

APPENDIX A

London Borough of Barking & Dagenham

Gambling Act 2005

**Draft Statement of Gambling Licensing
Policy 2017-2020**

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 380 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.

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 next three years. 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 (5th Edition published September 2015).

It is circulated for comments. We welcome your views on its contents.

The final version of this policy statement will be compiled having had regard to any responses received. Once completed, it will be submitted for approval and adoption by the full Council Assembly.

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.

This Authority also acknowledges that genuine efforts are being made to ensure that gaming and betting can take place in a socially responsible manner and that the industry itself contributes to this. Recent initiatives such as the national multi-operator self-exclusion scheme, which allows an individual to make a single request to self-exclude from the same type of the gambling within their area, and the continuing work on identifying harmful play on machines and mitigating this through intervention are supported. However, as the Responsible Gambling Strategy Board acknowledge, many of the new initiatives have yet to prove their significance.

It is understood that as many as 600,000 individuals nationally face deep personal consequences from their relationship with gambling. 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.

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 usually 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 indicates 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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Analysis of Gambling Related Harm / Local Area profile which can be found by visiting
<https://lbbd.sharepoint.com/sites/IntTp/HE/Pages/GamblingRelatedHarm.aspx>

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.
2. Barking and Dagenham has the seventh smallest population in London with 201,979 residents. However, the borough has a young population. The average age in Barking and Dagenham is 33, lower than the London average. The 54,912 under 16s living within the borough represent the highest proportion of residents of this age group in London and UK. Barking and Dagenham also has a diverse, multi-cultural community. The borough's BME population represents 49.3% of the total population. Nigeria is the most common birthplace of residents from outside of the UK (4.7%) followed by India and Pakistan. 18.5% of residents do not have English as their first language ¹.
3. Barking and Dagenham has its challenges. Both male and female life expectancy (59.5 and 54.6 respectively) are below the London average. The numbers of people who have no qualifications (15.4%); who are unemployed (10.5%); and who are DWP benefits claimants (14.9%) are all above the London average ².
4. However, with a proud history of manufacturing, industrial excellence, strategic transport links and a location 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.
5. With its excellent road and rail links, Barking and Dagenham is one of London's best connected boroughs. Connections are set to improve further with new transport links currently under construction and in the pipeline, all intended to support the capital's eastward growth.
 - Crossrail will operate from Chadwell Heath from 2019
 - The London Overground will be extended to Barking Riverside by 2020
 - A new C2C station will open at Beam Park in 2020
 - Proposals to improve the A13 are under active consideration
 - Plans for the new River Thames crossings serving east London are underway

¹ LBBD Key demographic facts July 2016

² As above

6. The borough is increasingly a focus for house building. There are plans for over 35,000 new homes and 10,000 jobs over the next 20 years. Though house prices are rising much faster than the London average, the borough remains the cheapest in the capital.
7. As a legacy from Barking and Dagenham's involvement as a host borough in the London Olympics in 2012, there has been some significant investment in leisure, recreational and sporting facilities.
8. The borough has an incredible 530 hectares of green belt land, plus 25 parks and open spaces and tree lined streets.
9. A map of the geographic area comprising Barking and Dagenham is shown in Figure 1 on the following page.

Vision and priorities

10. Our vision for the borough is "One Borough; One Community; London's Growth Opportunity".
11. Three corporate priorities support the vision. Each of the priorities has a set of objectives which define the areas of focus for the Council, partners and community.
 - Encouraging civic pride
 - Build pride, respect and cohesion across our borough
 - Promote a welcoming, safe, and resilient community
 - Build civic responsibility and help residents shape their quality of life
 - Promote and protect our green and public open spaces
 - Narrow the gap in attainment and realise high aspirations for every child.
 - Enabling social responsibility
 - Support residents to take responsibility for themselves, their homes and their community
 - Protect the most vulnerable keeping adults and children healthy and safe
 - Ensure everyone can access good quality healthcare when they need it
 - Ensure children and young people are well-educated and realise their potential
 - Fully integrate services for vulnerable children, young people and families
 - Growing the borough
 - Build high quality homes and a sustainable community
 - Develop a local, skilled workforce and improve employment opportunities

- Support investment in housing, leisure, the creative industries and public open spaces to enhance our environment
- Work with London partners to deliver homes and jobs across our growth hubs
- Enhance the borough's image to attract investment and business growth

