must be made in the next 5 working days.

In response to Members questions the officer advised that:

- The amount of pavement space granted to premises would depend on each premise's circumstances. Street furniture and items such as lampposts would be considered, alongside with ensuring that the highway would still be accessible for wheelchairs and prams and not push the public onto the roads; and
- Premises operators would complete a risk assessment in their application regarding arrangements to ensure the premises is COVID secure. During the site survey inspection, officers will then make a judgement as well as offer advice and guidance to the premises.
- The timeframe for consultation of a licence was only five days; however, there would be a site survey by officers and the Council had the ability to revoke the licence if needed.

The report was noted.

## **5. Update on Licensing Applications and Appeals**

The SMPP presented a report updating members on licensing matters dealt with by the Licensing Team since the last Committee meeting held on 30 September 2019.

The report was noted.

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## **MINUTES OF INFORMAL LICENSING AND REGULATORY COMMITTEE**

Wednesday, 23 June 2021  
(7:00 - 7:45 pm)

**Present:** Cllr Moin Quadri (Chair), Cllr Faraaz Shaukat (Deputy Chair), Cllr Kashif Haroon, Cllr Giasuddin Miah, Cllr Adegboyega Oluwole, Cllr Glenda Paddle and Cllr Lynda Rice

**Apologies:** Cllr Peter Chand and Cllr Lee Waker

### **1. Declaration of Members' Interests**

There were no declarations of interest.

### **2. Draft Revised London Borough of Barking & Dagenham - Statement of Licensing Policy 2022-2027 - Public Consultation**

The Council's Senior Licensing Officer (SLO) presented a report on the draft Statement of Licensing Policy 2022-2027, that covered the licensing of alcohol, regulated entertainment and late-night refreshment in Barking and Dagenham which the Council was required to publish and review every five years.

As the Licensing team's experience of operating the current 2017-2022 policy had not given rise to many issues, the review was primarily intended to bring the document in line with current law and guidance and best practice. Several new sections had been added, dealing with:

- Public Spaces Protection Orders, which replaced Designated Public Protection Orders in 2017;
- Illegal worker requirements that came into effect in 2017;
- ACT Action Counters Terrorism awareness e-learning and;
- The 'Ask Angela' campaign (the 'Ask Angela' codeword could be given by customers to premises staff if they felt unsafe, for discreet assistance).

The process of reviewal required a period of public consultation, which was due to run for a minimum of six weeks through the late Summer and Autumn of 2021. The Council was required by law to consult with other responsible authorities, representatives of license holders and representatives of licensed trades, and it was anticipated that this would be done through a combination of online questionnaires and direct letter drops. The consultation responses, once received, would be taken into account in developing a final draft for the policy. The final document would then come back to the Committee towards the end of the year, before final approval was required by the Assembly in 2022.

In response to several questions from Members, the SLO stated that:

- Licensees would be consulted during the consultation process and directed to any proposed changes that the Council had at this stage. Their views would be considered and once the Council had an agreed final document,

the Licensing team would notify licensees of any changes that affected them. The final document would also be published and made available for any new applicants, or operators who wished to refresh themselves on the Policy.

- The Licensing team would endeavour to emphasise relevant new policy developments to individual operators as and when they engaged with them.
- The Licensing team used the Statement of Licensing Policy to outline its position on many issues; however, it could not by law impose standard conditions on licensees. It was therefore open to licensees to consider their own business operations and needs and propose to the Licensing team, how they would manage their premises and the conditions that they felt were appropriate for the operations that they were running. The Statement of Licensing Policy would act as a reference point for licensees.
- The licensing process provided for consultation and conciliation, and the Licensing team would use this process to discuss any issues with the applicant. If an agreement could not be reached, any contested points would come to the Committee for Member decision.
- Whilst previous licensing law dealt much more with the technical and structural details of licensed premises, current law focused on the four Licensing Objectives. Although 'public safety' was of these objectives, fire safety was controlled under separate law. Whilst there could be conditions that touched on fire safety, such as emergency escape arrangements, fire safety deliberations were now dealt with under fire safety orders; however, the Licensing team did consult the Fire Brigade and were aware of their process around the different premises.
- The Licensing team would take advice from the Council's Communications team on the timing and publicising of the consultation. It would aim to find the most effective means to ensure that the consultation was accessible for all.

### **3. Update on Licensing Applications and Appeals**

The Council's Service Manager for Public Protection presented an update on licensing matters dealt with by the Licensing Team during the period from 1 January 2021 to 31 May 2021.

In response to several questions from Members, the SLO stated that:

- There were two types of scrap metal licences: site licences and dealers' licences. The Licensing team dealt with applications for licences as and when these were made. Sites needed a licence to deal with scrap metal and this was also the case for individual dealers.
- Licences were renewed every two or three years, based on the conditions for that individual licence.
- The Licensing team ensured that licences complied with legislation and considered whether the premises concerned were fit to carry out the activities. Traffic was not a current consideration for site licence renewal; however, the Licensing team would engage with the Police to discuss whether this should be considered in future.
- Scrap metal dealers were required to keep a record of the activities of those trading metals at the site. From time to time, the Licensing team and the Police would undertake joint visits to scrap metal premises, to check their

records. Whilst the Licensing team did not ask premises to submit their records to them, the team did look at site activities, and there were set conditions that were imposed on all premises. The Police followed up on any cases reported to it and dealt with enforcement.

- If enforcement action was taken against any premises, the Council publicised this, naming these premises and any dealers involved in criminal activity.
- The Council had been undertaking inspections and visits to ensure that licensed premises were complying with Covid-19 regulations, taking action against those who were not and advising them on how to comply with the regulations. Two applications to review premises licenses relating to Covid-19 regulation breaches had been determined by the Licensing Sub-Committee this year.
- The Council's Statement of Gambling Licensing Policy 2019-2022 stipulated the mandatory conditions it applied to premises applications and how it dealt with gambling and betting premises in the Borough.

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## LICENSING AND REGULATORY COMMITTEE

3 October 2022

<b>Title:</b> Gambling Act 2005: Draft Statement of Gambling Licensing Policy 2022 – 2025 for Public Consultation	
<b>Report of the Operational Director of Enforcement and Community Safety</b>	
<b>Open Report</b>	<b>For Comment</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> No
<b>Report Author:</b> Karen Collier, Service Manager Environmental Health & Public Protection	<b>Contact Details:</b> E-mail: <a href="mailto:karen.collier@lbbd.gov.uk">karen.collier@lbbd.gov.uk</a>
<b>Accountable Director:</b> Andy Opie, Operational Director, Enforcement Services	
<b>Accountable Strategic Leadership Director:</b> Alison Stuart, Head of Law	
<p><b>Summary</b></p> <p>The Council, as the local licensing authority for gaming and betting, is required under the Gambling Act 2005, to have in place a statement of the principles (a ‘policy’) by which it will abide in carrying out its licensing responsibilities.</p> <p>Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Gambling Licensing Policy in accordance with a statutory three-year cycle. All changes to policy must be the subject of public consultation.</p> <p>This report sets out a draft policy statement proposed for consultation at Appendix 1.</p>	
<p><b>Recommendation(s)</b></p> <p>The Licensing and Regulatory Committee is recommended to:</p> <ul style="list-style-type: none"> <li>(i) Consider and provide comment on the revised draft LBBB Statement of Gambling Licensing Policy 2022-2025; and</li> <li>(ii) Note the arrangements for public consultation and the timetable for determination of the policy.</li> </ul>	
<p><b>Reason(s)</b></p> <p>The Council is required by law to have a statement of gambling licensing policy. The policy is intended to promote the licensing objectives stated in the Gambling Act and is linked to each of the Council’s corporate priorities.</p>	

## **1. Introduction and Background**

- 1.1 Under the Gambling Act 2005, the Council is the licensing authority and is responsible for licensing and overseeing local gambling establishments. Part of this responsibility is the duty to prepare and publish a statement of the principles (policy statement) that the Council proposes to apply in exercising its functions under the Act.
- 1.2 The Council's current Gambling Act policy statement came into effect on the 24 July 2019 and was effective for three years.
- 1.3 There are legally prescribed procedures that the Council must follow before the policy statement can take effect. This involves making the statement publicly available by a variety of means for a proportionate amount of time and by advertising that it has been published. The policy statement must be adopted by the Assembly.
- 1.4 Officers have taken the opportunity to revise the policy statement to reflect the latest guidance issued to licensing authorities by the Gambling Commission, which seeks to provide clarity to existing and potential licence holders and to assist council officers in correctly applying the legal provisions of the Gambling Act 2005.
- 1.5 The revision has led to minor amendments that update guidance references.
- 1.6 The local area profile has been refreshed and is incorporated as Appendix D in the draft policy document. The profile maps areas of concern. Operators are encouraged to use the profile to help inform them of specific risks prior to submitting licence applications.
- 1.7 Elsewhere, statistics quoted within the policy have been updated, as have contact details for responsible authorities and partner services.
- 1.8 Following the formal consultation process, an analysis of the responses received will be undertaken and the results collated for the Licensing and Regulatory Committee to consider.

## **2. Proposal and Issues**

- 2.1 It is recognised nationally that there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focusing on problem gambling alone. In this respect the revised policy statement continues to emphasise the Council's focus on protecting children and young people, and also young people and adults with care and support needs.
- 2.2 The Gambling Commission has emphasised the need to incorporate the work of Public Health colleagues to further support the greater need to identify areas of concern and gambling related harm. Public health has a positive contribution to make as a non- statutory consultee to influence the content of draft gambling policies in the context of protecting the health of the most vulnerable people in our communities with reference to gambling-related harm. They will be directly invited to comment on the draft policy.

2.3 Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. It is now recommended that the Council creates a 'local area profile', this is included as part of the policy statement to inform its understanding of risk and to allow appropriate decisions to be made and steps taken to mitigate these risks. Gambling establishment operators are already required to undertake 'local area risk assessments' before submitting a premises licence application or variation and will be expected to give due consideration to the information available in the Council's 'local area profile'. The Council's 'local area profile' will naturally develop over time and will be influenced by information and intelligence from key partners and stakeholders.

### **3. Options Appraisal**

3.1 This report seeks consideration and comment on the draft revised LBB policy for public consultation. The final version of the policy will be the subject of a further report in due course. All options for consideration of consultation feedback will be detailed at that time.

### **4. Consultation**

4.1 The draft revision of the Statement of Gambling Policy must be the subject of public consultation, to be carried out in accordance with the provisions of the Gambling Act 2005. It is proposed that a full period of public consultation of eight weeks should be allowed.

4.2 As detailed within this report, the changes to this new draft policy are minimal. In view of this, it is proposed to carry out consultation in line with the Gambling Commission guidance to Licensing Authorities. This requires the following to be consulted:

- The Chief Officer of Police for the area;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses area; and
- 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 Act.

4.3 Additionally, the following will also be consulted:

- All ward Councillors;
- All responsible authorities under the Act
- The Gambling Commission; and
- Public Health.

4.4 The proposals in this report were considered and endorsed by the Corporate Strategy Group at its meeting on 15 September 2022.

#### **Proposed Timetable**

4.5 An eight-week public consultation to be commenced in October 2022. Following the consultation all responses received will be considered and appropriate amendments to the policy drafted for consideration by Committee.

- 4.6 Licensing and Regulatory Committee consider the consultation feedback and provide comment on the final draft revised LBBB Statement of Gambling Policy 2022-2025 at the meeting on 31 January 2023.
- 4.7 Report to Cabinet for consideration and comment on the final draft revised LBBB Statement of Gambling Licensing Policy at the meeting on 20 February 2023.
- 4.8 Report to Assembly for approval of the final draft revised LBBB Statement of Gambling Licensing Policy for 2022-2025.

## **5. Financial Implications**

Implications completed by Nurul Alom, Finance Manager

- 5.1 The resources devoted to the preparation of the policy are contained within the Regulatory Services budget.
- 5.2 Fees associated with this policy are reviewed and agreed by Cabinet as part of the Council's standard annual Fees and Charges review process.
- 5.3 There are no other financial implications for the revised LBBB Statement of Gambling Licensing Policy 2022-2025.

## **6. Legal Implications**

Implications completed by Dr Paul Feild, Principal Governance and Standards Lawyer

- 6.1 Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Gambling Licensing Policy every 3 years. Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission's Guidance when preparing its Policy.
- 6.2 Any other legal implications relating to the Statement of Gambling Licensing Policy are detailed within the 2005 Act.

## **7. Other Implications**

- 7.1 **Risk Management** – This review of the Council's gambling licensing policy fulfils the requirement under the Gambling Act 2005 for the Council to have and regularly review and update a statement of policy.
- 7.2 If the Council fails to prepare and publish the policy statement the Council may be challenged when exercising its functions under the Act through a number of routes, e.g. service complaints to the Local Government Ombudsman and judicial review. Conversely, by preparing and publishing the policy statement, the Council is complying with its legal obligation. In addition, the Council provides a defined framework within which to exercise its functions and makes it clear to all stakeholders the manner by which the Council intends to exercise its functions.



- 7.3 **Corporate Policy and Equality Impact** – The draft revised policy is intended to promote the statutory licensing objectives. It attempts to do so in a way that acknowledges and supports the broader Council vision and priorities.
- 7.4 This revision of LBBB’s Gambling Policy Statement and the subsequent public consultation will support the corporate strategic priorities of “Participation and Engagement” and “Well-run organization”. The Policy intends to support responsible operators and sets out to offer protections to our local community. This supports the corporate strategic priorities of “Inclusive Growth” and “Prevention, Independence and resilience”.
- 7.5 Equality impacts have been considered in the revision of this policy. An Equality Impact Assessment screening tool has been completed and submitted to the Strategy and Participation Team who have confirmed that the draft revised Statement of Gambling Licensing Policy does not require a full Equality Impact Assessment. The equalities impact will be further reviewed and considered following the consultation responses.
- 7.6 A copy of the Equality Impact Assessment screening tool can be found in Appendix 2.
- 7.7 **Safeguarding Adults and Children** – The third licensing objective specifically deals with the protection of children. As such, the policy includes detailed best practice management advice around child protection issues, compiled in conjunction with expert responsible authorities. This deals with issues such as age-verification and advertising. Child Protection are a statutory responsible authority under the Act and are consulted on all new and varied premises licence applications. The revised policy statement also continues to emphasise the Council’s focus on protecting adults with care and support needs.
- 7.8 **Health Issues** – Although public health is not a licensing objective, the draft policy recognises the potential impacts of gambling related harm and is intended to provide adequate protections to vulnerable persons. The draft policy promotes socially responsible premises management.
- 7.9 **Crime and Disorder Issues** – The first licensing objective specifically deals with the prevention of crime and disorder. As such, the draft policy considers issues such as location and local levels of crime. The development of the revised policy is being carried out in conjunction with expert responsible authorities.
- 7.10 **Property / Asset Issues** - None directly, any licensable gaming or betting activity provided on Council run venues would be subject to the same controls as other commercially run venues or facilities.

#### **Public Background Papers Used in the Preparation of the Report:**

[London Borough of Barking and Dagenham Statement of Gambling Policy](#) (effective 24 July 2019)

**List of appendices:**

- **Appendix 1:** Draft revised London Borough of Barking and Dagenham Statement of Gambling Licensing Policy for 2022- 2025
- **Appendix 2:** Equalities Impact Assessment Screening Tool

**Barking &  
Dagenham**

Gambling Act 2005

**Draft Statement of Gambling Licensing  
Policy 2022-2025 V2**

## Notes

The Gambling Act 2005 (“the Act”) came into force in 2007. It introduced a new, comprehensive system for gambling regulation in Great Britain, bringing together the vast majority of commercial gambling into a single regulatory framework.

The Act established a dedicated national regulator in the form of the Gambling Commission (the Commission). But it also recognised the potential local impact and importance of gambling. So, it created many local regulators whose job it is to manage gambling within their area, in line with local circumstance. These are the 368 licensing authorities of England, Wales and Scotland. In doing so, the Act established a strong element of local decision-making and accountability in gambling regulation.

The Act gives local regulators discretion to manage local gambling provision, including discretion as to the level of fees set to cover the cost of administering the local system of regulation within limits set by the Department of Culture, Media and Sport (DCMS) in England and Wales. It sets out some boundaries to that discretion, consistent with the recognition of gambling as a mainstream leisure activity.

The Act also provides scope for the Commission to act to set out an overall direction at national level, while leaving licensing authorities in the lead locally, with appropriate support from the Commission.

As licensing authority for the London Borough of Barking and Dagenham, this Council is required under s.349 of the Act to prepare and publish, every three years, a statement of the licensing principles it proposes to apply in exercising its functions under the Act. This is commonly known as the statement of licensing policy. The statement of policy can be reviewed and revised by the Council at any time but must be produced following consultation with those bodies and persons set out in s.349 of the Act.

The Barking and Dagenham Statement of Gambling Licensing Policy sets out how this Authority intends to exercise its functions under the Act, for the period 2022 – 2025. First published in 2007, this latest draft revision has been prepared having regard to the Act, secondary regulations, and the Commission’s Guidance to Local Licensing Authorities (April 2021 Update).

This Council’s current version of the policy for 2019-22 was adopted by the full Council Assembly on 24 July 2019.

## Executive Summary

This Authority recognises that the gambling industry, across its many component parts, makes a significant contribution to the national economy and provides considerable job opportunities. It also recognises that gaming and betting provides a legitimate leisure activity, enjoyed by many people, and that the majority of people who gamble appear to do so without exhibiting any signs of problematic behaviour.

However, while a thriving gambling industry may be good for the economy, the success of the industry cannot be at the expense of families affected by problem gambling.

The Assessment of National Gambling Behaviour published by the Gambling Commission in August 2017 and prepared by NatCen Social Research stated that 1.4% of gamblers were classed as 'problem gamblers' (0.8% of the population), with 6.4% of gamblers were classed as at risk (3.9% of the population). At the time the Gambling Commission Executive Tim Miller was quoted as stating that "Whilst overall problem gambling rates in Britain have remained statistically stable, our research suggests that in excess of two million people are at-risk or classed as problem gamblers, with very many more impacted by the wider consequences of gambling-related harm."

The situation is improving. The latest survey carried out by the Gambling Commission showed that the rate of problem gambling for the year to September 2021 had fallen to 0.3 per cent of the population. The study also showed that the rate of those gamblers classed as being at 'moderate risk' of harm fell to 0.7% in the same time frame. These are significant reductions and the fall in rates suggests that work undertaken on promoting safe gambling is having an impact.

