

LICENSING COMMITTEE

Tuesday, 8 December 2015 at 6.30 p.m.

Committee Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

The meeting is open to the public to attend.

Members:

Chair: Councillor Khales Uddin Ahmed
Vice-Chair: Councillor Peter Golds
Councillor Rajib Ahmed
Councillor Mahbub Alam
Councillor Shah Alam
Councillor Gulam Kibria Choudhury
Councillor Amy Whitelock Gibbs
Councillor Clare Harrison
Councillor Denise Jones
Councillor Md. Maium Miah
Councillor Muhammad Ansar Mustaqim
Councillor Joshua Peck
Councillor Candida Ronald
Councillor Rachael Saunders
1 Vacancy

Ward Represented

Bromley North;
Island Gardens;
Lansbury;
St Dunstan's;
Mile End;
Poplar;
Bethnal Green;
St Peter's;
St Katharine's & Wapping;
Canary Wharf;
St Peter's;
Bow West;
Blackwall & Cubitt Town;
Mile End;

[The quorum for this body is 3 Members]

Contact for further enquiries:

Simmi Yesmin, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4120
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Web: <http://www.towerhamlets.gov.uk/committee>

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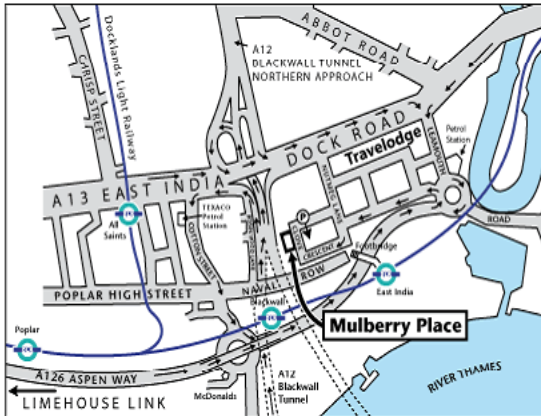
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

	PAGE NUMBER	WARD(S) AFFECTED
2. MINUTES OF THE PREVIOUS MEETING(S)		

5 - 8

To confirm the minutes of the meeting of the Licensing Committee held on 6th October 2015 as an accurate record of the proceedings.

3. ITEMS FOR CONSIDERATION

3.1 Sexual Entertainment Venues Review	9 - 18	All Wards
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3.2 Licensing and Brick Lane	19 - 24	Spitalfields & Banglatown
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3.3 Gambling Policy Review 2015/16	25 - 80	All Wards
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4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Next Meeting of the Licensing Committee

Tuesday, 8 March 2016 at 6.30 p.m. to be held in The Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Melanie Clay, Director of Law, Probity & Governance & Monitoring Officer, Telephone Number:
020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 6 OCTOBER 2015

**ROOM MP702, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Khales Uddin Ahmed (Chair)

Councillor Rajib Ahmed

Councillor Shah Alam

Councillor Joshua Peck

Councillor Candida Ronald

Apologies

Councillor Mahbub Alam

Councillor Amy Whitelock Gibbs

Councillor Peter Golds

Councillor Clare Harrison

Councillor Denise Jones

Councillor Md. Maium Miah

Councillor Muhammad Ansar Mustaqim

Councillor Rachael Saunders

Officers Present:

Gurwinder Kaur Olive

David Tolley

– (Senior Lawyer, Legal Services)

– (Head of Consumer and Business
Regulations Service, Safer
Communities, Communities Localities
& Culture)

Simmi Yesmin

– (Senior Committee Officer,
Democratic Services)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interests.

2. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED

That the minutes of the Licensing Committee meeting held on 21st July 2015 were confirmed and agreed as a correct record.

3. ITEMS FOR CONSIDERATION

3.1 Fees Review - London Local Authorities Act 1991 and the Performing Animals (Regulation) Act 1925

Mr David Tolley, Head of Consumer and Business Regulations introduced the report which detailed the review which took place with regards to licence fees that could be set locally. It was noted that the fees under consideration were those for Massage, Special Treatments, Performing Animals Registration and Animal Boarding Establishments.

Mr Tolley explained the rationale behind the proposed 1% licence fee increases and explained that fee increases were set at values that would enable the Council to recover the administrative and enforcement cost associated with the relevant licences. Mr Tolley also explained that where a business operated a selection of beauty treatments and intense pulse light laser treatment, only the higher fee of the two would be payable.