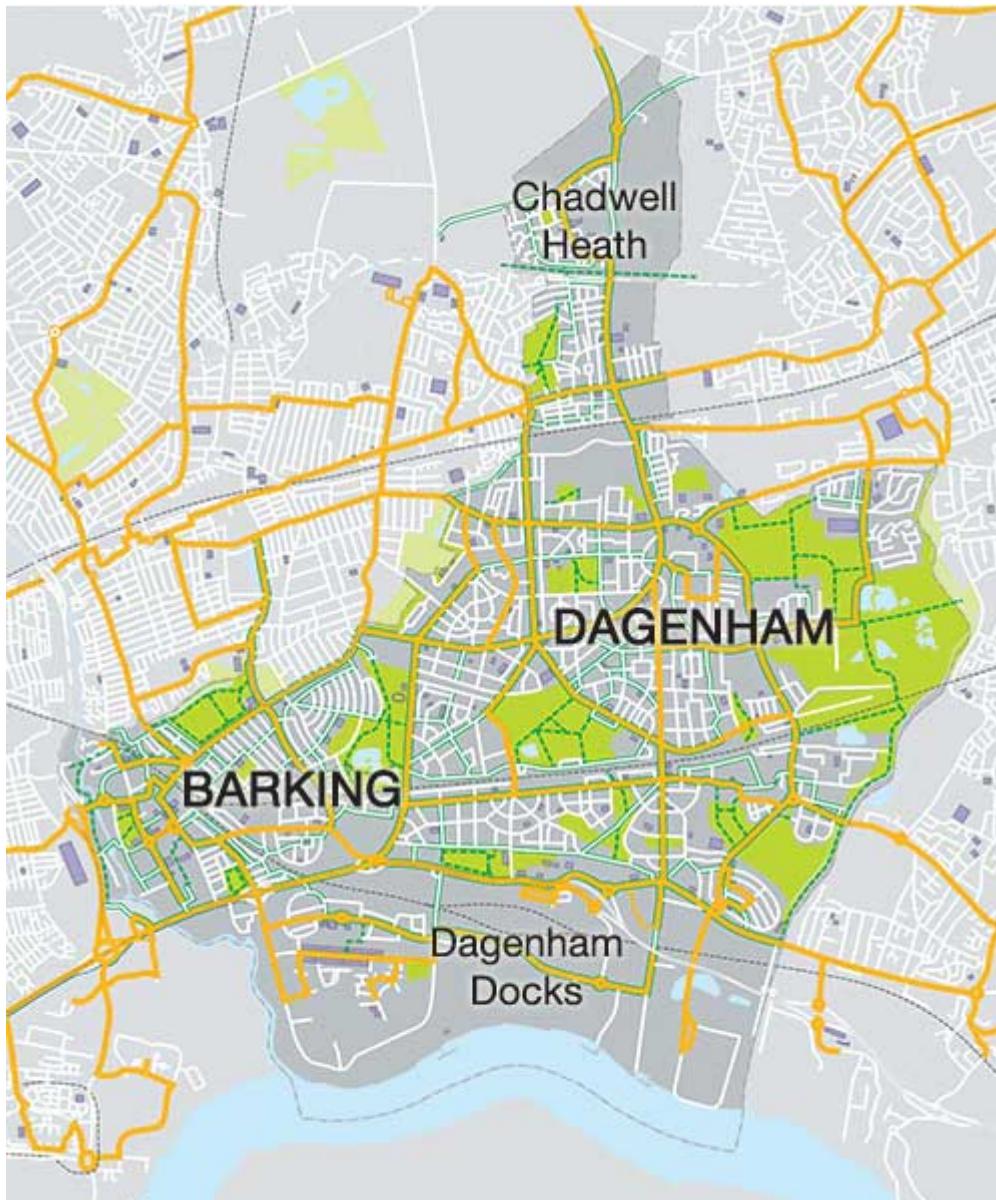


Figure 1 – Map of Barking and Dagenham

Section Two - Purpose and Scope of this Policy

The aim of the policy

12. The aim of this policy is -

- To reinforce to elected members on the Licensing and Regulatory Board, the powers available to the local authority as licensing authority
- 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, 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.