Since the last revision of our policy, we have seen many initiatives develop including using advertising to promote safer gambling tools like deposit-limits and time-outs; investing more in research and treatment; funding an education programme provided by GamCare and YGAM; implementing the credit card ban; and introducing tough new rules on VIP schemes and changes in game design; as well as using technology to intervene with customers online.

Furthermore, this Authority was pleased to see the changes in stakes introduced to fixed odds betting terminals in 2019, which this Authority supported.

Still, gambling related harm is recognised as a 'co-morbidity' (i.e. one of a range of conditions existing in an individual that exacerbates pre-existing conditions and contributes toward a reduced life expectancy). It is often observed in people who suffer from poor mental health; stress or anxiety; substance misuse; and financial difficulties.

As such, it potentially extends beyond the individual through work and study, personal, financial legal and interpersonal circumstances and affects the community around the individual and local community services. The prevalence of problem gamblers based on the Health Survey for England 2012 indicated there could be in excess of 1,400 individuals who are problem gamblers within Barking and Dagenham.

The costs to society (i.e. the excess fiscal costs caused by people who are problem gamblers beyond those that are normally incurred otherwise by members of the public) are felt through health; housing and homelessness; unemployment; and imprisonment. Using the Health Survey as a basis the total excess costs in Barking and Dagenham could be anything up to £2.2 million.

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 sets out to offer adequate protections to our local community.

Integral to this has been the analysis of gambling related harm which informs Section 3 of this policy. The analysis explored local area-based vulnerability to gambling related harm and, as such, provided both context to this policy and a 'local area profile'. This enables consideration to be given to local issues that must be addressed by local operators and to the extent to which any further development of a gambling offer within the borough may be appropriate.

Section 3 of this policy sets out the considerations this Authority will go through in determining gambling premises licences. All new and current operators must have regard to this section when compiling local risk assessments and should make this section their starting point when absorbing the content of this policy.

Before this, the policy opens with a more general introduction to Barking and Dagenham (Section 1), followed by detail on the principles this Authority will rely on in fulfilling its licensing responsibilities (section 2).

Sections 4 (premises licences) and 5 (other consents) go on to set out in some detail, the steps that this and other responsible authorities would wish to see given appropriate consideration within risk assessments and operating schedules. It is intended to reflect and enhance industry good practice. This section is also intended to make clear certain aspects of the applications process for the benefit of all. This includes information on consultation, responsible authorities, interested parties and relevant objections.

Section 6 deals with enforcement matters, establishing how this Authority and partner service and external agencies intend to work collaboratively together, in a fair, transparent, open and consistent manner, to provide intelligent directed regulation.

Together, we hope to support a successful industry, which can offer enjoyable leisure activities without harm to our young and most vulnerable.

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## Section One – Introduction

### About Barking and Dagenham

1. The London Borough of Barking and Dagenham is located at heart of the Thames Gateway, just a 15-minute train journey from central London. The borough borders the London Boroughs of Newham, Redbridge and Havering with Greenwich and Bexley to the south of the Thames. The borough's three main towns are Barking, Chadwell Heath and Dagenham.
2. The Office for National Statistics most recent population estimates from the 2021 Census estimated Barking and Dagenham's population at 218,900 residents, an increase of 17.7% since 30 June 2019. It has a young population with an estimated 53,700 children (persons aged between 0 and 15), the highest proportion in London and the UK. Some 145,900 people are of working age, which is 67% of the population and 19,000 people are of retirement age (65 and over) reflecting 9% of the population<sup>1</sup>.
3. Barking and Dagenham also has a diverse, multi-cultural community. The borough's Black and Minority Ethnic (BME) population represents 67.1% of the total population. Nigeria is the most common birthplace of residents from outside of the UK followed by India and Pakistan<sup>2</sup>.
4. Barking and Dagenham has its challenges. Both male and female healthy life expectancy (58.1 and 60.1 respectively) are below the London average. The numbers of people who have no qualifications (11.9%); who are unemployed (6.8%); and who are Universal Credit claimants (9.3%) are all above the London average<sup>3</sup>.
5. However, with a proud history of manufacturing, industrial excellence and a strategic location linking it to major markets in the South-East (and on to Europe), Barking and Dagenham has real potential and aspires to become a destination of choice, where people stay and feel welcome.
6. Barking and Dagenham is at the heart of London's eastward growth, attracting developers and investors to the most affordable and accessible opportunities in the whole of the Southeast.
7. With 400 hectares of development land, we plan to provide 50,000 high quality new homes and 20,000 new jobs within the next 20 years.
8. With its excellent transport links, Barking and Dagenham is already one of London's best-connected boroughs. Connections are set to improve further with new transport links created or in the pipeline, all intended to support the capital's eastward growth. This includes:
  - Crossrail started operating from Chadwell Heath in 2022
  - In 2022, the London Overground was extended to Barking Riverside

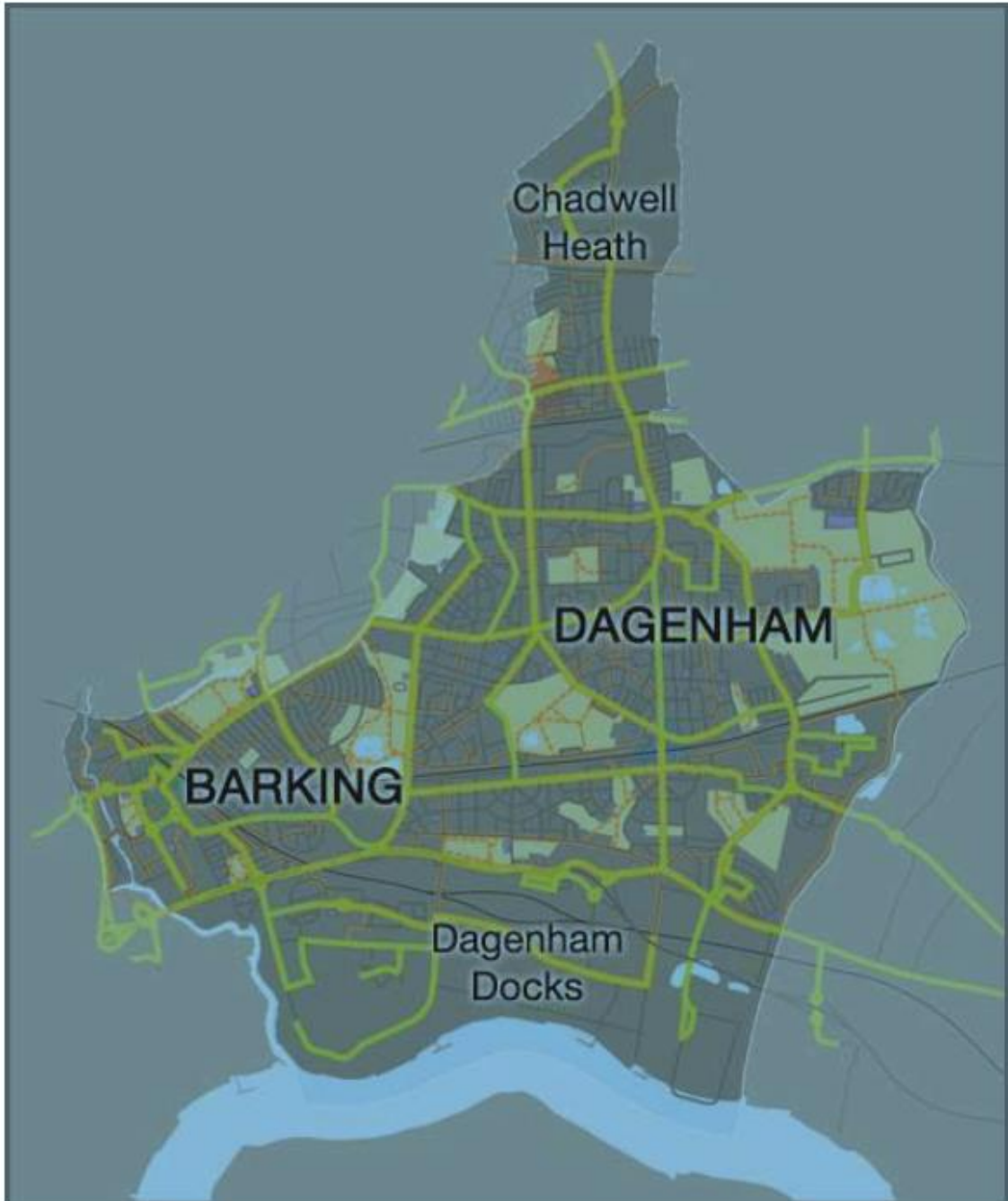
<sup>1,2,3</sup> LBBD Key demographic facts July 2016

- A new C2C station will open at Beam Park in 2022
  - Improvements to the A13
  - A new River Thames crossing serving east London is in operation.
9. As a legacy from Barking and Dagenham’s involvement as a host borough in the London Olympics in 2012, there has been significant investment in leisure, recreational and sporting facilities. The Council has agreements in place with Hackman Capital Partners to build London’s largest film and TV production centre In Dagenham with additional studios on a second site in Barking.
10. The borough has an incredible 530 hectares of green belt land, plus 25 parks and open spaces and tree lined streets.
11. A map of the geographic area comprising Barking and Dagenham is shown in Figure 1 on the following page.

#### **The Borough Manifesto and Corporate Plan**

12. The Borough Manifesto sets out the long-term, 20-year vision for the future of Barking and Dagenham. It describes how the council, our partners and the whole community are working together in order to realise our shared vision of a more powerful, resilient, connected community; ‘one borough; one community; no-one left behind’.
13. The council’s approach to achieving this vision is set out in The Corporate Plan. This describes our approach to the work we do with residents every day and explains our four key strategic priorities:
- Inclusive growth – Harnessing the growth potential that arises from our people, our land and our location in ways that protect the environment and enhance prosperity, wellbeing and participation for all residents.
  - Participation and engagement – Empowering residents by enabling greater participation in the community and in public services.
  - Prevention, independence and resilience – Children, families and adults in Barking and Dagenham living safe, happy, healthy and independent lives.
  - Well-run organisation – Focusing on the efficient and effective operation of the Council itself.

Figure 1 – Map of Barking and Dagenham



## Section Two - Purpose and Scope of this Policy

### The aim of the policy

14. The aim of this policy is -

- To inform licence applicants how this Authority will make licensing decisions and how licensed premises are likely to be able to operate within its area
- To set out how the Authority intends to support responsible operators and take effective actions against irresponsible operators
- To inform local residents, business and licensed premises users, of the protections afforded to the local community within the Act and by this Authority
- To support licensing decisions that may be challenged in a court of law.
- To reinforce to elected members on the Licensing and Regulatory Board, the powers available to the local authority as licensing authority
- Setting and collecting fees

### Local authority functions

15. Under the Gambling Act 2005, this Authority is responsible for local gambling regulation. This statement of policy deals with the range of regulatory functions that fall to this Authority. These are –

- Licensing premises for gambling activities
- Considering notices given for the temporary use of premises for gambling
- Granting permits for gaming and gaming machines in clubs and miners' welfare institutes
- Regulating gaming and gaming machines in alcohol licensed premises
- Granting permits to family entertainment centres (FEC) for the use of certain lower stake gaming machines
- Granting permits for prize gaming
- Considering occasional use notices of betting at tracks
- Registering small society lotteries that fall below certain thresholds

### The licensing objectives

16. While carrying out its functions under the Act, particularly in relation to premises licences, temporary use notices and some permits, this Authority must have regard to the licensing objectives, as set out in section 1 of the Act. These are –

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring gambling is conducted in fair and open way

- Protecting children and other vulnerable people from harm or from being exploited by gambling

17. Licensing authorities have a duty to promote the licensing objectives, and we expect gambling business to deliver them.

#### Statutory Aim to permit gambling

18. In exercising its functions under the Act, s.153 states that licensing authorities shall aim to permit the use of premises for gambling, in so far as it thinks it:

- In accordance with any code of practice under s24
- In accordance with any relevant guidance issued by the Commission under s.25
- Reasonably consistent with the licensing objectives (subject to the above) and
- In accordance with the licensing authority's statement of licensing policy

19. The effect of this is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

#### Licensing authority discretion

20. Within this, licensing authorities have discretion to regulate the local provision of gambling and the Act gives wide-ranging powers to do so. Those include the power:

- To issue a statement of licensing policy, setting expectations about how gambling will be regulated in the local area
- To grant, refuse and attach conditions to premises licences
- To review premises licences and attach conditions or revoke them as a result

#### Limits on local authority discretion

21. However, licensing authorities are subject to some specific constraints in exercising their functions. A licensing authority has no discretion to grant a premises licence where that would mean taking a course of action which it did not think accorded with the Guidance issued by the Commission, any relevant Commission code of practice, the licensing objectives or the licensing authority's own statement of policy.

22. In addition, the Act makes specific references to factors that must not be considered by a licensing authority in exercising its functions under s.153

- The expected demand for facilities (s.153(2))

- Whether the application is to be permitted in accordance with law relating to planning or building (s.210(1))

23. Additionally, licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

#### The statement of gambling licensing policy

24. Gambling Commission Guidance to local licensing authorities establishes that the statement of licensing policy forms a very important part of the architecture of local gambling regulation, and it is expected that licensing authorities will use it to set out the local issues, priorities and risks that inform and underpin its approach to local regulation.

25. It is the primary vehicle for setting out the licensing authority's approach to regulation having taken into account local circumstances. It ensures that operators have sufficient awareness and understanding of the licensing authority's requirements and approach, including its 'view on local risks' to help them comply with local gambling regulation.

#### The assessment of local area vulnerability to gambling related harm

26. Accordingly, the Council has conducted an assessment of local area vulnerability to gambling related harm, which is intended to support and inform this authority's statement of licensing policy and form the local area profile. A summary is provided as Appendix D to this document and introduced under section 3.

27. Both applicants and existing licensed operators are directed to this document when referring to this policy and when updating their own local area risk assessments.

#### Local risk assessments

28. To improve the exchange of information between licensing authorities and operators, the Commission introduced Social Responsibility code provisions that require operators of premises-based businesses to conduct local risk-assessments and an ordinary code provision that says licensees should share their risk assessments with licensing authorities in certain circumstances.

#### Engagement

29. This authority encourages early active engagement with local operators to an open and constructive partnership which, in turn, can improve confidence, reduce regulatory costs and mitigate risks to the licensing objectives. Such engagement can facilitate an open and constructive partnership which, in turn, can improve compliance and reduce costs.

30. It is noted also that the authority is entitled to request such information from operators as may be required to make effective licensing decisions.

### Other considerations

31. Licensing authorities should regulate gambling in the public interest.
32. While this statement of policy sets out a general approach to the exercise of functions under the Act, it does not override the right of any person to make an application and have that application considered on its own merits. Additionally, this statement does not seek to undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.
33. As far as is reasonably possible, this Authority will avoid duplication with other regulatory regimes.
34. This Authority also understands that moral or ethical objections to gambling are not a valid reason to reject applications for premises licences.

### Consideration of planning permission and building regulations

35. In particular, this Authority recognises that s210 of the Act prevents licensing authorities from taking into account the likelihood of the applicant for a premises licence obtaining planning permission or building regulations approval.
36. Equally, however, the grant of a gambling premises licence does not prejudice or prevent any decision or action that may be appropriate under planning or building control law.

### Human Rights Act 1998

37. This Authority understands that the Secretary of State has certified that the Act is compatible with the European Convention on Human Rights. In considering applications, and taking enforcement action under the Act, this Authority will bear in mind that it is subject to the Human Rights Act 1998 and in particular:
  - Article 1, Protocol 1 – peaceful enjoyment of possession. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest
  - Article 6 – Right to a fair hearing
  - Article 8 – Respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life
  - Article 10 – Right to freedom of expression

### Exchange of information

38. S.29 of the Act enables the Commission to require information from licensing authorities, including the manner in which the information is compiled, collated and the form in which it is provided, providing that it:

- Forms part of a register maintained under the Act
- Is in the possession of the licensing authority in connection with a provision of the Act

39. S.350 of the Act allows licensing authorities to exchange information with other persons or bodies for use in the exercise of functions under the Act. Those persons or bodies are listed in Schedule 6 of the Act as:

- A constable or police force
- An enforcement officer
- A licensing authority
- HMRC
- The First Tier Tribunal
- The Secretary of State

40. In exchanging information, this Authority will act in accordance with the relevant legislation **and comply with the requirements of UK General Data Protection Regulation (GDPR)**. This Authority will also have regard to any Guidance to local licensing authorities issued by the Commission. Where the law allows, this Authority will agree secure mechanisms to share information with other regulators about gambling premises to help target resources and activities and minimise duplication.

### Scheme of Delegation

41. Table 1 (on the following page) sets out the scheme of delegation for this Authority.

42. The scheme of delegation is intended to support an effective and efficient licensing process, within which non-contested matters will be granted by authorised officers.

43. Where matters are subject of representations, officers will normally attempt to reach an agreed negotiated outcome through our conciliation process. This is offered to facilitate further discussion and save the time and costs associated with a public hearing. Conciliation may be attempted up to 24 hours before a hearing. If an agreed outcome, satisfactory to all concerned parties, cannot be reached then the matter will generally be determined by a sub-committee comprising three elected members of the Council's Licensing & Regulatory Committee.