It was also noted that Members were requested to approve the adoption of the Chartered Institute of Environmental Health Model Licence conditions for Animal Boarding Establishments.

In response to questions from Members the following was noted;

- That neighbouring local authorities licence fees were taken into consideration when setting the fees. The bench marking table was detailed in Appendix 1.
- That the fee for Animal Boarding Establishment would enable the Council to have more control over business arrangements and monitor the care of animals.
- That approximately 3 applications were received last year for Performing Animals Registration.
- That inspections/site visits would enable Officers to check the venue is suitable and meets the standard requirements for Animal Boarding Establishments.
- Those that avoid paying the fee can be identified by adverts, complaints from residents, pet shops, animal wardens and the PDSA.

RESOLVED

1. That the fee for Massage and Special Treatment licences, including Intense Pulse Light laser treatment, be increased by 1.0% raising Massage and Special Treatment Licences from £319 to £322 and Intense Pulse Light laser treatment licences from £513 to £518.

2. That where a business operates a selection of beauty treatments and Intense Pulse Light laser treatment, that only the higher fee is payable.
3. That the fee for Performing Animals registration is increased by 1.0% raising Performing Animals registration from £360 to £364.
4. That a fee for a Variation of a Performing Animals registration is increased by 1.0% raising a Variation of a Performing Animals registration from £269 to £272.
5. That a fee for Animal Boarding Establishment, (including Home Boarding Establishments), be set at £363 based on the calculations in Appendix One.
6. That the licence conditions for Animal Boarding Establishments be approved.
7. That all fees are non- refundable once an application has been submitted, due to the commencement of processing the licence.
8. That these fees will commence on 1 November 2015 and will apply to all new and renewed licences applications and all performing animal registrations and variation applications received on or after that date.

3.2 Update in relation to Prosecutions and Appeals- Quarter 2 2015/2016

Ms Gurwinder Kaur Olive, Senior Lawyer, briefly introduced the report which detailed licensing related prosecutions and appeals for Quarter 2 2015/2016.

It was noted that there had been one prosecution where the licensee accepted a caution and was fined £712.50 and two appeals which were both settled without costs incurred on the Council.

Following a short discussion the following was **AGREED**;

- Ms Olive to email/report back to Councillor Josh Peck with details of the prosecution against The London Food Centre, 407 Roman Road, London E3 5QS.
- That future update reports should include all matters considered by the Licensing Sub Committee and the Licensing Committee.

Members welcomed the report, and noted the results of the prosecution and appeals detailed in the report.

RESOLVED


That the report be noted.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business considered urgent by the Chair.

The meeting ended at 7.00 p.m.

Chair, Councillor Khaled Uddin Ahmed
Licensing Committee

<p>Non-Executive Report of the:</p> <p>Licensing Committee</p> <p>8th December 2015</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Steve Halsey: Corporate Director of Communities, Localities and Culture</p>	<p>Classification: Unrestricted</p>
<p>Sexual Entertainment Venues – a Review</p>	

Originating Officer(s)	John McCrohan, Trading Standards and Licensing Manager
Wards affected	All

1 **SUMMARY**

- 1.1 This report requested by the chair and vice chair of the Licensing Committee recounts the background to and updates upon the successful process the Council has recently completed to apply an updated Licencing regime to the sexual entertainment premises operating in the Borough.

2. **RECOMMENDATIONS**

- 2.1 That the Licensing Committee note, consider and comment on the activities that the Consumer and Business Regulations Service have taken in relation to sexual entertainment venue licensing.

3 **REASONS FOR THE DECISIONS**

- 3.1 This is a noting report. No decisions are requested.

4. **ALTERNATIVE OPTIONS**

- 4.1 See above. Not applicable.

5. **DETAILS**

- 5.1 Philip Colvin QC writes in the preface to his book *Sex Licensing* [published by the Institute of Licensing] the leading legal text on law governing the licensing of sex establishment

“For half a millennium, licencing law has swung on the pendulum of social policy. In the noughties, licencing legislation was largely driven by a neo-

liberal paradigm involving deregulation of the leisure sector to specific controls such as those necessary to prevent crime and disorder and protect children from harm.