Local authority functions

13. 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 –

- Licence premises for gambling activities
- Consider notices given for the temporary use of premises for gambling
- Grant permits for gaming and gaming machines in clubs and miners' welfare institutes
- Regulate gaming and gaming machines in alcohol licensed premises
- Grant permits to family entertainment centres (FEC) for the use of certain lower stake gaming machines
- Granting permits for prize gaming
- Consider occasional use notices of betting at tracks
- Register small society lotteries that fall below certain thresholds
- Set and collect fees.

The licensing objectives

14. 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

Licensing authority discretion

15. Licensing authorities have a broad 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

16. 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

Limits on local authority discretion

17. 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 other relevant Commission code of practice, the licensing objectives or the licensing authority's own statement of policy. In the unlikely event that a licensing authority perceives a conflict between a provision of a Commission code of practice or the Guidance issued by the Commission, and its own statement of policy or view as to the application of the licensing objectives, s.153 makes it clear that the Commissions' codes and guidance take precedence.

18. 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))

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

20. This Authority also understands that moral or ethical objections to gambling are not a valid reason to reject applications for premises licences.

Other considerations

21. Licensing authorities should regulate gambling in the public interest.

22. While the statement of policy may set out a general approach to the exercise of functions under the Act, it should not override the right of any person to make an application and have that application considered on its own merits. Additionally, the statement must not 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.

23. As far as is reasonably possible, this Authority will avoid duplication with other regulatory regimes.

Consideration of planning permission and building regulations

24. 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.

25. 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.

26. This Authority does expect, however, applications for premises licences to be made for premises either with relevant planning permission in place or for applications for the relevant consents to be made concurrently.

Human Rights Act 1998

27. 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

28. 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

29. 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

30. In exchanging information, this Authority will act in accordance with the relevant legislation, including that the Data Protection Act will not be breached. This Authority will also have regard to any Guidance to local licensing authorities issued by the Commission, as well as any relevant regulations issued by the Secretary of

State under the powers provided in the Act. 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

31. Table 1 (on the following page) sets out the scheme of delegation for this Authority.
32. 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.
33. 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 Board.

Table 1 – Delegation of decisions and functions			
Matter to be dealt with	Assembly	Licensing Sub-Committee	Officers
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

34. The Commission's Licence Conditions and Codes of Practice (LCCP) (published February 2015) formalised the need for operators to consider local risks.
35. 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.
36. Licensees are required to undertake a local risk assessment when applying for a new premises licence. 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

37. 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 and some BME groups. 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.
38. 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'. This can be viewed at <https://lbbd.sharepoint.com/sites/IntTp/HE/Pages/GamblingRelatedHarm.aspx> . By drawing on relevant and reliable published socio-economic and public health data sets together with local police data concerning anti-social behaviour, the local area

profile uses special analysis techniques to provide a model of area based vulnerability to gambling related harm across the borough.

39. Both current operators and potential new operators to the borough are asked to consider the detail provided carefully, and should have regard to both the overall summary map and the individual mapping provided in respect of each relevant data set.
40. 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) 2015.
41. 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.
42. This position gives rise to serious concerns around the impact that further growth in the local gambling opportunity may have in the most vulnerable and 'at risk' areas of the borough. Because of this, this Authority considers that it is necessary to limit facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk. It is this Authority's position that all areas shown within the local area profile as being at high overall risk of gambling related harm are inappropriate for further gambling establishments. Operators are asked not to consider locating new premises or relocating existing premises within these areas.
43. Elsewhere, 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.
44. 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.

45. 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.

46. 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.

How applications for premises licences will be assessed

47. While it will continue to be the case that each application will be considered upon its own merits with all relevant matters 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
- Promote the licensing objectives

48. This Authority may require additional information where appropriate.

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

49. In considering applications for new licences; variations to existing licences and licence reviews, this Authority will take into account 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 levels and types of crime in the local area
- The levels of deprivation in the local area
- 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

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

Conditions

51. Where there are risks associated with a specific premises or class of premises, the licensing authority may consider it necessary to attach conditions.

52. 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

53. Where its discretion has been engaged through the representations process, this Authority will impose conditions where it considers that it is necessary to address 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

54. 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 a licensing authority imposing conditions in relation to stakes, fees, winnings or prizes.