<b>Table 1 – Delegation of decisions and functions</b>			
<b>Matter to be dealt with</b>	<b>Council Assembly</b>	<b>Licensing Sub-Committee</b>	<b>Officers</b>
Final approval of three-year policy	X		
Policy not to permit casinos	X		
Fee setting (where appropriate)	X		
Application for a premises licence		Where representations have been received and not withdrawn	Where no representations have been received or representations withdrawn
Application for variation of a premises licences		Where representations have been received and not withdrawn	Where no representations have been received or representations withdrawn
Application for transfer of a premises licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received or representations withdrawn
Review of a premises licence		X	
Application for a club gaming / club machine permit		Where objections have been made (and not withdrawn)	Where no objections have been made / objections have not been withdrawn
Cancellation of a club gaming / club machine permit		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

## Section Three – Local Area Profile

### Background

44. The Commission's Licence Conditions and Codes of Practice (LCCP), version April 2021, formalised the need for operators to consider local risks.
45. Specifically, Social Responsibility Code 10.1.1 requires all applicants for licences and current premises licence holders to assess the risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. When carrying out their risk assessments, licensees are required to take into account any relevant matters identified in the licensing authority's statement of policy.
46. The risk assessment should also be updated:
- When applying for a variation of the premises licence
  - To take account of significant changes in local circumstances, including those identified in this Authority's statement of policy
  - When there are significant changes at the licensee's premises that may affect how local risks are managed

### The local area profile

47. As has been recognised by the Responsible Gaming Strategy Board, there is evidence that some groups in the population may be more vulnerable to gambling related harm. This not only applies to people on low incomes but also people who are less able to make reasoned decisions because of poor mental health or addiction. Children and young people may be particularly susceptible, as their youth and inexperience may make them more inclined to risk-taking behaviour and less able to manage the consequences of those decisions. Statistics indicate that some BME groups may also be vulnerable.
48. To help support applicants and licence holders to better understand their local environment, an analysis of gambling related harm has been prepared as a 'local area profile'. A copy of the document is provided at Appendix D. By drawing on relevant and reliable published socio-economic and public health data sets together with local police data concerning anti-social behaviour, the local area profile uses spatial analysis techniques to provide a model of area-based vulnerability to gambling related harm across the borough.
49. Both current operators and potential new operators to the borough are asked to consider the detail provided carefully, and to have regard to both the overall summary map and the individual mapping provided in respect of each relevant data set.
50. The general introduction to Barking and Dagenham provided in Section One of this policy demonstrates that this borough is an improving borough. However, as can be readily seen from

the analysis provided under the local area profile, this Council's area compares poorly with its neighbours under the Index of Multiple Deprivation (IMD) 2019.

51. The assessment of the 37 separate indicators that make up the IMD indicates this borough is subject to widespread deprivation to which gambling related harm contributes.
52. This position gives rise to serious concerns of the impact of any further increase in the number of gambling premises may have for the most vulnerable and 'at risk' areas of the borough. This Authority considers that it is necessary to seek to strictly control the number of facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk, and in line with the duty, to aim to permit gambling insofar as it is reasonably consistent with the pursuit of the licensing objectives. All areas shown within the local area profile as being at high overall risk of gambling related harm, are generally considered inappropriate for further gambling establishments, which would tend to raise the risk of gambling related harm to vulnerable people living in those areas. Operators are asked to consider very carefully whether seeking to locate new premises or relocating existing premises within these areas would be consistent with the licensing objectives.
53. Wherever the facilities are proposed, operators should consider, having regard to the individual mapping provided, each of the specific characteristics of their local area. Each premises' specific risk-assessment should recognise these and provide appropriate proactive mitigation or control measures.
54. This Council would also recommend that operators consider the following matters when making their risk-assessment.
  - Information held by the licensee regarding self-exclusions and incidences of underage gambling
  - Gaming trends that may reflect benefit payments
  - Arrangement for localised exchange of information regarding self-exclusions and gaming trends
  - The urban setting such as proximity to schools, commercial environment, factors affecting footfall
  - The range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
  - Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, or other street related disorder.
  - It is recommended that those preparing the local risk assessment seek the views of staff working in the premises, they may well possess knowledge based on their daily presence in the locality and may also be local residents with detailed local knowledge. Experience shows that shop staff, when asked to read the completed risk assessment often do not recognise the description of the area portrayed within the risk assessment.

55. The local area profile is intended to help facilitate constructive engagement between operators and licensees and a more co-ordinated response to local risks. The local area profile will be updated from time to time to ensure that the information contained within is current and relevant.

56. Licensees are required to share their risk assessment with the Authority when applying for a premises licence or for a variation of a licence, or otherwise at the request of the Authority, for instance during the course of a premises inspection conducted by authorised officers. This Authority asks that a copy of the relevant risk-assessment is kept available on the premises.

#### **How applications for premises licences will be assessed**

57. While it will continue to be the case that each application will be considered upon its own merits with all relevant matters – including the requirement to ‘aim to permit gambling’ where to do so is reasonably consistent with e.g. the licensing objectives – see paragraph 16 above - taken into account, this Authority will expect that each applicant for a licence will:

- Have had regard to the content of the local area profile and to the guidance and best practice advice provided within this document.
- Have engaged in constructive discussion with the appropriate relevant responsible authorities where risks and concerns are raised
- Be able to demonstrate that the risks raised within the local area profile, this policy and through representations have been adequately addressed by submitted operating schedules
- To be reasonably consistent with the licensing objectives

58. This Authority may require additional information where appropriate.

#### **Factors it is likely the local authority will take into account in determining applications**

59. In considering applications for new licences, variations to existing licences and licence reviews, this Authority will be likely to take into account some or all of the following matters:

- The type of premises
- The location of the premises
- The proposed or current hours of operation of the premises
- The configuration and layout of the premises
- The nature of the local area, and the implications for the risk of gambling related harm, including where appropriate the recorded levels and types of crime and/or the levels of deprivation
- The extent to which the risk-assessment provided by the operator acknowledges and proactively deals with local concerns as raised under the local area profile contained within this policy
- Matters relating to children and young people

- Matters relating to vulnerable adults
- The level of control measures proposed
- Whether the application establishes high levels of management
- The compliance history of the premises management, if current
- The views of the responsible authorities
- The views of interested parties

60. This list is not exhaustive. Other relevant information will be considered, determined on a case-by-case basis.

### Conditions

61. All licences granted are subject to the mandatory and default conditions provided for by law. Where there are risks associated with a specific premises or class of premises, the licensing authority may consider it necessary to attach additional conditions.

62. Conditions may be attached to premises licences in a number of ways:

- Mandatory conditions established through the Act or secondary regulations
- Default conditions, which may be imposed upon a licence by the licensing authority under s.168 of the Act
- Conditions imposed upon licences by the local licensing authority under its discretion

63. Where its discretion has been engaged through the representations process, this Authority will impose conditions where it considers that it is necessary to do so to address relevant local circumstances. Conditions imposed by this Authority will be proportionate to the circumstances they are seeking to address. In particular, conditions will be:

- Relevant to the need to make a proposed building suitable as a gambling facility
- Directly related to the premises (including the locality and any identified local risks) and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises
- Within the ability of the operator to comply
- Enforceable
- Reasonable in all other respects

### Conditions that may not be attached to premises licences by licensing authorities

64. This Authority notes that the Act sets out certain matters that may not be the subject of conditions.

- S.169(4) prohibits a licensing authority from imposing a condition on a premises licence which makes it impossible to comply with an operating licence condition

- S.172(10) provides that conditions may not relate to gaming machine categories, numbers, or method of operation
- S.170 provides that membership of a club or body cannot be required by attaching a condition to a premises licence
- S.171 prevents any licensing authority imposing conditions in relation to stakes, fees, winnings, or prizes.

### Compliance with Commission Licence Conditions and Codes of Practice

65. In considering the matter of conditioning of licences this Authority is aware of the content of the current version of the Commission's Licence Conditions and Codes of Practice (dated 31 October 2021). These may be viewed in full by visiting <https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp>

66. The Commission has the power to issue two types of code of practice. The first is a social responsibility (SR) code. A SR code must be followed and has the force of a licence condition. The Commission may also issue ordinary codes (OC) which are intended to set out best industry practice. They are not mandatory, but operators are expected to follow them unless they have alternative arrangements in place that they can demonstrate are equally effective.

67. The licence conditions and codes of practice apply to all new and existing licences, including any holder of a personal or operating licence issued under the Gambling Act 2005.

## Section Four – Premises licences

68. This policy statement does not set out to explain the process and procedure for applying for a premises licence, variation or transfer. Advice on such can be obtained directly from the licensing service (see contact details in appendix A). However, this policy statement does set out for the benefit of applicants and all other interested parties, some important matters that this Authority will have regard to when determining applications.

### Types of premises licences

69. In accordance with s.150 of the Act, premises licences can authorise the provision of facilities on:

- Casino premises
- Bingo premises
- Betting premises, including tracks
- Adult gaming centre (AGC)
- Family entertainment centres (FEC)

### Applications

70. Applications for premises licences and club premises certificates must be made on the prescribed form (available from <https://www.lbbd.gov.uk/business/licenses-and-permits/gambling-licences-and-permits/gambling-premises-licence/overview/>) and accompanied by:

- The prescribed fee
- The prescribed documents, namely a plan of the premises (ideally at 1:100 scale, unless otherwise agreed with the Authority)
- Notwithstanding the requirements of The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007, relating to the content of submitted plans, this authority believes that in order to be satisfied that the requirements of S.153 are being met, especially social responsibility codes more detail is required, with the locations of gaming machines and self-service betting terminals marked on the plan. This view is supported in the national guidance issued by the Gambling Commission (S.7.46). Accordingly, for any new premises licence application or variation application this level of detail will be required. Any plan submitted without this information will be returned to be corrected, thus potentially delaying the issue of any licence;
- **A copy of the operator's local area risk-assessment**

71. Applications must be completed in full and signed and dated. If an application is submitted incomplete, it will not be processed.

72. Similarly, a licence application, and any licence subsequently issued, is not valid if the relevant 'application notices' have not been made. These include

- A notice placed outside the premises for 28 consecutive days in a place where it can be easily seen and read by passers by
- A public notice placed in a newspaper or newsletter of local relevance on at least one occasion within ten days of the application being made
- Notice provided to all of the relevant responsible authorities, including the Commission, with seven days of the application being made.

73. A licence to use a premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of the building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence.

74. In cases where an operator wishes to apply for a licence in respect of a premises where construction is not yet completed, or needs alteration, or where the operator does not have the right to occupy them, a provisional statement should be sought.

#### **Responsible authorities**

75. Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences.

76. S.157 of the Act identifies the bodies that are to be treated as responsible authorities. They are:

- The licensing authority in whose area the premises is wholly or partly situated
- The Gambling Commission
- The Chief Officer of Police
- The fire and rescue authority
- The local planning authority
- The council's environmental health service
- A body designated in writing by the licensing authority, as competent to advise about the protection of children from harm
- HM Revenue and Customs
- Any other person prescribed by the Secretary of State

#### **Body designated as competent to advise on the protection of children from harm**

77. This Authority has determined the local Safeguarding Children Board as the body competent to advise on the protection of children from harm.



78. The principles that this Authority has applied in designating the competent body are:

- The need for the body to be responsible for the area we cover
- The need for the body to be able to provide professional expert opinion
- The need to ensure accountability, through being answerable to elected members rather than any particular interest group

#### Interested parties

79. S.158 of the Act defines interested parties. To accept a representation from an interested party, this Authority must take the view that the person:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities
- Has business interests that might be affected by the authorised activities
- Represents persons in either of these two groups

80. When determining whether a person 'lives sufficiently close to the premises' this Authority will take the following factors 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 such as the number of customers, routes likely to be taken by those visiting the establishment
- The circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises

81. When determining whether a person has business interests that might be affected by the authorised activities this Authority will recognise that the 'demand test' from previous legislation does not apply and, therefore, that view that an application provides competition to an existing local business will not be considered sufficient reason for a representation. In establishing that a relevant business is likely to be affected, factors that are likely to be relevant include:

- The size of the premises
- The 'catchment' area of the premises, that is, how far people travel to visit the premises
- Whether the person making the representation has business interests in that catchment area that might be affected

82. Interested parties can be people who are democratically elected, such as councillors and MPs. Other representatives might include bodies such as trade associations, trade unions and residents' and tenants' associations. A school head or governor might act in the interests of

pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

83. Aside from democratically elected persons, this Authority will satisfy itself on a case-by-case basis that a person does represent interested parties and will request written evidence to support this where necessary. A letter from the interested person being represented would be sufficient.
84. This Authority will only consider 'relevant' representations, i.e. representations that relate to the licensing objectives or to issues that are raised within this statement of policy. Any representation that is considered 'frivolous' or 'vexatious' may be disregarded. Relevant considerations in interpreting these phrases may include:
- Who is making the representation and whether there is a history of making representations that are not relevant
  - Whether or not it raises a 'relevant' issue
  - Whether it raises issues that are specifically to do with the premises that are the subject of the application under consideration

#### **Definition of premises & split premises**

85. This Authority notes that the Act defines 'premises' as including 'any place' and that s.152 of the Act prevents more than one premises licence applying to any place.
86. It is understood that there is no reason, in principle, why a single building could not be subject to more than one premises licence, provided the licences are issued in respect of different parts of a building that can be reasonably regarded as being different premises. However, this Authority will give very close attention to any application which proposes to sub-divide a single building or plot.
87. Whether different parts of premises can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the proposed division is likely to be a matter for discussion.
88. This Authority does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If the premises are located within a larger venue, this Authority will require a plan of the venue on which the premises should be identified as a separate unit.
89. Each application will be considered upon its own merits. However, in cases where this Authority considers that a proposal is intended to create separate premises with additional gaming machine entitlement and this impacts upon the licensing objectives, then this Authority will not automatically grant a licence even where the mandatory conditions relating to access between premises are observed.

### Multi-activity premises

90. This Authority will also take particular care in considering applications for multiple premises for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular,

- Premises must be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit
- Customers should be able to participate in the activity named on the premises licence

91. In determining whether two or more proposed premises are truly separate, this Authority will consider factors which could assist in making their decision, including

- Is a separate registration for business rates in place for the premises?
- Are the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

### Provisional statements and applications for premises licences requiring works or right to occupy

92. A premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling will only be issued in relation to premises that the Authority can be satisfied are going to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. S204 of the Act provides for potential operators to apply for a provisional statement that he / she

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

93. However, case law provides that operators may apply for a full premises licence in respect of premises which have still to be constructed or altered and licensing authorities are required to determine such applications on their merits. In such cases, this Authority will consider such applications in two stages:

- Firstly, whether as a matter of substance after applying the principles in s153 of the Act, the premises ought to be permitted to be used for gambling

- Secondly, in deciding whether or not to grant the application this Authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place. This Authority is entitled to consider that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

### Standards of management

94. This Authority expects all licensed operators to strive to achieve the highest standards of premises management across all facilities for gaming and betting within Barking and Dagenham.
95. To this end, premises management are expected to have an excellent and in-depth knowledge of relevant gambling law and regulations and be able to demonstrate a full understanding of the importance of social responsibility provisions and the need to provide adequate protection of children and vulnerable people.
96. All customer-facing staff in licensed premises should also have sufficient understanding and knowledge to recognise the indicators of problem gambling and take appropriate steps to deal with this; and to promote socially responsible gaming.
97. As working in gambling establishments can also carry risks for the staff involved, it is expected that adequate staffing provision is maintained at all times and that incidents of lone working especially late at night, should be minimised. All working practices should be covered by appropriate risk-assessments.
98. Additionally, a full record of all incidents, actions and interventions should be maintained and made available for inspection at the premises. This Authority would also ask that operators support the Council and partner authorities by displaying healthy lifestyle information regarding such as alcohol consumption, local smoking cessation services and local support for mental health problems and debt advice, as and when this is made available.

### **The first licensing objective – Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

99. This Authority recognises that the Commission takes a lead role in preventing gambling from being a source of crime and will have investigated issues of suitability under the process for an Operators' Licence.
100. However, the location of a premises is an important factor when determining a premises licence application and so this Authority will pay particular attention to the location of gambling premises and the local level of crime. Where an area has high levels of organised crime, careful consideration will be given to whether it is appropriate for gambling premises to be located there and, if so, what conditions may be necessary to minimise the risk of crime.

101. Operators should also be aware of and take into account, issues of lower-level crime and anti-social behaviour.
102. Licensees will be expected to demonstrate that they have given careful and adequate consideration to this objective. In considering whether to grant a premises licence, this Authority will also give appropriate consideration to issues such as:
- The configuration, design, and layout of the premises, paying particular attention to steps taken to 'design out' crime
  - The arrangements in place to control access
  - Security arrangements within the premises, including whether CCTV is installed (or intended) and, if so, the standard of the CCTV and the positioning of cash registers
  - Training provided to staff around crime prevention measures
  - The level of staff intended to be provided at the premises, including whether door supervisors are employed
  - The arrangements for age verification checks
  - The provision of adequate sanitary accommodation
  - Steps proposed to be taken to redress the recurrence of any historical crime and disorder issues
  - Steps proposed to prevent anti-social behaviour associated with the premises, such as street drinking, litter, and obstruction of the highway
  - The likelihood of any violence, public disorder, or policing problems if the licence is granted
103. The above list is not exhaustive. Reference will also be had to issues raised by the local area profile detailed in section three of this policy.
104. This Authority notes the distinction between disorder and nuisance in the case of gambling premises and that disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.

**The second licensing objective – Ensuring that gambling is conducted in a fair and open way**

105. This Authority notes that the Commission does not expect licensing authorities to be dealing with issues of fairness and openness frequently, as these matters are likely to be subject to the provisions of the Commission-issued operator and personal licences.
106. However, any suspicion raised that gambling is not being conducted in a fair and open way will be brought to the attention of the Commission for appropriate action. Similarly, any concerns relating to fair trading legislation will be brought to the attention of Trading Standards.

**The third licensing objective – Protecting children and other vulnerable persons from being harmed or exploited by gambling**

**(a) Protecting children**

107. The third licensing objective refers to protecting children from being harmed or exploited by gambling. This generally means preventing children from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children in such a way that makes them attractive (excepting category D machines).

108. Licensees and applicants will be expected to demonstrate that they have given careful and appropriate consideration to measures intended to protect children. In considering whether to grant a premises licence, this Authority will give appropriate consideration to issues such as:

- The location and supervision of entrances
- Security measures at the premises including the installation and maintenance of CCTV
- The provision of licensed door supervisors
- Arrangements for age verification
- Arrangements for segregation between gaming and non-gaming areas in premises where children are permitted
- Arrangements for supervision of machine areas in premises where children are permitted
- The provision of signage and notices

109. With limited exceptions, however, the intention of the Act is that children and young persons should not be permitted to gamble and should be prevented from entering premises which are adult-only environments. This Authority will consider whether staff will be able to adequately supervise the gambling premises to ensure this.