By contrast, sex licensing has for decades placed its feet in two divergent and opposing camps. Sexual entertainment – still basking in the rays of the 1969's sexual liberation following the Lady Chatterley trial and the abolition of the office of Lord Chamberlain has remained relatively unregulated. Sex shops and sex cinema, meanwhile, were swept up in Margaret Thatcher's anti-permissive backlash, as local government was given a new array of new regulatory powers in the Local Government Miscellaneous Provisions) Act 1982.

That inherent tension – indeed inconsistency- was always liable to give in one direction or the other, and now sex licensing policy has swung firmly in favour of regulation. ...The reason has little to with political ideologies, as to the regulation or market enterprise. It arises with localism - the idea that local communities should have a greater say in the development of their own community assets.”

London Government Act 1963 – Greater London Council (General Powers) Act 1986 – striptease waiver

- 5.2 There was an existing system of regulating sexual entertainment premises in London separate from the rest of the UK. In the 1980s the regulation was about premises offering striptease to audiences. The striptease although mainly was female performers to male audiences, however, there were premises offering male striptease to male audiences, and male striptease to female audiences.
- 5.3 Striptease was a form of entertainment that required an entertainment licence under the London Government Act 1963. Licence holders had to comply with standards conditions and had to apply for “a striptease waiver”. The striptease waiver added extra conditions to the entertainment licence for the premises.
- 5.4 Entertainment licences were issued annually and premises had to re-apply each year. There was a “fit and proper” person test for example. Three of the existing operators had entertainment licences dating back to the 1980s and 1990s. They are:-
 - The Nags Head
 - The White Swan
 - Metropolis
- 5.5 In response to concerns about the activities of some premises in the West End, in 1986, the Greater London Council (General Powers) Act 1986 was brought in to law creating a new category of premises requiring a licence in the London

area: a sexual encounter premises. The Council adopted this provision in the early 1990s.

5.6 The 1990s saw the appearance of lap-dancing premises, an activity introduced from the United States and Canada.

5.7 Licensing Act 2003

The Licensing Act 2003 repealed the entertainment licensing regime replacing it with a market based system. Sexual entertainment was a form of regulated entertainment. Licences issued under the Licensing Act 2003 are issued in perpetuity unless surrendered or revoked under the Act. Conditions controlling the sexual entertainment were placed on premises licences regulating to the type of entertainment at a business but the legislation was seen by some as being too permissive.

5.8 Subsequent social and political campaigning for tighter regulation resulted in the passing of the Policing and Crime Act 2010 which included an amendment to the sex establishment licensing regime under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. A new category of sexual establishment requiring a licence was inserted into the licensing regime under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This afforded the power for local authorities to licence sexual entertainment venues. The Council adopted the legislation in 2014 and agreed, following legal advice, to a policy that provided for an exemption from the nil limit of sex establishments in the Borough for existing sexual entertainment venue premises. This did not provide any guarantee that existing premises would be successful in obtaining licences under the scheme, as all applications must be considered on their merits.

5.9 Sexual entertainment venues operating in the Borough were now required to apply for an annual licence. Existing operators had to apply for a sexual entertainment venue licence by the 1st December 2014.

5.10 Concerns were expressed by industry and parts of civil society at the time that the Council may be influenced by factors that were not applicable in the Licensing process. The existing operators engaged expert Licensing Legal advice to advise and represent them during the new licensing process.

5.11 Five operators chose to apply for sexual entertainment venue licences. The premises subject to application were:-

- The Nag's Head, 17/19 Whitechapel road, E.1W 2SF
- Whites Gentleman's Club, 32/38 Leman Street, E1 8EW
- Metropolis/the Pleasure Lounge, Cambridge Heath Road,