Compliance with Commission Licence Conditions and Codes of Practice

55. In considering the matter of conditioning of licences this Authority will be aware of the content of the current version of the Commission's Licence Conditions and Codes of Practice (July 2016 effective from October 2016). These may be viewed in full by visiting <http://www.gamblingcommission.gov.uk/Publications-consultations/LCCP.aspx>

56. 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

57. This policy statement does not intend 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

58. 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 and premises used by the betting intermediaries
- Adult gaming centre (AGC) premises (for category B3, B4, C and D machines)
- Family entertainment centres (FEC) premises (for category C and D machines)

Applications

59. 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 (1:100 unless otherwise agreed with the Authority)

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

61. 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.

Responsible authorities

62. 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.

63. 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

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

65. 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

66. 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 affected by the authorised activities
- Has business interests that might be affected by the authorised activities
- Represents persons in either of these two groups

67. 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

68. 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

69. 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.

70. 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.
71. 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 to be 'frivolous' or 'vexatious'. 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

72. 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.
73. 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.
74. 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.
75. 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.
76. 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

77. 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

78. 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?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

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

79. A premises licence, once it comes into effect, authorises a 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.

80. However, this Authority understands that, as the Court has held in the case of The Queen (on the application of) Betting Shop Services Ltd Vs Southend on Sea Borough Council, operators can 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

81. 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.

82. 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.

83. All customer-facing staff in licensed premises should also have sufficient understanding and knowledge to tackle risks associated with gambling and how to promote responsible gambling.

84. 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.

85. Additionally, full record of all incidents, actions and interventions should be maintained at all times and made available for inspection at the premises.

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

86. 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.
87. 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 level of local 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.
88. However, operators should also be aware of and take into account, issues of lower level crime and anti-social behaviour.
89. Licensees will be expected to demonstrate that they have given careful and adequate consideration to this objective. Where representations are received to premises licence applications under the crime and disorder objective, 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

90. 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.
91. 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

92. 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.
93. 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.

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

(a) Protecting children

94. The third licensing objective refers to protecting children from being harmed or exploited by gambling. This 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).
95. Licensees and applicants will be expected to demonstrate that they have given careful and appropriate consideration to measures intended to protect children. Where representations are received to premises licence applications under the child protection objective, 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

96. 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.

97. 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 proportional changes are 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

98. 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.

99. 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

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

101. 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.

102. 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

103. 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.

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

(c) Location

105. 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.

106. This Authority will give careful consideration to any application in respect of premises that are 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);
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti / tagging, underage drinking etc.;
- Recorded instances of attempted underage gambling.

Access to premises by children and young persons

107. The Act restricts the circumstances under which children and young people may take part in gambling or be on 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 licence (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;
- 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.

108. This Authority will expect applicants to offer their own proposals to achieve 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;
- Setting and publicising specific opening hours.

Challenge 25

109. 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;
- 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

110. 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.

111. 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.

112. This authority may accept 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

113. 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

114. 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.

115. 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 can be played in any premises for which a licence may be granted. Particular scrutiny will be given to any application for a new licence in respect of any excluded area of existing premises.
116. 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

117. 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.
118. This Authority has 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, the high prize, high stake gaming provided enables considerable sums of money to be spent in a very short period of time. In the light of this, this Authority must be satisfied that the primary use of the premises is to operate as betting premises. An applicant will be expected to demonstrate that they can offer sufficient facilities for betting.
119. 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).
120. 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;
 - Restricting FOBTs to account based play.
121. 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.
122. 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.
123. 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.
124. 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

125. 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.
126. 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.

127. 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

128. 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 13th 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 13th 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.
129. 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.
130. As gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to encourage repetitive and excessive play. The council in considering premises licences will specifically have regard to the third licensing objective.
131. 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

- Provision of information leaflets/ helpline numbers for organisations such as GamCare.

Licensed family entertainment centres

132. 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.
133. This Authority may only grant a permit if satisfied that the premises will be wholly or mainly used for making gaming machines available.
134. 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.
135. In determining any application for a permit this Authority will have regard to the licensing objectives 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;
 - Staff training on the maximum stakes and prizes.

136. 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

137. 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.
138. 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
139. 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;
 - There is any other reason which gives cause to believe that a review may be appropriate, such as a complaint from a third party.
140. 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.