110. This Authority will also consider whether the structure or layout and configuration of a premises either inhibits adequate supervision of the premises or prohibits it. In such cases, an applicant for a licence should consider what changes are or might be required to mitigate this. Such changes might include:

- The positioning or relocation of staff or CCTV to enable direct lines of sight of entrances / machines
- The use of floor walkers to monitor use of machines

111. The Commission's general licence conditions and associated codes of practice include requirements as part of Operating Licences that licensees must have and put into effect social responsibility policies and procedures designed to prevent under-age gambling and monitor the effectiveness of these.

112. In order that this Authority may make a proper informed judgement as to the effectiveness of these policies and procedures, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered upon their individual merits.

**(b) Protecting vulnerable adults**

113. The Act does not seek to prohibit groups of adults from gambling in the same way that it does children.

114. While the Commission does not seek to define 'vulnerable adults' it does, for regulatory purposes, assume that this group includes people who may 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 mental health needs, learning disability or substance misuse relating to alcohol or drugs.

115. The Commission's general licence conditions and associated codes of practice include requirements as part of Operating Licences that licensees must have and put into effect policies and procedures that promote socially responsible gambling. In particular, the codes of practice place responsibilities on licensees

- To make information readily available to customers on how to gamble responsibly and how to access information about, and in respect of, problem gambling
- For customer interaction where they have a concern that a customer's behaviour may indicate problem gambling
- To participate in the national multi-operator self-exclusion scheme
- To take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling
- To take all reasonable steps to prevent any marketing material being sent to a self-excluded customer

116. In order that this Authority may make a proper informed judgement as to the effectiveness of these policies and procedures, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered upon their individual merits.

117. This Authority will also wish to understand the steps taken by the applicant to monitor the effectiveness of these policies and procedures.

**(c) Location**

118. Location of the premises has already been raised within this policy under the first licensing objective. However, location carries broader considerations that can potentially impact on each of the licensing objectives and beyond. That said this Authority recognises that betting shops

have always been situated in areas of high population, where there are likely to be high numbers of children nearby, and this is not of itself a problem where appropriate steps have been taken to minimise the risk of children being attracted to gambling.

119. This Authority will give careful consideration to any application in respect of premises that located in close proximity to
- Schools
  - Parks, playgrounds and open spaces
  - Stations and transport hubs where large numbers of children may be expected to congregate
  - Leisure facilities, youth clubs and community centres
  - Hostels or other accommodation for vulnerable children, young persons and adults
  - Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.
  - Faith premises and places of public worship (including churches, temples, mosques and other), which may tend to be frequented by children and/or vulnerable people.
  - Areas that are prone to issues of youths congregating, including (but not limited to) for the purposes of participating in anti-social behaviour, activities such as graffiti / tagging, underage drinking etc.
  - Recorded instances of attempted underage gambling

#### **Access to premises by children and young persons**

120. The Act restricts the circumstances under which children and young people may take participate in gambling or be upon premises where gambling takes place as follows:
- Casinos are not permitted to admit anyone under 18;
  - Betting shops are not permitted to admit anyone under 18;
  - Bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
  - Adult gaming centres are not permitted to admit those under 18;
  - Family entertainment centres and premises with a liquor licences (for example pubs) can admit under 18s, but they must not play category C machines which are restricted to those over 18;
  - Clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines; and
  - All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place.



121. This Authority will expect applicants to offer their own proposals to help fulfil the licensing objectives. However, there are a range of general controls that this Authority together with the other responsible authorities would recommend:

- The use of proof of age schemes;
- The direct supervision of entrances to the premises and the machine areas;
- The installation of CCTV systems with the 31-day library of recording maintained;
- Provision of suitable notices / signage explaining admission restrictions; and
- Setting and publicising specific opening hours.

### Challenge 25

122. All premises should operate a proof of age compliance scheme. This Authority recommends that any proof of age scheme should be based on the principles of 'Challenge 25' and should involve:

- Persons appearing to staff to be under the age of 25 attempting to enter the premises or take part in gambling activities should be required to produce valid age identification (comprising any PASS accredited card or passport or driving licence) before being admitted or being allowed to take part;
- The reinforcement of this practice by appropriate signage displayed at the entrance to the premises and upon the premises;
- All staff to be trained in the premises proof of age compliance scheme and records of the training given to be retained on the premises and made available for inspection by authorised officers;
- The use of an incident log-book to record details of all age-related refusals. The log should be reviewed monthly by the nominated responsible member of staff and any actions taken recorded in the book and signed off by that member of staff. This log shall be retained on the premises and made available for inspection by authorised officers; and
- Where a CCTV recording system is installed inside the premises, it should be arranged so as to monitor each entrance and exit and the gaming areas. A library of recordings taken by the system shall be maintained for 31 days and made available to authorised officers upon request.

### **Restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children**

123. This Authority notes that the Commission's Licence Conditions and Codes of Practice require all advertising of gambling products to be undertaken in a socially responsible manner. Advertising of gambling products should comply with the advertising codes of practice issued by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) which apply to the form and media in which they advertise their gambling

facilities or services. Licensees should also follow any relevant industry code of practice on advertising, notably the Gambling Industry Code for Socially Responsible Advertising.

124. This authority understands that the following general principles apply to advertising:
- Must be legal and not misleading
  - Must not encourage irresponsible or excessive gambling;
  - Must take care not to exploit children and other vulnerable persons in relation to gambling activity; and
  - Should not be specifically and intentionally be targeted towards people under the age of 18 through the selection of media, style of presentation, content or context in which they appear.
125. This Authority accepts that further conditions on this matter should not normally be necessary, but all issues of non-compliance with the code will be rigorously investigated and reported to the relevant authorities.

#### Casinos

126. S.166(1) of the Act states that a licensing authority may resolve not to issue casino premises licence. This Authority has not passed such a resolution, but it is aware of the power to do so. Should this Authority decide in the future to pass such a resolution, this Statement of Policy will be updated. Any such decision must be taken by the full Council Assembly.

#### Bingo

127. A holder of a bingo licence is able to offer bingo in all its forms. Children and young persons are permitted in bingo premises but may not participate in the bingo. As children and young persons may be present upon bingo premises, careful consideration will be given to protection of children from harm issues. Social responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and practices take account of the structure and layout of their gambling premises in order to prevent under-age gambling'. Where category B or C machines are available for use, these must be separated from areas where children and young people are allowed.

128. **In premises operating under a bingo licence, bingo should be the main activity with gaming machines an ancillary offer.** To prevent a situation where a bingo premises licence is obtained primarily to benefit from the gaming machine entitlement that it provides, this Authority will wish to satisfy itself that bingo **is intended to be the principal activity** and can be played in any part of the premises for which such a licence may be sought and throughout the hours of its intended operation. **To this extent, where bingo is intended to be offered by way of tablets or other similar devices, our expectation is that**

- **All tablets or devices shall be maintained fully charged and available for use at all times**

- There shall be sufficient seating provided to enable all tablets or devices to be played upon the premises at one time

129. Scrutiny will be given to any application for a new licence in respect of any excluded area of existing premises.

130. In addition, young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. This Authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.

### Betting

131. The Act establishes a single class of licence covering betting, although there are two types of premises that require licensing. These are for 'off course' betting and track betting. Both are licensed by the local licensing authority. This section of the policy concentrates on 'off course' betting that takes place other than at a track and includes an entitlement to provide up to four gaming machines of category B2, B3, B4, C or D, and any number of betting machines.

132. This Authority has had particular concerns over the use of the B2 Fixed Odds Betting Terminals (FOBTs) within betting shops. While it is appreciated that it is permissible for a betting operator to provide solely FOBTs as their allocation of gaming machines and that since April 2019 the maximum stake permitted on these machines has been reduced from £100.00 to £2.00 the higher prize, higher stake gaming provided still increases the risk of gambling related harm. An applicant will in each case be expected to demonstrate that they can offer sufficient facilities for betting alongside any gaming machine provision.

133. Where Fixed Odds Betting Terminals (FOBTs) are provided, these gaming machines should be located within direct line sight of the supervised counter. Information leaflets and posters shall be provided in close proximity to the location of any FOBTs. These should be aimed at customers / families / friends and provide information on how to identify signs of problem gambling and available pathways to advice and assistance (e.g. helpline numbers and online counselling services).

134. Where the local area profile identifies any relevant local risk of gambling related harm, operators should consider additional protections for the vulnerable. These could include:

- Removing Automated Teller Machines (ATMs) from the betting office; and
- Restricting FOBTs to account based play.

135. Licensed betting premises are only permitted to offer gambling facilities between 0700 and 2200 hours, unless the local authority has agreed an extension of operating hours. This Authority is also concerned that longer operating hours may attract the more vulnerable, such as those who may be intoxicated or have gambling addictions. Consequently, this Authority is unlikely to

grant any extension of operating hours unless it is satisfied that robust measures will be in place to protect the vulnerable.

136. Children and young persons are not permitted to enter licensed betting premises. Social Responsibility (SR) Code 3.2.7(3) in the Licence Conditions and Codes of Practice (LCCP) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent under-age gambling.
137. As per the Commission's Guidance, this Authority will wish to consider restricting the number and location of betting machines in respect of applications for betting premises licences. The council when considering the number/ nature/ circumstances of betting machines an operator wants to offer will follow the Gambling Commission's Guidance and take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.
138. This Authority will also have regard to the local area profile set out in section three of this policy and to the risk-assessment compiled in response to it.

#### **Track betting**

139. S.353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.
140. Tracks may be subject to more than one premises licence, as long as each licence applies to a specific area of the track. Children and young people are able to enter track areas when facilities for betting are provided on days when dog racing or horse racing takes place. This exemption does not extend to other adult only areas.
141. This Authority will expect an applicant to demonstrate that they will put suitable measures in place to ensure that children do not have access to adult-only gaming facilities.

#### **Adult gaming centres**

142. 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. The holder of an adult gaming centre premises licence that was issued prior to the 13 July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever, is the greater. An AGC premises licence granted after the 13 July 2011 may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.
143. Gaming machines provide a form of gambling which is attractive to children and AGC's will contain machines of a similar format to the Category D machines on which children are allowed

to play. However, no-one under the age of 18 is permitted to enter an AGC and applicants must be aware of the location of and entry to AGC's to minimise the opportunities for children to gain access.

144. Because gaming machines provides opportunities for solitary play and immediate pay-outs, they are more likely to encourage repetitive and excessive play. The council in considering premises licences which include gaming machines will have particular regard to the third licensing objective in this respect.

145. The council will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes;
- CCTV;
- Entry control system;
- Supervision of entrances/ machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/ signage;
- Specific opening hours;
- Self-barring schemes for individuals to bar themselves from premises; and
- Provision of information leaflets/ helpline numbers for organisations such as GamCare.

#### **Licensed family entertainment centres**

146. The Act creates two classes of family entertainment centre (FEC). This part of the policy concerns licensed FECs. Unlicensed FECs are dealt with in Section 5. Persons operating a licensed FEC must hold a 'gaming machine general operating licence (Family Entertainment Centre)' from the Commission and a premises licence from the relevant licensing authority. They are able to make category C and D gaming machines available.

147. This Authority may only grant a permit if satisfied that the premises will be wholly or mainly used for making gaming machines available.

148. Children and young persons are permitted to enter an FEC and may use category D machines. They are not permitted to use category C machines and it is a requirement that there must be clear segregation between the two types of machine, so that under-18s do not have access to them. Social Responsibility (SR) code 3.2.5(3) in the Licence Conditions and Codes of Practice (LCCP) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling. Mandatory conditions apply to FEC premises licences regarding the way in which the area containing the category C machines should be set out, detailed in Appendix C.

149. In determining any application for a permit this Authority will have regard to the licensing objectives and will expect the applicant to show that there are policies and procedures in place to protect children from harm, relating not just from gambling but also wider child protection considerations, including the risk of child sexual exploitation. The efficiency of such policies and procedures will be considered on their merits. However, the Authority would anticipate these would include measures / training for staff on:

- Appropriate action regarding suspected truanting school children on the premises;
- Dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises; and
- Staff training on the maximum stakes and prizes.

150. SR 3.2.5(2) requires operators to ensure that employees prevent access and challenge children or young persons who attempt use category C machines. It is strongly recommended that licensing authorities ensure that staffing and supervision arrangements are in place to meet this requirement both at application stage and at subsequent inspections.

#### **Premises licence reviews**

151. Requests for a review of a premises licence may be made by an interested party or a responsible authority, in which circumstances it is for this Authority to decide whether to carry out a review. By virtue of s.198, an application may, but need not, be rejected if the licensing authority thinks that the grounds on which the review is sought:

- Are not relevant to the principles that must be applied by the licensing authority in accordance with s.153, namely the licensing objectives, the Commission's codes of practice and this Guidance, or the licensing authority's statement of policy;
- Are frivolous;
- Are vexatious;
- 'Will certainly not' cause the licensing authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- Are substantially the same as the grounds cited in a previous application relating to the same premises; and
- Are substantially the same as representations made at the time the application for a premises licence was considered.

152. In addition, s.200 of the Act provides that licensing authorities may initiate a review in relation to a particular premises licence or a class of premises licence.

153. In relation to a class of premises, a licensing authority may review the use made of premises and the arrangements that premises licence holders have made to comply with licence conditions

154. A licensing authority may review any matter connected with the use made of a premises if:

- It has reason to suspect that premises licence conditions are not being observed;
- The premises is operating outside of the principles set out in the licensing authority's statement of policy;
- There is evidence to suggest that compliance with the licensing objectives is at risk; and
- There is any other reason which gives cause to believe that a review may be appropriate, such as a complaint from a third party.

155. Any formal review would normally be at the end of a process of ensuring compliance by the operator(s) which might include an initial investigation by a licensing authority officer and informal mediation or dispute resolution. If the concerns are not resolved then, after a formal review, this Authority may impose additional conditions or revoke the licence.

Consultation Version

## Section 5 – Other consents

156. The Act introduces a range of permits which are granted by licensing authorities, intended to provide a 'light touch' approach to low level ancillary gambling where stakes and prizes are subject to very low limits and / or gambling is not the main function of the premises.

157. This part of the policy considers the various permits that this Authority is responsible for issuing. Licensing authorities may only grant or reject an application for a permit. There is no provision for conditions to be set.

### Unlicensed family entertainment centres

158. Only premises that are wholly or mainly used for making gaming machines available may hold a uFEC gaming machine permit. This Authority may only grant a permit if satisfied that the premises will be used as an uFEC and if the chief officer of the police has been consulted on the application. As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.

159. uFECs are able to offer category D machines only under a gaming machine permit. Any category D machines can be made available, although other considerations, such as fire safety and health and safety, may be taken into account.

160. In determining any application for a permit this Authority will have regard to the licensing objectives and may ask an applicant to demonstrate;

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs;
- That the applicant has no relevant convictions; and
- That employees are trained to have a full understanding of the maximum stakes and prizes.

161. The Authority will also expect the applicant to show that there are policies and procedures in place to protect children from harm, relating not just from gambling but also wider child protection considerations, including the risk of child sexual exploitation. The efficiency of such policies and procedures will be considered on their merits. However, the Authority would anticipate these would include measures / training for staff on:

- Appropriate action regarding suspected truanting school children on the premises; and
- Dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.



**(Alcohol) Licensed premises gaming machine permits**

162. Premises licensed to sell alcohol for consumption on the premises, may automatically have 2 category C or D gaming machines. Operators only need to inform the local licensing authority.

163. This Authority may remove the automatic authorisation in respect of any particular premises in its area if:

- Provision of the machine is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of s282 of the Act i.e. that
  - Written notice has been provided to the Authority
  - A fee has been paid
  - Any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with;
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

164. Where an operator wishes to have more than 2 gaming machines on their premises, a permit must be obtained. This Authority will consider each application based on the licensing objectives; any Guidance issued by the Commission under s25 of the Act; and 'such matters as it thinks relevant', considered on a case-by-case basis.

165. This Authority will have particular regard to the need to protect children and vulnerable persons from harm or being exploited by gambling, or at risk of child sexual exploitation. This Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that children and young persons under 18 years do not have access to the adult only gaming machines. As a minimum this Authority will expect that machines are situated in sight of the bar, or within the sight of staff that are able to adequately monitor that the machines are not being used by those under 18. Notices and signage may also assist. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for customers who may have a gambling addiction, from organisations such as GamCare.

166. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

**Temporary use notices**

167. A Temporary Use Notice (TUN) may be used to allow premises such as hotels, conference centres or sporting venues to be used temporarily for providing facilities for gambling.

168. TUNs are controlled by s214-234 of the Act and the Gambling Act (Temporary Use Notices) Regulations 2007 and are subject to restrictions.
169. Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.
170. This licensing authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the licensing authority will consider:
- The suitability of the premises;
  - The location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
  - The CCTV coverage within the premises;
  - The ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period; and
  - Whether the premises or the holder of the operating licence have given the council any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Commission, the relevant code of practice or this statement of principles.

### Social or entertainment bingo

171. We have recently seen the growth of entertainment or social bingo in alcohol licensed premises. It combines bingo games with various other forms of entertainment – themed nights, quizzes and party games. It is normally played in pubs and clubs on an intermittent basis – it is not played every day of the week. The word ‘bingo’ is used somewhere in the title of the event and booking is invariably done online in the first instance.
172. For this to fall under the category of exempt gaming in an alcohol licensed premises without an operating licence, the following must apply:
- Bingo can only be offered within an alcohol-licensed premises.
  - No profit can be made from the bingo itself. This means they cannot charge a fee for participating in bingo - nor can they take a cut from either the money paid to play bingo (stakes), or from the prize amounts awarded.
  - It must be possible for bingo players to gain entry to the premises without paying an admission fee. This is because admission fees to premises where bingo takes place are treated as participation fees i.e. profit.
  - All stakes for bingo games must be returned as prizes. So, if they raise £500 in total from all bingo players, they must return the whole £500 in prizes.
  - The maximum stake they can charge is £5 per person per game.
  - The chances of winning a prize must be equally favourable to all players.
  - The operator can't link up the bingo games with other bingo games taking place on a different set of premises.
  - No under 18s can be allowed to play. They must have controls in place to prevent underage gambling.

- The bingo must comply with the Code of Practice for equal chance gaming in club and premises with an alcohol licence - this includes compliance with the maximum stakes of £5 per person per game.
- They must notify the Commission - and may need to apply for an operating licence - if the bingo involves more than £2,000 in stakes, or they award more than £2,000 in prizes, in any seven-day period.

#### Occasional use notices

173. S39 of the Act provides that where there is betting on a track for 8 days or fewer in a calendar year, betting may be permitted by an Occasional Use Notice (OUN) without the need for a premises licence. The intention is to allow licensed betting operators with appropriate permission from the Commission to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature.
174. The process for OUNs is different from TUNs. This Authority has very little discretion within the OUN process, aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.
175. This Authority will, however, consider the definition of a “track” and will require the applicant to demonstrate that they are responsible for the administration of the “track” or are an occupier, and therefore permitted to avail themselves of the notice.

#### Prize gaming permits

176. “Prize gaming” is where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences. Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.
177. Given that prize gaming will particularly appeal to children and young persons, this licensing authority will give particular weight to child protection issues. The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:
- An understanding of the limits to stakes and prizes set out in regulations;
  - That the gaming offered is within the law; and
  - That clear policies exist that outline the steps to be taken to protect children from harm.
178. The council will only grant a permit after consultation with the chief officer of police. This will enable the licensing authority to determine the suitability of the applicant; the suitability of the premises in relation to their location; and issues about disorder.

179. While there are conditions set out in the Act with which the permit holder must comply, the council cannot attach conditions. The Act requires that:

- The limits on participation fees, as set out in regulations, must be complied with; and
- 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.

#### **Club gaming and club machine permits**

180. Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three 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 (three machines of categories B4, C or D).

181. 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; and
- It must be controlled by its members equally.

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

183. This Authority may only refuse an application on the grounds that:

- 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;
- The applicant's premises are used wholly or mainly by children and/ or young persons;
- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- A permit held by the applicant has been cancelled in the previous ten years; or
- An objection has been lodged by the Commission or the police.

184. There is also a "fast-track" procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the

police, and the grounds upon which a council can refuse a permit are reduced. The grounds on which an application under this process may be refused are:

- That the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; and
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

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

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## Section 6 – Small Society Lotteries

186. Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:

- licensed lotteries (requiring an operating licence from the Gambling Commission); and
- exempt lotteries (including small society lotteries registered by the Licensing Authority)

187. Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and these are:

- small society lotteries;
- incidental non-commercial lotteries;
- private lotteries;
- private society lotteries;
- work lotteries;
- residents' lotteries; and
- customer lotteries.

188. Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. This Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. Guidance notes on small society lotteries, limits placed on them and information setting out financial limits can be found on the Gambling Commission web-site at:

<http://www.gamblingcommission.gov.uk/for-the-public/Fundraising-and-promotions/Fundraising-and-promotions.aspx>

189. Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located. If application is wrongly made to this Authority the applicant will be informed as soon as possible and where possible, we will inform the other Licensing Authority.

190. Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, codes of practice and any guidance issued by the Gambling Commission. In exercising its functions with regard to small society and exempt lotteries, this Authority will have due regard to the Gambling Commission's guidance.

191. This Authority will keep a public register of all applications and will provide information to the Gambling Commission on all registered lotteries. As soon as the entry on the register is completed, the applicant will be informed. In addition, this Authority will make available for inspection by the public the financial statements or returns submitted by societies in the

preceding 18 months and will monitor the cumulative totals for each, to ensure the annual monetary limit is not breached. If there is any doubt, the Gambling Commission will be notified in writing.

192. This Authority will refuse applications for registration if in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused.
193. This Authority may also refuse an application for registration if in its opinion:
- The applicant is not a non-commercial society;
  - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
  - Information provided in or with the application for registration is false or misleading.
194. Applicants must set out the purposes for which the Society is established and will be asked to declare that they represent a bona fide non-commercial society and have no relevant convictions. Further information may be sought from the Society.
195. Where this Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration, and supply evidence on which it has reached that preliminary conclusion.
196. This Authority may revoke the registered status of a Society if it thinks that it would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Society will be informed of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
197. Where a Society employs an external lottery manager, it will need to satisfy itself that the manager holds an operator's licence issued by the Gambling Commission, and this Authority will expect this to be verified by the Society.

## Section 7 – Enforcement

### Good practice in regulation

198. The Legislative and Regulatory Reform Act 2006 places a legal duty on any person exercising a specified regulatory function to have regard to the statutory principles of good regulation in the exercise of the function. These provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate, and consistent and should be targeted only at cases in which action is needed.
199. This Authority will have full regard to these principles when carrying out any regulatory activity and to the requirements of the Regulators' Code. The purpose of the Code is to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.

### Enforcement policy

200. These principles are reflected within the [Barking and Dagenham Regulatory Services' Enforcement Policy](#), which was prepared in consultation with relevant stakeholders. The policy sets out the Council's approach to enforcement, through education, compliance and enforcement. These core standards cover all aspects of enforcement delivered by the Council.
201. As well as ensuring that all enforcement activity is proportionate, consistent, transparent and accountable, the policy also requires that activity is targeted primarily on those activities and premises which give rise to the most serious risks or where hazards are least well controlled. This will be informed by an intelligence led approach. Regard will also be had to the local area profile set out in this policy.
202. This risk-assessed approach will also be taken to inspections of premises, so as to ensure that high risk premises requiring greater levels of attention will be targeted while low risk premises will receive a lighter touch. Premises will be assessed on the basis of;
- The type and location of the premises;
  - The past operating history of the operator;
  - The confidence in management; or
  - The arrangements in place to promote the licensing objectives.
203. Where appropriate, this Authority will work with other responsible authorities to promote the licensing objectives through enforcement. Compliance will normally be sought through early engagement, mediation, education and advice. In cases where this is not possible, officers will seek to achieve compliance through the most appropriate route having regard to all relevant matters. Regard will be had to primary authority directions, where appropriate.



204. When a decision of whether or not to prosecute is required then this Authority will follow the principal criteria from the Guidance in the Code for Crown Prosecutors which requires the two main tests to be considered:

- Whether the standard of evidence is sufficient for a realistic prospect of conviction; and
- Whether a prosecution is in the public interest.

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## Appendix A – Contact details

### The Responsible Authorities

Responsible authority	Contact details
Licensing Department, London Borough of Barking and Dagenham	Barking Town Hall, 1 Clockhouse Avenue Barking, IG11 7LU Email: <a href="mailto:licensing@lbbd.gov.uk">licensing@lbbd.gov.uk</a>
Police Licensing	Licensing Department Tel 01708 779162 Email <a href="mailto:EastAreaEABCUMailbox-B&amp;DLicensing@met.pnn.police.uk">EastAreaEABCUMailbox-B&amp;DLicensing@met.pnn.police.uk</a>
Planning and Development Control	FAO Group Manager Planning Department, Barking Town Hall, 1 Town Square, Barking IG11 7LU Email: <a href="mailto:planning@befirst.london">planning@befirst.london</a>
Child Protection	FAO Children Safeguarding Child Protection Team, Barking Town Hall, 1 Clockhouse Avenue, Barking IG11 7LU Email: <a href="mailto:childrensServices2@lbbd.gov.uk">childrensServices2@lbbd.gov.uk</a>
Environmental Health	Noise Team Enforcement Services, Barking Town Hall, 1 Clockhouse Avenue, Barking IG11 7LU Email: <a href="mailto:grimecrime@lbbd.gov.uk">grimecrime@lbbd.gov.uk</a>
Gambling Commission	Victoria Square House, Victoria Square, Birmingham B2 4BP Tel: 0121 230 6666 Email: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>
HM Revenue and Customs	Greenock Accounting Centre, Custom House, Custom House Quay, Greenock PA15 1EQ
London Fire Brigade	Team Leader for Barking and Dagenham Fire Safety Regulation – North, 169 Union Street, London, SE1 0LL Email: <a href="mailto:fsr-adminsupport@london-fire.gov.uk">fsr-adminsupport@london-fire.gov.uk</a>

## Appendix B - List of persons to be consulted in the preparation of this policy

### Statutory Consultees

- The chief officer of police for the authority's area
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- One 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 Act

### The above incorporated

- Responsible authorities and other relevant service providers
- Ward councillors
- Local licensed operators and relevant trades representative groups
- Publication on the authorities website

Consultation Version

## Appendix C – Mandatory & Default Licence Conditions

### Mandatory conditions

#### A. All Premises

The following mandatory conditions apply to all premises licences:

- The summary of the terms and conditions of the premises licence issued by the licensing authority must be displayed in a prominent place on the premises
- The layout of the premises must be maintained in accordance with the plan that forms part of the premises licence
- Neither National Lottery products nor tickets in a private or customer lottery may be sold on the premises.

#### B. Bingo Premises

- A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.
- No customer shall be able to enter bingo premises directly from a casino, an adult gaming centre or betting premises (other than a track).
- Over 18 areas within bingo halls that admit under-18s must be separated by a barrier with prominently displayed notices stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.
- Any admission charges, the charges for playing bingo games and the rules of bingo must be displayed in a prominent position on the premises. Rules can be displayed on a sign, by making available leaflets or other written material containing the rules, or running an audio-visual guide to the rules prior to any bingo game being commenced.
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

#### C. Betting Premises

- A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted. The notice should be clearly visible to people entering the premises.
- There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as including any bridge, road, lane,

footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a thoroughfare or not).

- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or self-service betting terminal (SSBT) in order to do so.
- No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:
  - Information about or coverage of sporting events, including information relating to betting on such events (and incidental information including advertisements)
  - Information relating to betting (including results) on any event in connection with which bets may have been affected on the premises.
  - Betting operator-owned TV channels are permitted.
- No music, dancing or other entertainment is permitted on betting premises. This includes any form of entertainment such as apparatus producing sound or visual images which do not fall within paragraph 19.15 or machines which do not come within the categories of machine explicitly allowed in betting premises under s.172(8) of the Act.
- The consumption of alcohol on the premises is prohibited during any time which facilities for gambling are being provided on the premises.
- The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications.
- A notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.

#### D. Adult gaming centres

- A notice must be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises.
- There can be no direct access between an AGC and any other premises licensed under the Act or premises with a family entertainment centre (FEC), club gaming, club machine or alcohol licensed premises gaming machine permit. There is no definition of 'direct access' in the Act or regulations, although licensing authorities may consider that there should be an area separating the premises concerned, such as a street or cafe, which the public go to for purposes other than gambling, for there to be no direct access.
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises. A notice stating this should be displayed in a prominent place at every entrance to the premises.

#### E. Licensed family entertainment centres

- The summary of the terms and conditions of the premises licence issued by the licensing authority under s.164(1)(c) of the Act must be displayed in a prominent place within the premises.
- The layout of the premises must be maintained in accordance with the plan.
- The premises must not be used for the sale of tickets in a private lottery or customer lottery, or the National Lottery.
- No customer shall be able to enter the premises directly from a casino, an adult gaming centre or betting premises (other than a track). There is no definition of 'direct access' in the Act or regulations, but licensing authorities may consider that there should be an area separating the premises concerned, such as a street or cafe, which the public go to for purposes other than gambling, for there to be no direct access.
- Any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- Over-18 areas within FECs that admit under-18s, must be separated by a barrier with prominently displayed notices at the entrance stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young persons are not able to access these areas or the category C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.
- The consumption of alcohol in licensed FECs is prohibited at any time during which facilities for gambling are being provided. A notice stating this should be displayed in a prominent position on the premises.

#### Default Licence Conditions

##### A. Bingo Premises

- Bingo facilities in bingo premises may not be offered between the hours of midnight and 9am. However, there are no restrictions on access to gaming machines in bingo premises.

##### B. Betting Premises

- Gambling facilities may not be offered in betting premises between the hours of 10pm on one day and 7am on the next day, on any day.

## Appendix D – Local Area Profile

The local area profile aims to provide a local evidence base regarding vulnerable groups and geographical areas of potential risks.

### Gambling Premises

London Borough of Barking and Dagenham currently regulates 88 gambling premises, see below for a breakdown of the licence type.

LICENCE TYPE (August 2022 data)	TOTAL
Betting Premises other than track	37
Club Permits	13
Alcohol Licensed Premises – Notification	17
Alcohol Licensed Premises - Permit	11
Small Society Lottery Registration	4
Adult Gaming Centre	3
Bingo Premises	3
<b>Total</b>	<b>88</b>

# Vulnerabilities to gambling related harm

Barking &  
Dagenham

Tony Doherty  
Insight Hub

Updated  
8<sup>th</sup> October 2021

one borough; one community; no one left behind



## Introduction

The following slides map the location of betting premises within the borough against lower super output areas (LSOAs) with the highest rates of:

- Poverty
- Anti-social behaviour
- Crime
- Domestic abuse

Further maps are available showing:

- the location of betting premises in relation to the LSOAs within the borough with the lowest median household income
- the wards within the borough with the highest rate of domestic abuse offences

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## Indicators mapped

The following indicators have been used for this mapping analysis:

1. Unemployment related benefit claimants(ONS) – March 2021
2. Incapacity benefit claimants(DWP) - August 2020
3. Carers Allowance claimants(DWP) - August 2020
4. Universal Credit claimants in employment(DWP) - February 2021
5. Pension Credit claimants (DWP) - August 2020
6. Income Support claimants(DWP) - August 2020
7. Housing Benefit households(DWP) - November 2020
8. Fuel poverty households(DIBS) - 2018
9. Children living in relative low-income families (DWP) - March 2020
10. Crime rate (MET) – April 2020 to March 2021
11. Police recorded anti-social behaviour - April 2020 to March 2021
12. Median household income - 2020

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## Summary of two biggest clusters

The 5 betting premises clustered together in the Heathway are in:

- one of our most impoverished (deprived) areas
- one of our higher-than-average areas for both overall crime and incidents of anti -social behaviour recorded by the Police
- an area where the median annual household income is below £24,000

The 10 betting premises clustered together in Barking Town Centre are in:

- an area with high levels of poverty
- the area of the borough with the highest crime rate
- the area of the borough with the highest rate of domestic abuse
- one of the areas of the borough with the highest rate of ASB recorded by the Police
- an area where the median annual household income ranges between £17,000 to just below £30,000

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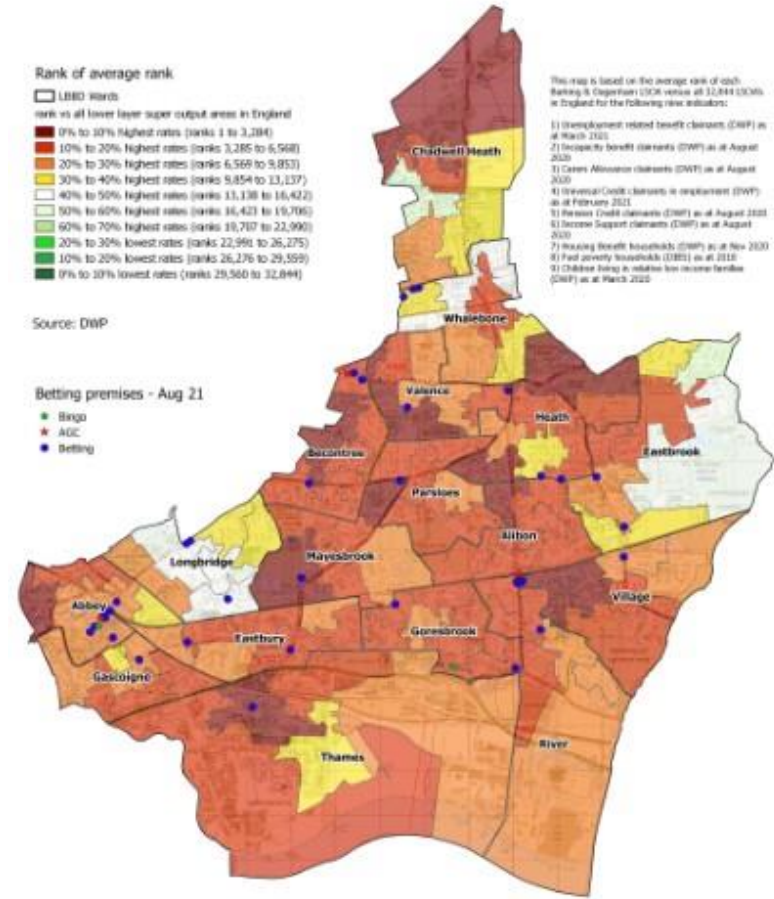
**Barking &  
Dagenham**

Betting premises within Barking & Dagenham



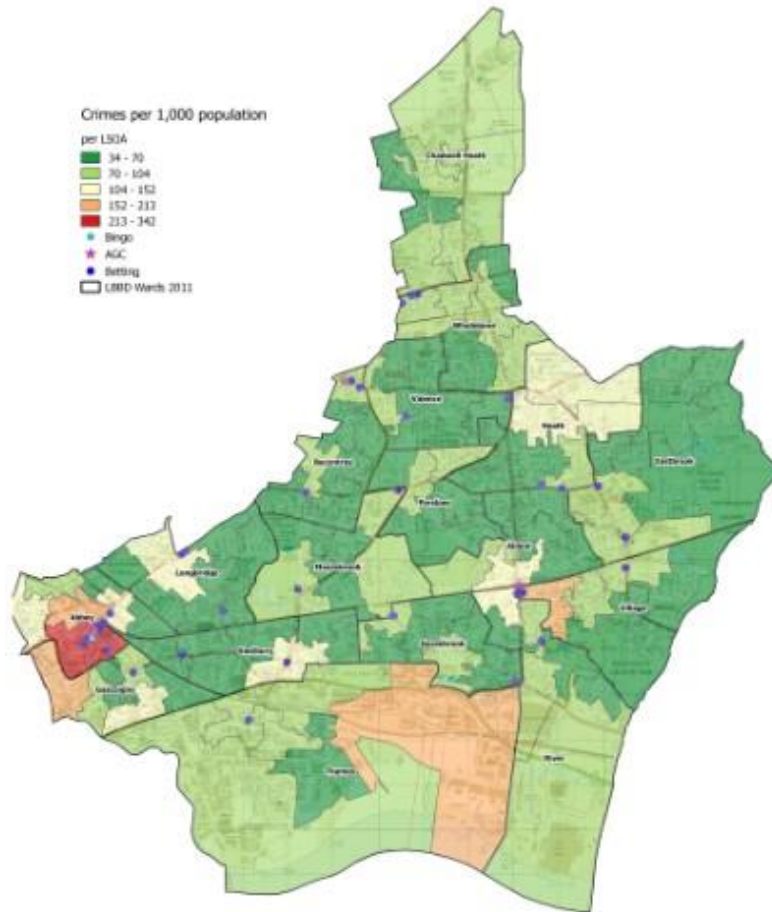
Produced by Barking & Dagenham's Insight Hub