Section 5 – Other consents

141. 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.
142. 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

143. Unlicensed family entertainment centres (uFEC) are premises which are ‘wholly or mainly’ used for making gaming machines available. 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.
144. 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. The permit cannot, for example, be used for an entire shopping centre.
145. 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;
 - That employees are trained to have a full understanding of the maximum stakes and prizes.
146. 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;
- 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

147. 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.
148. 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.
149. 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.
150. 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 under 18 year olds 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.

151. 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

152. 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.
153. TUNs are controlled by s214-235 of the Act and the Gambling Act (Temporary Use Notices) Regulations 2007 and are subject to restrictions.
154. 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.
155. 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;
 - 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.

Occasional use notices

156. 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.

157. 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.
158. 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

159. “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.
160. Given that the prize gaming will particularly appeal to children and young persons, this licensing authority will give 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;
 - That clear policies exist that outline the steps to be taken to protect children from harm.
161. 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.
162. 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;
 - 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

163. 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).

164. A club must meet the following criteria to be considered a members' club:

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

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

166. 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.

167. 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;
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

168. 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.

Section 6 – Small Society Lotteries

169. 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)

170. 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
- customer lotteries

171. 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/Gambling-sectors/Lotteries/Lotteries-raffles.aspx>

172. 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 Society will be informed as soon as possible and where possible, we will inform the other Licensing Authority.

173. 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.

174. 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.
175. 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.
176. 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.
177. 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.
178. 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.
179. 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.

180. 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

181. 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.
182. 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

183. These principles are reflected within the Barking and Dagenham Regulatory Services' Enforcement Policy for 2016-2020, 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. A copy of the enforcement policy may be obtained upon request to the licensing service (see contact details in appendix A).
184. 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.
185. 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;

- The arrangements in place to promote the licensing objectives.

186. 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.

187. When a decision of whether or not to prosecute is being made then this Authority will follow the principle criteria from the Guidance in the Code for Crown Prosecutor's which requires the two main tests:

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

Appendix A – Contact details

The Responsible Authorities

Responsible authority	Contact details
Licensing Department, London Borough of Barking and Dagenham	Pondfield House, 100 Wantz Road Dagenham, Essex, RM10 8PP Email: licensing@lbbd.gov.uk
Police Licensing	Andrew O'Connor, Corinne Holland Police Licensing Officers, Dagenham Police Station, 561 Rainham Road South, Dagenham RM10 7TU Email: andrew.o'connor@met.pnn.police.uk corinne.holland@met.pnn.police.uk
Planning and Development Control	FAO Group Manager Planning Department, Barking Town Hall, 1 Town Square, Barking IG11 7LU Email: planning@lbbd.gov.uk
Child Protection	FAO Sonia Drozd Child Protection Team, 3rd Floor, Roycraft House, 15 Linton Road, Barking IG11 8HE Email: sonia.drozd@lbbd.gov.uk
Environmental Health	Noise and Environmental Protection Housing and Enforcement Services, Roycraft House, 15 Linton Road, Barking IG11 8HE Email: eyesoreandpublichealth@lbbd.gov.uk
Gambling Commission	Victoria Square House, Victoria Square, Birmingham B2 4BP Email: info@gamblingcommission.gov.uk Tel: 0121 230 6666
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: fsr-adminsupport@london-fire.gov.uk

Appendix B - List of persons who were 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

Other

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 – References

The Gambling Act 2005 -

http://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga_20050019_en.pdf

The Gambling Commission’s Guidance to Local Licensing Authorities (5th Edition) -

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

Gambling Commission Licence Conditions and Codes of Practice (October 2016) -

<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice.aspx>

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 2016 -

<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-data-protection-act>

Betting Shop Services Ltd Vs Southend on Sea Borough Council – Royal Courts of Justice at The Strand, London (14 January 2008) -

http://www.licensingresource.co.uk/sites/all/files/ga2005/southend_on_sea.pdf

The Legislative and Regulatory Reform Act 2006 -

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

Regulators’ Compliance Code 2014 -

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

Barking and Dagenham Enforcement Policy 2016 -

<https://www.lbbd.gov.uk/council/priorities-and-strategies/council-policies/regulatory-services-policies/regulatory-services-enforcement-policy/>