Poverty Tracker



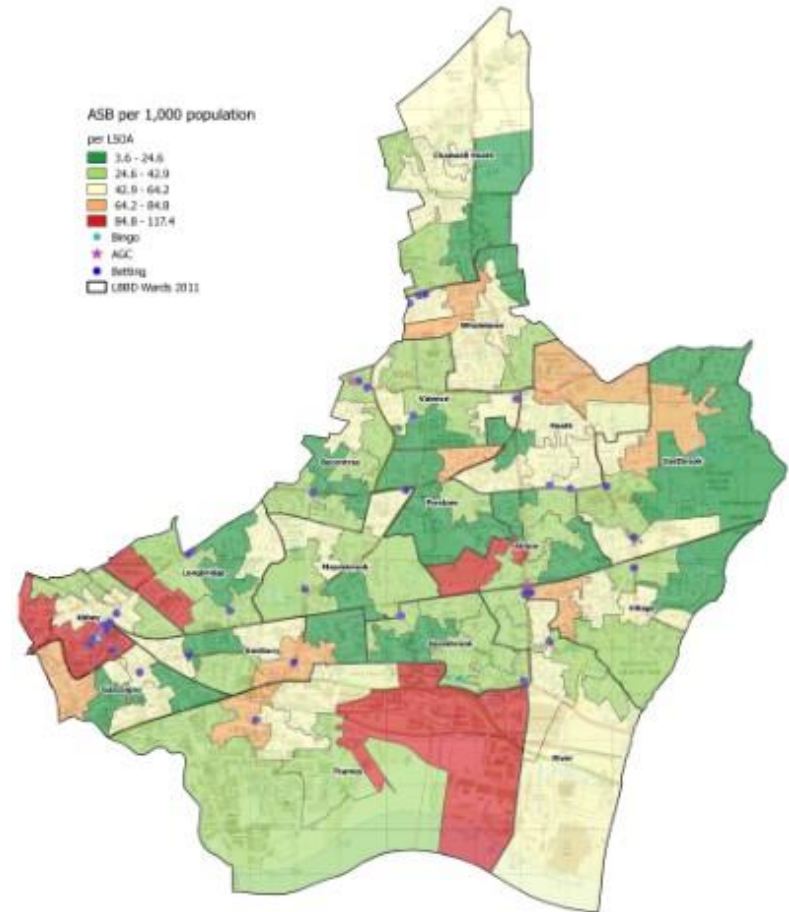
Produced by Barking & Dagenham's Insight Hub

Crime rate (2020/21)



Produced by Barking & Dagenham's Insight Hub

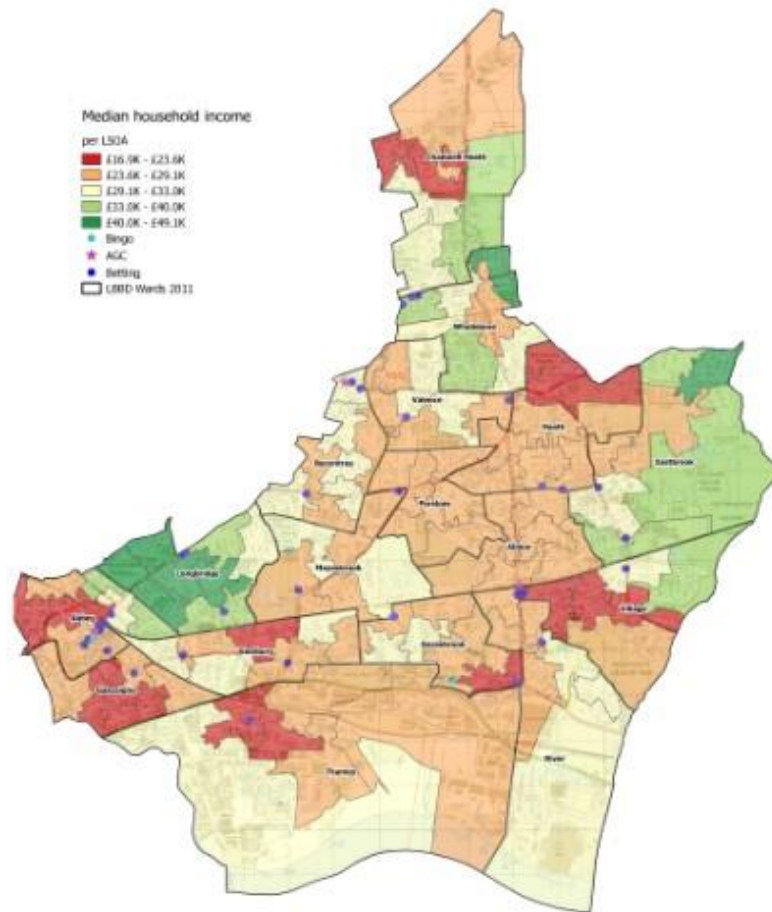
Anti Social Behaviour - Police recorded (2020/21)



Produced by Barking & Dagenham's Insight Hub

no one

Household Income (2020)

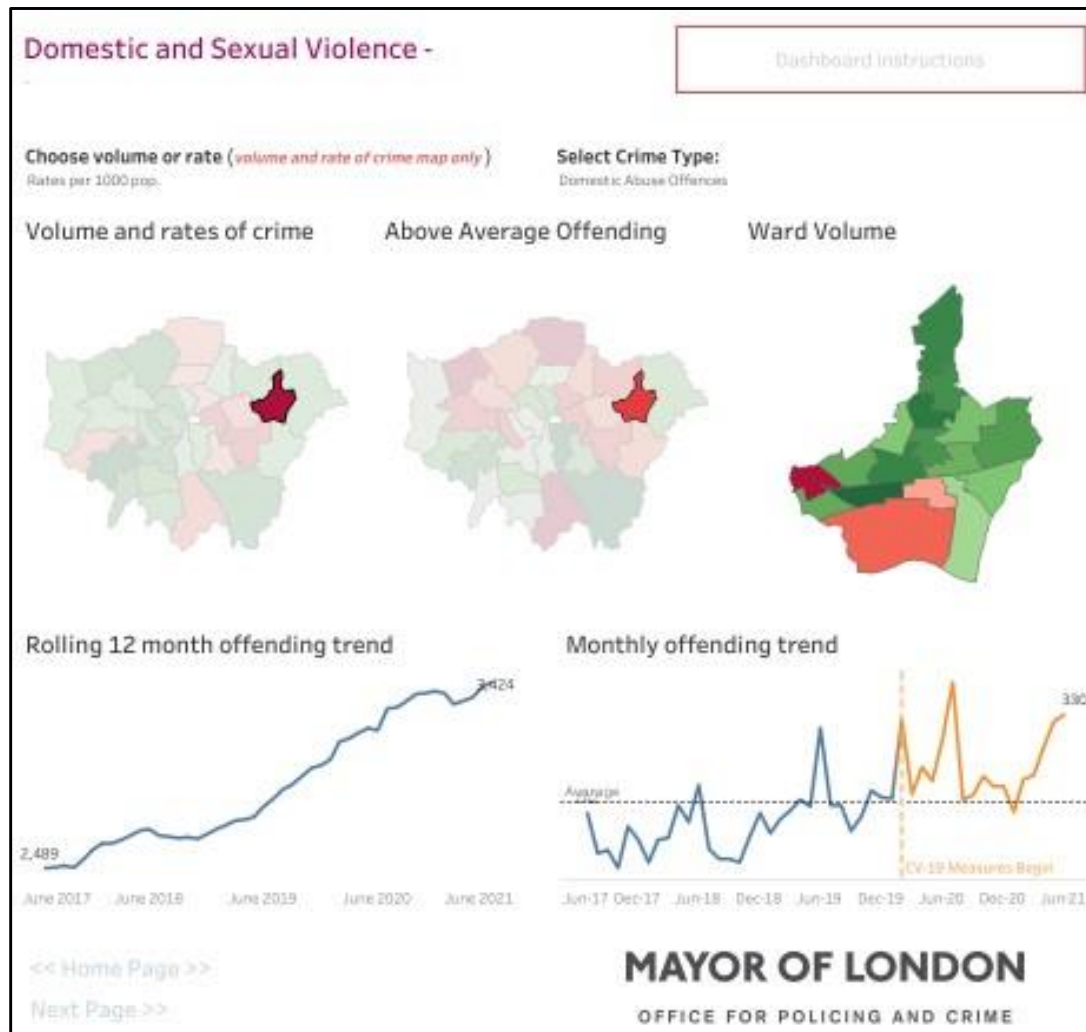


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Abbey ward has the highest rate of Domestic Abuse offences per 1,000 population

Abbey ward also has the most betting premises within the borough

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## Some insights about the four areas with a cluster of betting premises

We can break our 2020 Residents Matrix down to smaller geographies (including output areas) to provide insights re:

- Age structure
- Ethnicity
- Tenure
- Household Structure
- Benefit claimants
- Households in receipt of social care services

Benefits data is also available at output area from the Department for Work and Pensions

*Output areas (OA) were created by ONS specifically for the output of census estimates*

*An average OA will have about 300 residents living in circa 130 households (2011 Census)*

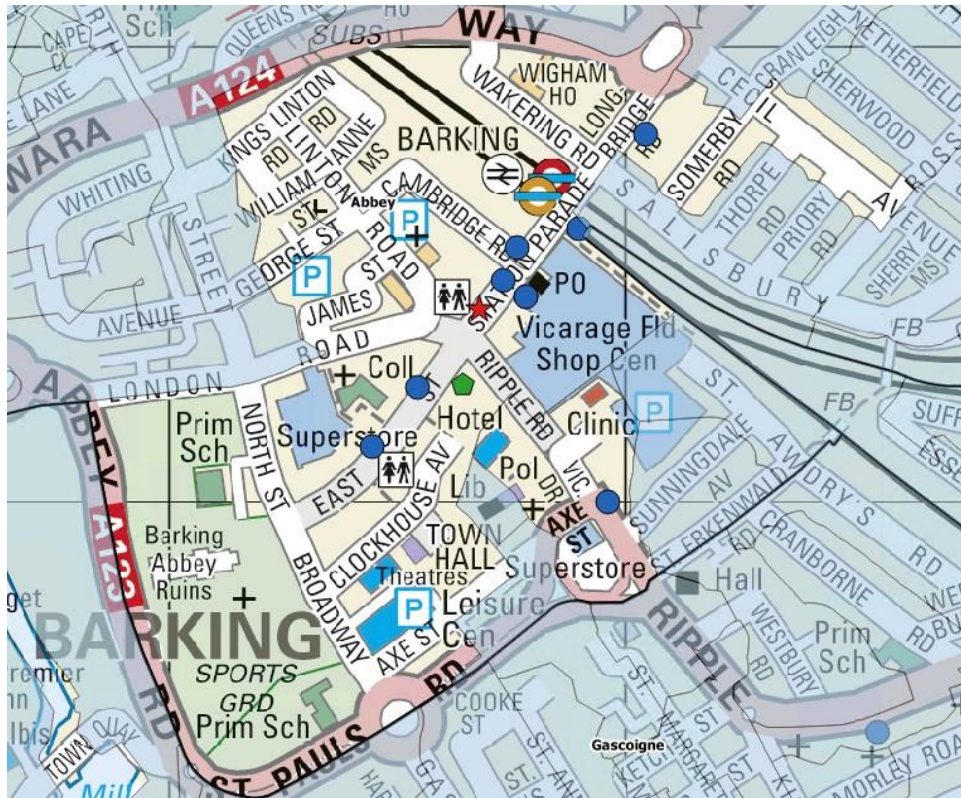
*Barking & Dagenham consists of 553 output areas*

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## Barking cluster



The 10 betting premises clustered together in the Barking Town Centre area are within 4 output areas:

1. E00000051
2. E00000062
3. E00175106
4. E00175103

These 4 output areas are defined as the 'Barking cluster' in the following slides

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## Heathway cluster



The 5 betting premises clustered together in the Dagenham Heathway area are within 4 output areas:

1. E00000093
2. E00000440
3. E00000441
4. E00000511

These 4 output areas are defined as the 'Heathway cluster' in the following slides

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## Chadwell Heath High Road cluster



The 3 betting premises clustered together in the Chadwell Heath High Road area are within 1 single output area:

1. E00000568

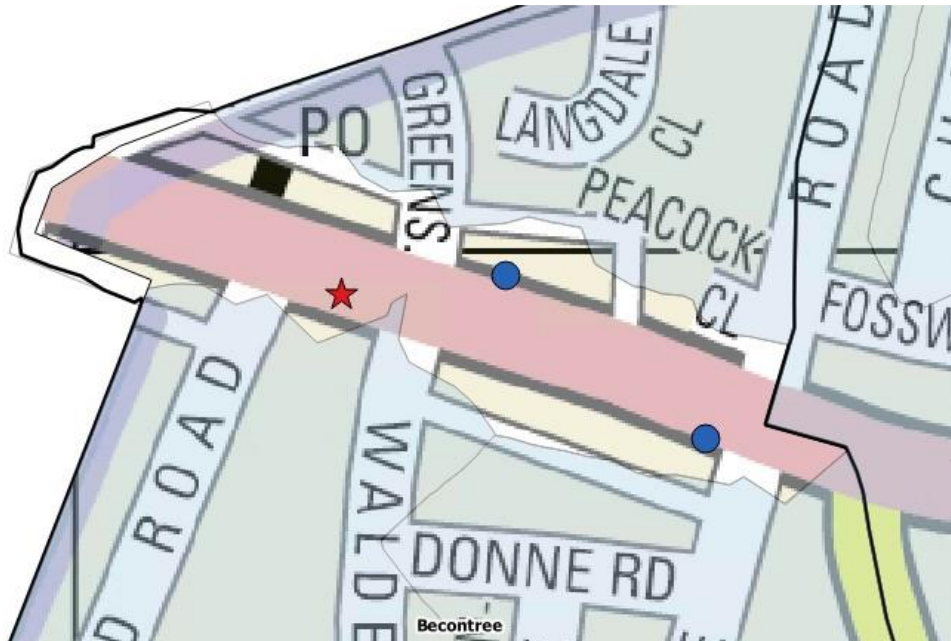
This output area is defined as the 'Chadwell cluster' in the following slides

**CAUTION: VERY SMALL GEOGRAPHICAL AREA**

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## Green Lane cluster



The 3 betting premises clustered together in the Green Lane area are within 1 single output area:

1. E00165805

This output area is defined as the 'Green Lane cluster' in the following slides

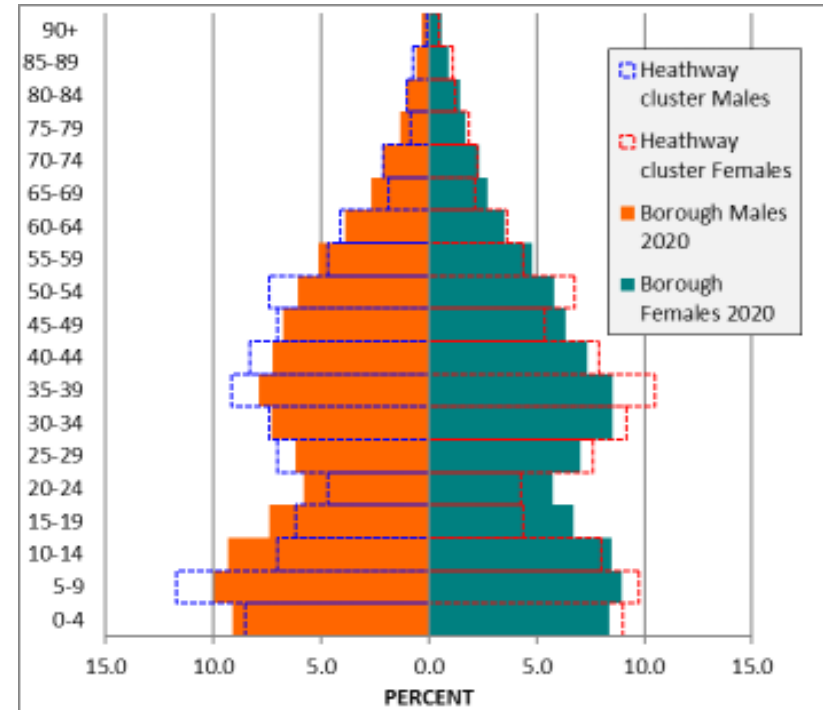
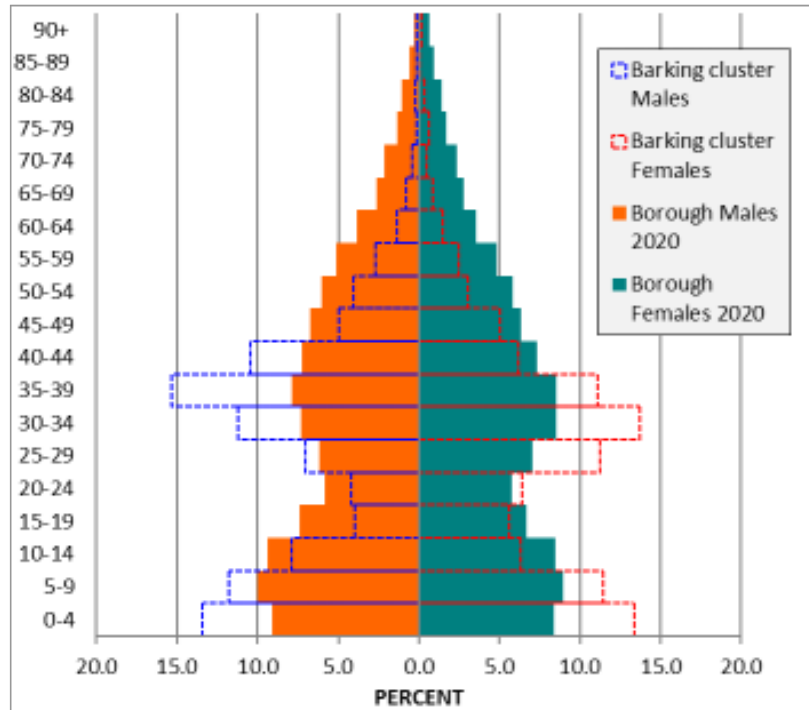
**CAUTION: VERY SMALL GEOGRAPHICAL AREA**

one borough; one community; no one left behind

**Barking &  
Dagenham**

Both biggest cluster areas have a higher proportion of residents aged between 25 and 45 – especially in the Barking cluster area

Page 83

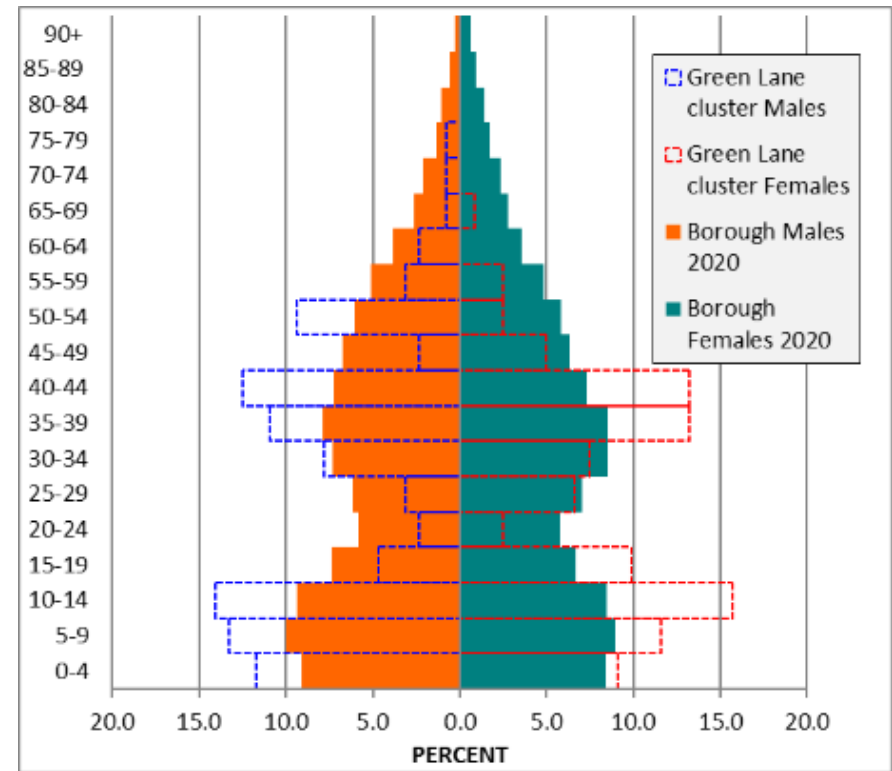
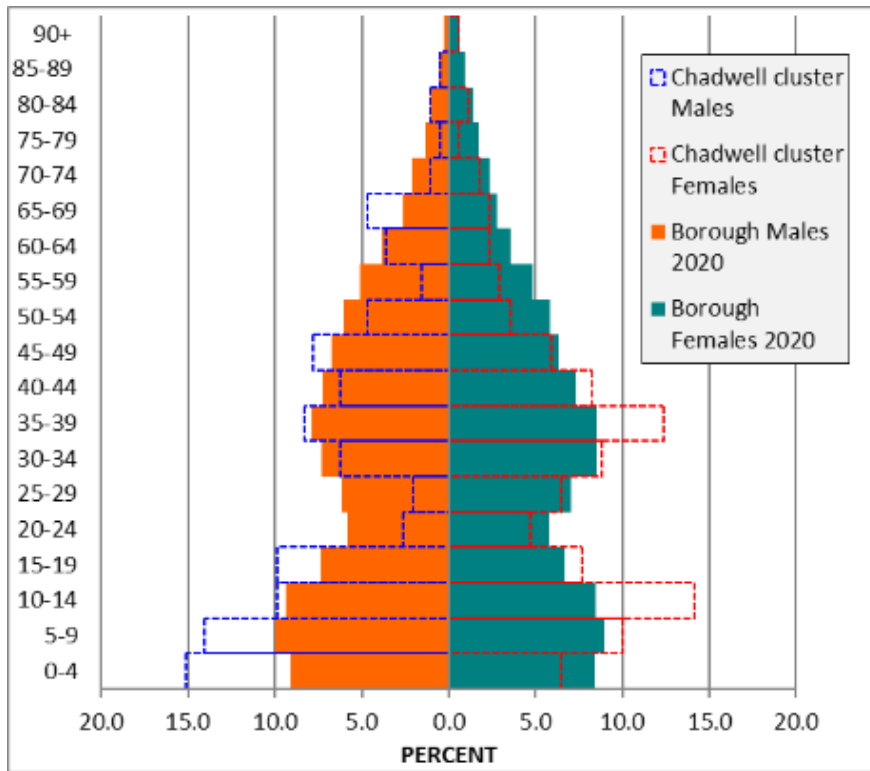


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**Barking &  
Dagenham**

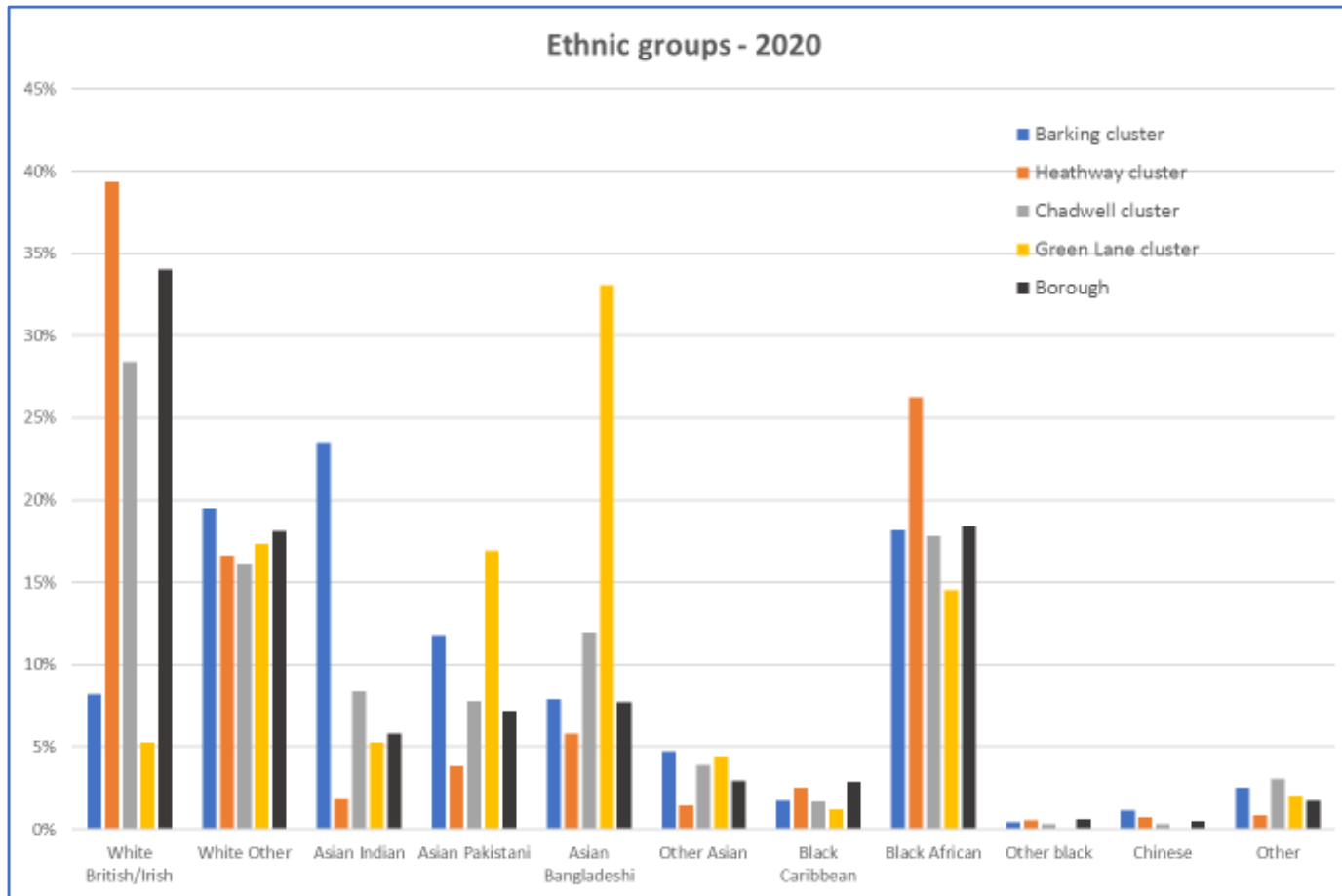
Both very small areas have very different age profile to the borough



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**Barking &  
Dagenham**

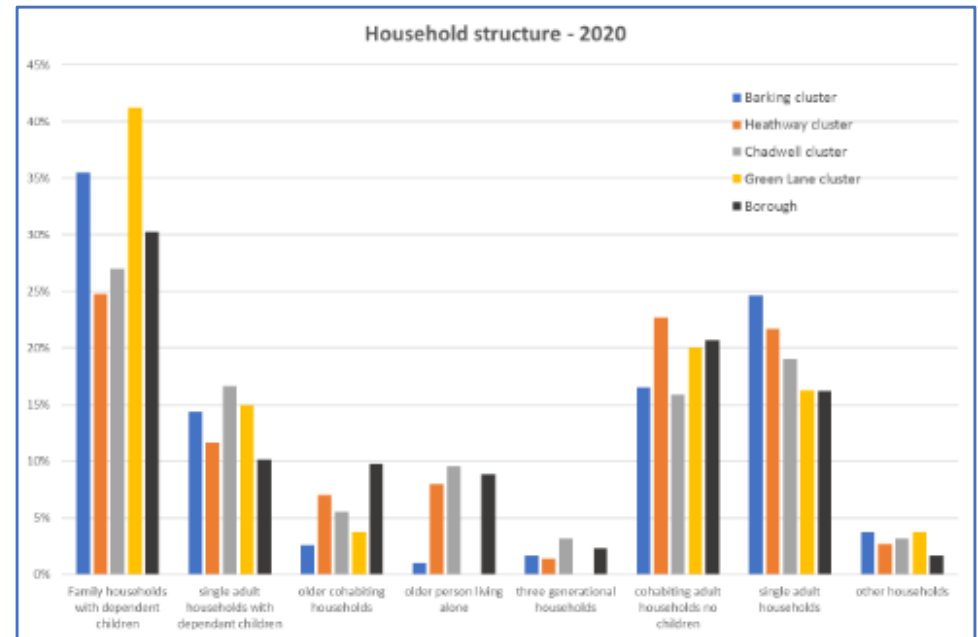
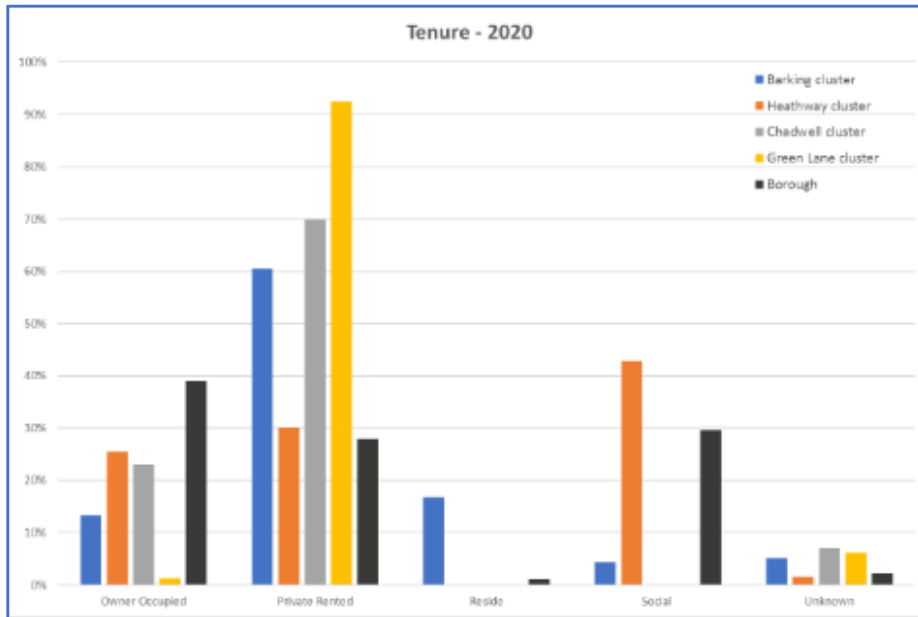
## Ethnicity profile of the areas



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## Tenure and household structure within the areas

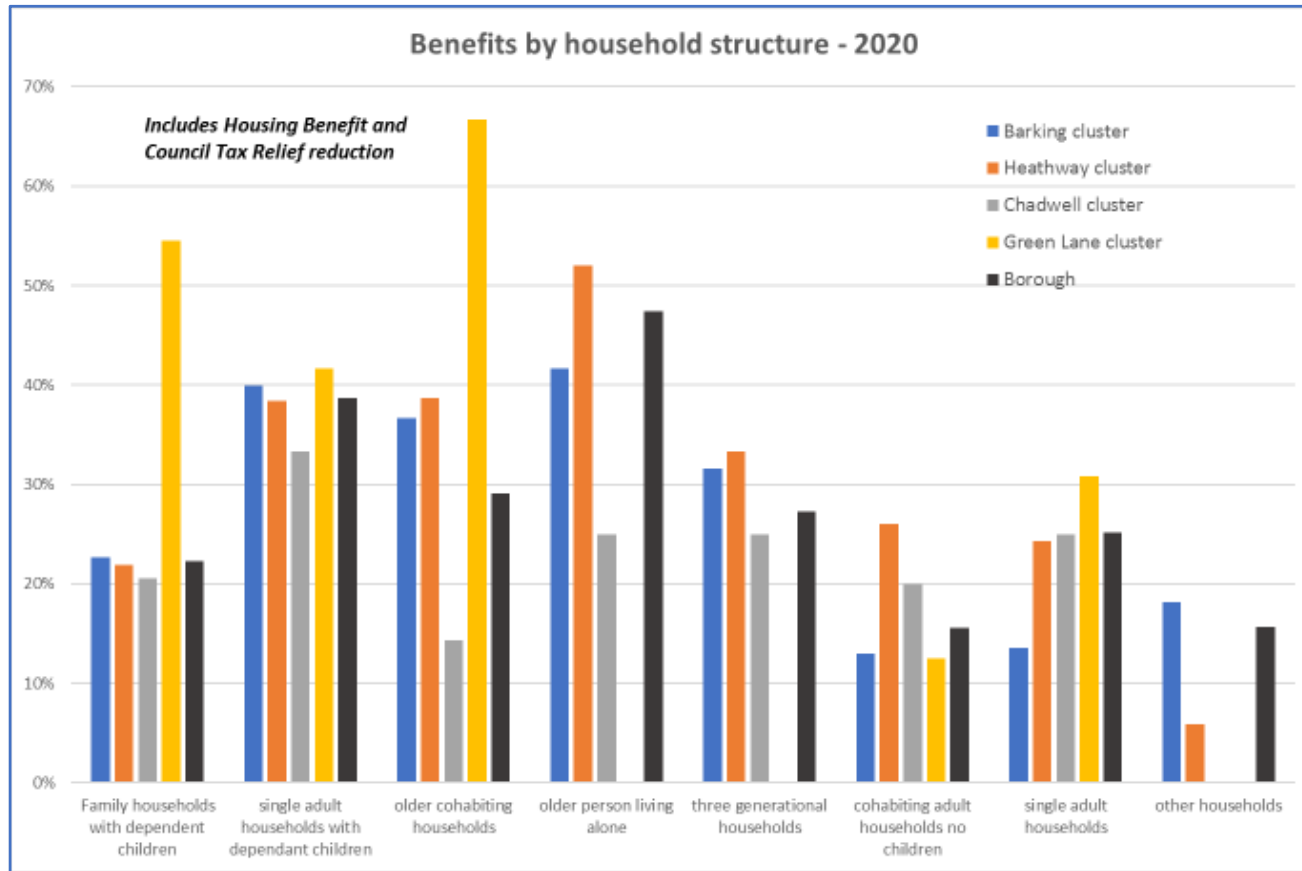


one borough; one community; no one left behind





## Benefit claimants by household structure within the areas



25.9% households within the borough are claiming Housing Benefit and/or Council tax relief/reduction

Lower in Barking cluster area (21.8%)

Higher in Heathway cluster area (28.6%)

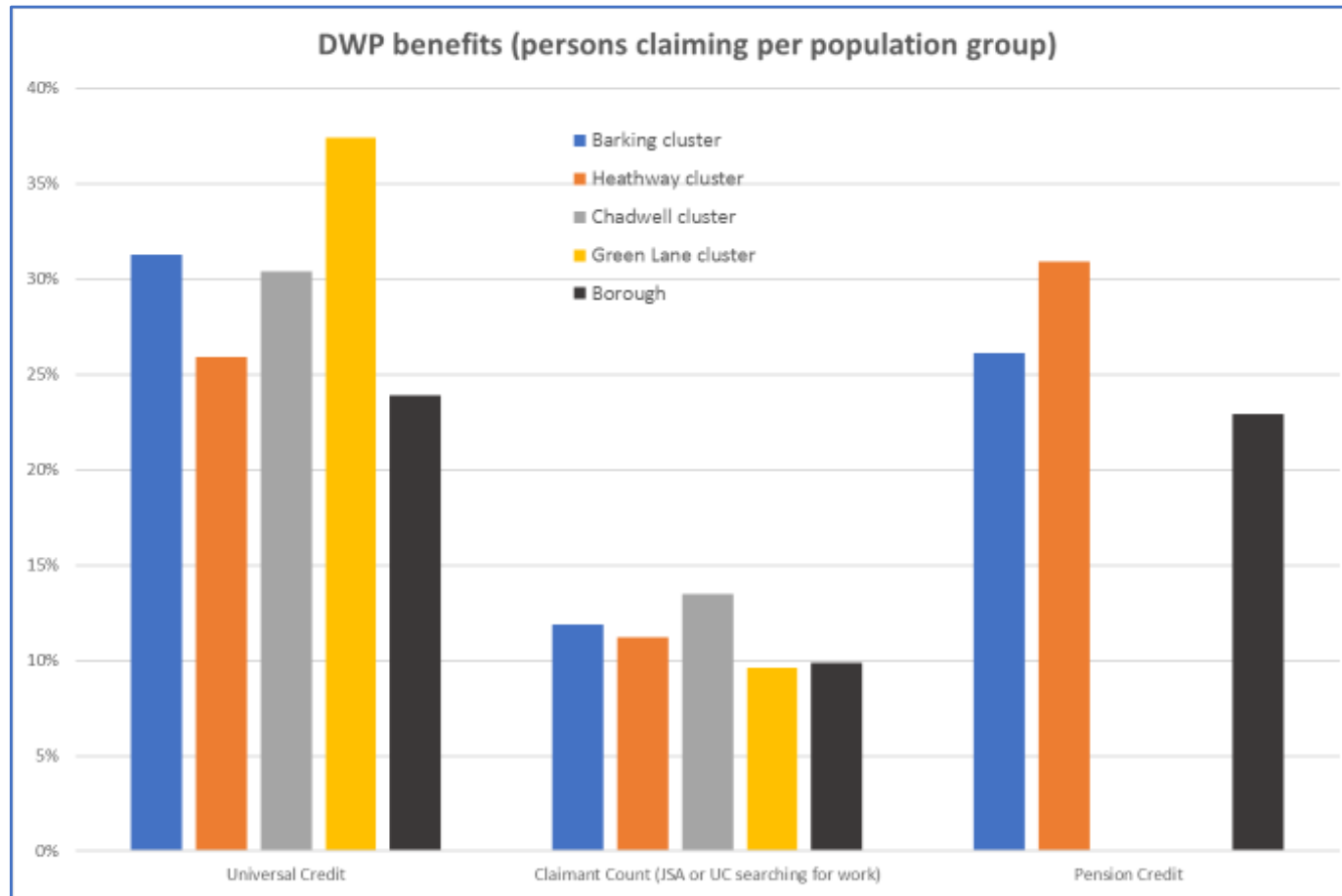
Lower in Chadwell cluster (23.0%)

Much higher in Green Lane cluster (38.8%)

one borough; one community; no one left behind



## People within the areas claiming DWP benefits



one borough; one community; no one left behind

Barking & Dagenham currently has:

- 3<sup>rd</sup> highest rate of UC claimants within the country
- 6<sup>th</sup> highest rate of people claiming unemployment related benefits

All areas have higher UC rate

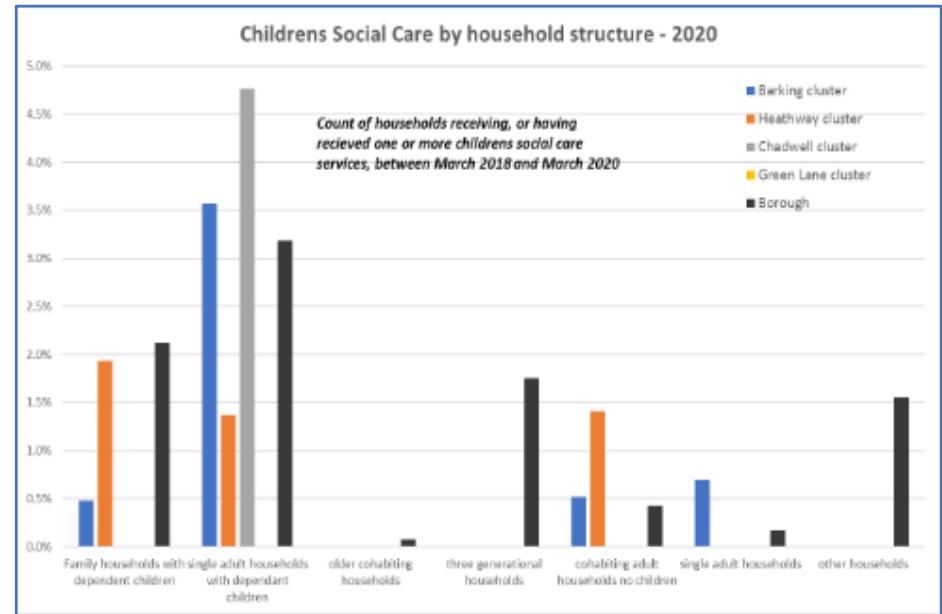
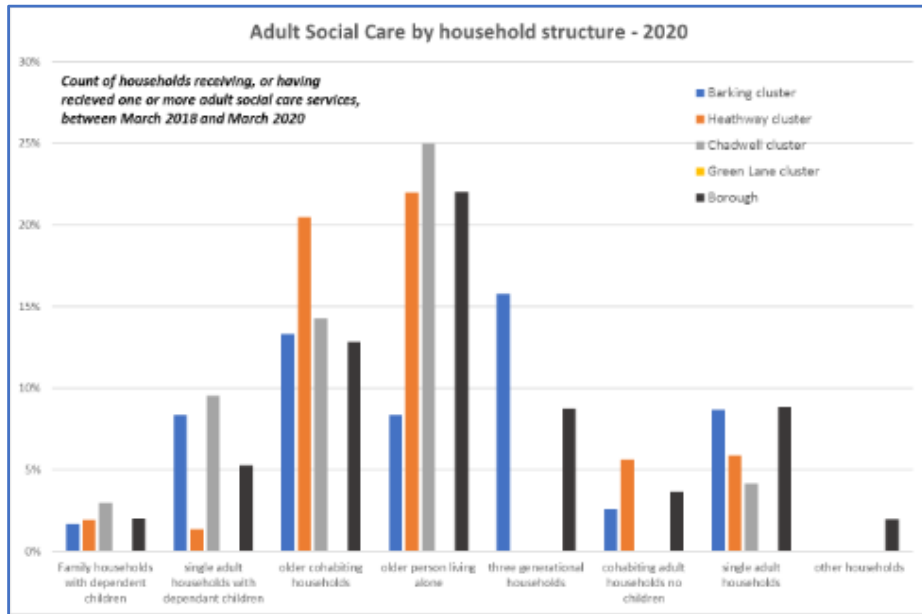
Green Lane has very slightly lower claimant count

Chadwell and Green Lane both have zero or negligible number of pension credit claimants



## Households within the areas in receipt of social care services

- 6.8% households within the borough are receiving an Adult Social care service – lower in all areas (Barking = 5.1%, Heathway = 6.4%, Chadwell = 6.4% and Green Lane = zero)
- 1.2% households within the borough are receiving a Children’s Social care service – lower in all areas (Barking = 0.9%, Heathway = 1.0%, Chadwell = 0.8% and Green Lane = zero)



one borough; one community; no one left behind



## Appendix E – References

### The Gambling Act 2005 -

[http://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga\\_20050019\\_en.pdf](http://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga_20050019_en.pdf)

### The Gambling Commission’s Guidance to Local Licensing Authorities (**Latest edition April 2021**) –

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

### Gambling Commission Licence Conditions and Codes of Practice (**October 2020**) -

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp>

### **National Strategy to Reduce Gambling Related Harm (February 2021 Update) -**

<https://www.gamblingcommission.gov.uk/manual/national-strategy-to-reduce-gambling-harms/prevention-and-education-overview>

**Health Survey for England 2015** – Published by [NHS Digital](#) (formerly the NHS Information Centre). Chapter on Gambling commissioned by the Gambling Commission. Due for publication Spring 2017. <http://www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Levels-of-participation-and-problem-gambling/Levels-of-problem-gambling-in-England.aspx>

**Barking and Dagenham Key Population and Demographic Facts (provisional mid 2020 population estimates)** - <https://www.lbbd.gov.uk/council/statistics-and-data/census-information/key-population-demographic-facts/>

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

### **Data Protection Act -**

<https://www.gov.uk/data-protection>

### **The Legislative and Regulatory Reform Act 2006 -**

<http://www.legislation.gov.uk/ukpga/2006/51/contents>

### **Regulators’ Code**

<https://www.gov.uk/government/publications/regulators-code>

**Barking and Dagenham Enforcement Policy 2019** - <https://www.lbbd.gov.uk/council/priorities-and-strategies/council-policies/regulatory-services-policies/regulatory-services-enforcement-policy/>

## Appendix 2- Equality Impact Assessment Screening Tool

Equality Impact Assessments help the Council to comply with its public sector duty under the Equality Act 2010 to have due regard to equality implications. EIAs also help services to be customer focussed, leading to improved service delivery and customer satisfaction.

The Council understands that whilst its equalities duty applies to all services, it is going to be more relevant to some decisions than others. We need to ensure that the detail of Equality Impact Assessments (EIAs) are proportionate to the impact of decisions on the equality duty, and that in some cases a full EIA is not necessary.

This tool assists services in determining whether plans and decisions will require a full EIA. It should be used on all new policies, projects, functions, staff restructuring, major development or planning applications, or when revising them.

Full guidance on the Council's duties and EIAs and the full EIA template is available at [Equality Impact Assessments](#).

<b>Proposal/Project/Policy Title</b>	Statement of Gambling Licensing Policy 2022-2025	
<b>Service Area</b>	Environmental Health and Public Protection	
<b>Officer completing the EIA Screening Tool</b>	Karen Collier, Service Manager Environmental Health and Public Protection	
<b>Head of Service</b>	Gary Jones, Head of Regulatory Services	
<b>Date</b>	02/09/2022	
<b>Brief Summary of the Proposal/Project/Policy</b> Include main aims, proposed outcomes, recommendations/decisions sought.	The Council, as local licensing authority for gaming and betting, is required under the Gambling Act 2005, to have in place a policy statement of the principles by which it will abide in carrying out its licensing responsibilities. A draft policy for 2022-2025 has been prepared for public consultation. There have not been any significant changes to the previous policy for 2019-2022.	
<b>Protected characteristic</b>	<b>Impact</b>	<b>Description</b>
<b>Age</b>	Positive impact (L)	The protection of children is one of the licensing objectives and as such, the policy includes detailed best practice management advice around child protection issues. This deals with issues such as age-verification and advertising. Child Protection are a

## Appendix 2- Equality Impact Assessment Screening Tool

		statutory responsible authority under the Act and are consulted on all new and varied premises licence applications and will be directly consulted regarding the revised policy.
<b>Disability</b>	Not applicable (N/A)	Describe the impact.
<b>Gender re-assignment</b>	Not applicable (N/A)	Describe the impact.
<b>Marriage and civil partnership</b>	Not applicable (N/A)	Describe the impact.
<b>Pregnancy and maternity</b>	Not applicable (N/A)	Describe the impact.
<b>Race</b>	Positive impact (L)	In formulating the policy, a local area profile has been prepared with the support of the Insight Team. The local area profile includes an assessment of vulnerabilities to gambling related harm, which includes ethnicity. Premises based businesses are required to carry out their own risk assessment and to refer to the local area profile when they set out what actions they are going to take to mitigate risks.
<b>Religion</b>	Not applicable (N/A)	Describe the impact.
<b>Sex</b>	Not applicable (N/A)	Describe the impact.
<b>Sexual orientation</b>	Not applicable (N/A)	Describe the impact.
<b>Socio-Economic Disadvantage<sup>1</sup></b>	Positive impact (L)	In formulating the policy, a local area profile has been prepared with the support of the Insight Team. The local area profile includes an assessment of vulnerabilities to gambling related harm, which includes socio-economic disadvantage. Premises based businesses are required to carry out their own risk assessment and to refer to the local area profile when they set

<sup>1</sup> Socio-Economic Disadvantage is not a protected characteristic under the Equality Act. London Borough of Barking and Dagenham has chosen to include Socio-Economic Disadvantage as best practice.

## Appendix 2- Equality Impact Assessment Screening Tool

		out what actions they are going to take to mitigate risks.
<b>How visible is this service/policy/project/proposal to the general public?</b>		<b>Medium visibility to the general public (M)</b>
<b>What is the potential risk to the Council's reputation?</b>  Consider the following impacts – legal, financial, political, media, public perception etc		<b>Low risk to reputation (L)</b>

If your answers are mostly H and/or M = **Full EIA to be completed**

If after completing the EIA screening process you determine that a full EIA is not relevant for this service/function/policy/project you must provide explanation and evidence below.

The proposed policy has been prepared in line with the requirements of both national legislation and national guidance both of which will have been subject to equalities impact assessments in their own right by the Government and the Gambling Commission.

The proposed policy statement is a revision of a previously adopted council policy. There have not been any significant changes to the policy, which demonstrates that the fundamental principles that were established previously are sound and remain relevant.

In formulating the policy, a local area profile has been prepared with the support of the Insight Team. The local area profile includes an assessment of vulnerabilities to gambling related harm, which includes age, ethnicity and socio-economic disadvantage.

The protection of children is one of the licensing objectives and as such, the policy includes detailed best practice management advice around child protection issues. This deals with issues such as age-verification and advertising. Child Protection are a statutory responsible authority under the Act and are consulted on all new and varied premises licence applications and will be directly consulted regarding the revised policy.

Across all nine national Protected Characteristics groupings and our tenth grouping in London Borough of Barking and Dagenham of socio-economic disadvantage, the impact is predicted to be 'low positive', with no anticipated need to take specific actions to mitigate or enhance the impact.

A public consultation will be carried out in line with the Gambling Commission guidance to Licensing Authorities. This requires the following to be consulted:

- The Chief Officer of Police for the area
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses area; and
- 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 Act.

## Appendix 2- Equality Impact Assessment Screening Tool

Additionally, the following will also be consulted:

- All ward Councillors,
- All responsible authorities under the Act
- The Gambling Commission.
- Public Health

The policy sets out processes and procedures that aim to protect human rights, in particular those rights relating to a right to a fair trial, no punishment without law and right to respect for private and family life. If the policy was not followed, there is a risk that human rights may be breached.

Full consideration will be given to any consultation feedback regarding impacts to protected characteristics.

Please submit the form to [CE-strategy@lbbd.gov.uk](mailto:CE-strategy@lbbd.gov.uk) and include the above explanation as part of the equalities comments on any subsequent related report.



## LICENSING AND REGULATORY COMMITTEE

3 October 2022

<b>Title:</b> Update on Licensing Applications and Appeals	
<b>Report of the Operational Director of Enforcement and Community Safety</b>	
<b>Open Report</b>	<b>For Information</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> No
<b>Report Author:</b> Karen Collier, Service Manager Environmental Health & Public Protection	<b>Contact Details:</b> E-mail: <a href="mailto:karen.collier@lbbd.gov.uk">karen.collier@lbbd.gov.uk</a>
<b>Accountable Director:</b> Andy Opie, Operational Director, Enforcement Services	
<b>Accountable Strategic Leadership Director:</b> Alison Stuart, Head of Law	
<b>Summary</b>	
This report provides an update on licence applications, public hearings and appeals falling under the responsibility of the Licensing and Regulatory Committee, together with other matters of interest to the Committee.	
<b>Recommendation(s)</b>	
The Licensing and Regulatory Committee is recommended to note the report.	

### 1. Introduction and Background

- 1.1 This report provides an update on licence applications, determinations and appeals falling under the responsibility of the Licensing and Regulatory Committee, together with other matters of interest to the Committee.

### 2. Proposal and Issues

- 2.1 Table 1 shows a summary of the applications which were received, processed, and determined during the period from 1 April 2022 to 31 August 2022.

Table 1: Licence Applications Processed between April and August 2022

Licence Applications Processed	Q1					Total
	Apr 2022	May 2022	Jun 2022	July 2022	Aug 2022	
No. New Premises & Personal Licence	6	10	16	17	10	<b>59</b>
No. Temp. Event Notice	8	7	5	17	9	<b>46</b>
No. Licence Variations (All Types) and ad hoc changes	10	16	11	23	10	<b>70</b>

No. Other Type of Licences (including Gambling, Scrap metal, Special Treatment & Animal)	3	6	13	38	21	<b>81</b>
No. Pavement Licence	0	0	0	1	0	<b>1</b>

## 2.2 Licensing Act 2003

In total, 175 applications, including 59 applications for new premises and personal licences and 46 applications for Temporary Event Notices, have been received. The other 70 applications comprised a mixture of major and minor licence variations and designated premises supervisor variations: plus transfers and administrative amendments.

## 2.3 Gambling Act 2005

Two applications have been received for betting and gaming licences.

## 2.4 London Local Authorities Act 1991

In total, 65 applications have been received for new and renewal special treatments licences.

## 2.5 Scrap Metal Dealers Act 2013

Five applications have been received over the annual renewals.

## 2.6 Explosives Regulations 2014

The majority of fireworks applications and explosives storage applications are processed from August. Eight have been received in the period reported above.

## 2.7 Animal Welfare Act 2006 / Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

One animal licensing application was received.

## 3. Public Hearings

3.1 One licensing hearing and four premises licence review hearings were held under the Licensing Act 2003 during the period 1 April 2022 to 31 August 2022.

### (a) A Hearing considered an application for a 3-year time limited premises licence made by El Row UK Ltd in respect of Elrow Town, Parsloes Park, Gale Street, Dagenham RM9 5PU.

On 28 June 2022, the Licensing Sub-Committee considered the application for which three representations against the premises licence application had been received from the Metropolitan Police Licensing Officer, Barking and Dagenham Council Environmental Enforcement Officer and one resident. The Sub-Committee granted the three-year licence, subject to conditions in the operating schedule,

**(b) Expedited/Summary Review of Premises Licences for Kings Bull and Kings Bull External Garden, 2 North Street, Barking, London, IG11 8ET**

On 22 July 2022, the Licensing Sub-Committee considered an application made under Section 53A of the Licensing Act 2003 by the Metropolitan Police Service for a summary review of two premises licences covering the main building and external area at the Kings Bull. An urgent meeting of the Licensing Sub-Committee was convened. The Sub-Committee resolved to suspend both licences with immediate effect which would promote the licensing objectives during the interim period until a full review would take place no later than 17 August 2022.

**(c) Full Review of Premises Licences for Kings Bull venue and external garden at 2 North Street, Barking, IG11 8ET**

On 17 August 2022, the Licensing Sub-Committee held a full review hearing of the two premises licences covering the main building and external area at the Kings Bull. The Sub-Committee resolved to lift the premises licences suspension with immediate effect subject to a number of changes to both licences.

**4. Prosecutions**

- 4.1 Three people appeared at Romford Magistrates' Court on 16 June 2022 for running an unlicensed dog breeding business. All three were found guilty and sentencing took place on 22 July 2022. The defendants have appealed the decision.

**5. Appeals**

- 5.1 There have been no appeals heard during the time period reported.

**Public Background Papers Used in the Preparation of the Report:** None.

**List of appendices:** None.

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