- White Swan, 556 Commercial Road, E14 7JD
 - Charlie's Angels, 30 Ailie Street, E.1 8DA
- 5.12 The application process under the sexual entertainment venue licensing regime is far more detailed. There is a "fit and proper" person test. The vicinity and locality of the establishment are considered.
- 5.13 The vicinity was defined as a 100/120 metre radius of the premises. Licensing Officers walked around the defined vicinity and noted:-
- residential accommodation;
 - schools;
 - premises used by children and vulnerable persons;
 - youth;
 - community & leisure centers;
 - religious centers and public places of worship;
 - access routes to and from premises;
 - existing licensed premises in the vicinity.
- 5.14 The ward profiles where the businesses were operating were used to describe the locality.
- 5.15 Licensing officers visited the premises and conducted detailed inspections. For example, the Council's standard conditions (at that time) at condition 13 dealt with the CCTV coverage required. In effect, there should not be any blind/dark spots. It read:-
- 13. CCTV shall be installed to cover the inside and the outside of the premises covering all areas to which the public have access, including private performance areas and booths, entrances and exits but excluding toilets. All cameras shall continually record whilst the premises are open to the public and the recorded images shall be kept available for a minimum of 31 days Recorded images shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours' notice.*
- 5.16 Licensing Officers ensured that the CCTV coverage met the requirements of the standard condition.
- 5.17 In addition, Licensing and Trading Standards Officers worked together to ensure price information complied with the Consumer Protection from Unfair Trading

Regulations 2008. Extra conditions were imposed, where appropriate, on the premises to require clearer pricing.

5.18 The Licensing Committee sat on the following dates:-

- 17th March 2015 – heard the application by Nags Head. A local resident had objected to the Licence
- 14th April 2015 - Whites Gentleman's Club application was heard following objections by local residents
- 28th April 2015 - Metropolis and White Swan applications were heard. No objections had been received but the process required a hearing.
- 12th May 2015- Charlie's Angels application was heard
- 23rd June 2015- the committee determined the applications and also listened to legal submissions about the Council Revised Standard Conditions from the operators. The standard conditions were not weakened, but tailored to cope with specific issues identified by the Council's Legal advisors and adjusted according to how individual particular premises operated.

5.19 On 17th July 2015, the Council issued the determination notices for the sexual entertainment venue licence applications. Four licences were granted to:-

- The Nag's Head, 17/19 Whitechapel road, E.1W 2SF
- Whites Gentleman's Club, 32/38 Leman Street, E1 8EW
- Metropolis/the Pleasure Lounge, Cambridge Heath Road,
- White Swan, 556 Commercial Road, E14 7JD

5.20 One application was refused: that of Charlie's Angels, 30 Ailie Street, E1 8DA. The determination notice for the Charlie's Angels to refuse the application stated:-

The Licensing Committee determined to refuse the grant of an SEV licence to London City Traders Ltd for the premises known as and operating as Charlie's Angels. The Licensing Committee took the view that the named applicant and named managers on the application form were not in sole control of the premises. The London Borough of Tower Hamlets Sex Establishment Licensing Policy states that: Applications from anyone who intends to manage the premises on behalf of third parties will be refused. Counsel for the applicant stated that the sole beneficiary of the premises was Mr Abdul Malik. None-the-less the conduct of the parties and the prominent role played by Mr Abdul Ali during the hearing raised

significant doubts in the mind of Members. It was clear to Members that Mr Abdul Ali played a significant and potentially controlling influence over Mr Abdul Malik and that his part-time managerial and / or consultancy role was central to the operation of the premises.

Furthermore it was determined that when questioned the applicant demonstrated lax and poorly considered standards of management, the management structures were vague, confused and lacked clarity. The Licensing Committee determined that the applicant did not demonstrate the ability to adhere to the revised Standard Conditions nor the high standards of management expected of it. The proposed conditions were not sufficiently clear and could not overcome the concerns that Members had.

The applicant failed to demonstrate that its application was within the policy exemption and for the reasons given the applicant was found to be unsuitable to hold the licence pursuant to paragraph 12(3)(a) of Schedule 3 of the 1982 Act and accordingly the refused an SEV licence.

- 5.21 Charlie's Angel has exercised its right to appeal to the Magistrates' Court and during the appeal process, the business can operate. The appeal will be heard at a two day trial at Waltham Forest Magistrates' Court in the New Year.
- 5.22 The Council has successfully completed the initial round of sexual entertainment venue licensing in a professional manner with the Licensing Team, Legal Services and Democratic Services supporting members in their decision making. There is now an annual licensing process, with a robust compliance regime in place, regulating the sexual entertainment venue premises in the Borough.
- 5.23 Members will note that the fee for applying for a sexual entertainment venue licence was set at £9000. The £9000 fee was spent on the use of expert counsel, the costs from Democratic Service and the licensing process. There are no proposals to increase the fee.

6. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 6.1 The costs of administration and compliance are covered by the sexual entertainment venue licence fee. In the cases where decisions are appealed to the Magistrates' Court, Crown Court or if a Judicial Review is lodged additional costs will arise. As there is no specific Council provision to meet these costs above the budget provision provided by the licence fee, the extent to which sufficient resources can be identified will need to be considered in the light of the impact on the Council's Medium Term Financial Plan.

7 LEGAL COMMENTS

- 7.1 The options open to the Committee in respect of determining each application were:
- Grant the licence as applied for, attaching the standard conditions; or
 - Grant the licence, varied from what was applied for and/or attaching expressly varied conditions instead of or in addition to the standard conditions; or
 - Refuse the application.
- 7.2 The Legal position is that once the Committee has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 ('LGMPA') or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3 of the LGMPA.
- 7.3 Paragraph 13 provides examples of the matters that standard conditions may address which include but are not restricted to:
- The hours of opening and closing
 - Displays and advertisements on or in sex establishments
 - The visibility of the interior of a sex establishment to passers-by
 - Any change of use from one kind of sex establishment to another
- 7.4 The Council had adopted standard conditions that acted as default conditions attached to SEV licenses. The standard conditions were to be appropriate for the type of venue but provided leeway for some variation in consultation with Licensees. During the process licensees provided their own offerings for standard conditions and requests to amend, vary or dis-apply various conditions which led the Licensing Authority to re-draft the standard conditions and issue revised standard conditions that covered the spirit and intention of the first draft but which incorporated consultation with the Licensees.
- 7.5 In terms of a refusal of a licence, the Council may refuse an application for the grant or renewal of a licence on one or more of the grounds specified in paragraph 12 LGMPA (as amended by reg. 47(4), Provision of Services Regulations 2009):
- 7.6 The mandatory grounds for refusal under paragraph 12(1) are as follows:
- (a) the applicant is under the age of 18;
 - (b) the applicant is for the time being disqualified from holding a licence;
 - (c) the person is a person other than a body corporate, who is not resident in the U.K. or was not resident in the U.K. throughout the six months preceding the date of the application;

- (d) that the applicant is a body corporate which is not incorporated in the UK;
or
- (e) that the applicant has been refused a sex establishment licence for the premises within the twelve months preceding the date of the application and the refusal has not been reversed on appeal.

7.7 The discretionary grounds to refuse the application under paragraph 12(3) are as follows:

- (a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- (b) that if the licence were to be granted, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would have been refused a licence if they had applied themselves;
- (c) the number of sex establishments exceeds the number or is equal to the number which the council consider is appropriate for that locality; or
- (d) the grant or renewal of licence would be inappropriate because of:
 - i. the character of the relevant locality;
 - ii. the use to which the premises in the vicinity are put; or
 - iii. the layout, character or condition of the premises, vehicle, vessel or stall.

7.8 Charlie's Angels was refused on grounds of suitability of the application under paragraph 12(3)(a). There is an appeal underway in respect of this matter - as referred to at paragraph 5.21 - which the Council is defending on the basis that the decision was sound.

8. ONE TOWER HAMLETS CONSIDERATIONS

8.1 No adverse impacts have been identified

9. BEST VALUE (BV) IMPLICATIONS

9.1 The Council endeavours to achieve its full cost recovery through the licence fee and where enforcement action is taken, the Council seek to recover its full costs through the Courts.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

10.1 There are no adverse impacts identified

11. RISK MANAGEMENT IMPLICATIONS

11.1 The Council will be at risk of legal challenge if its decision making process on determining applications is not transparent and evidentially based.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

12.1 One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. This report supports and assists with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences.


11. APPENDICES

None

**LOCAL GOVERNMENT ACT, 1972 Section 100D (as amended)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT**

None

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Non-Executive Report of the: Licensing Committee 8th December 2015	
Report of: Steve Halsey: Corporate Director of Communities, Localities and Culture	Classification: Unrestricted
Licensing and Brick Lane	

Originating Officer(s)	David Tolley: Head of Consumer and Business Regulations
Wards affected	Spitalfields and Banglatown

1 SUMMARY

- 1.1 Licensing Committee requested that the Consumer and Business Regulations Service provide details of their current activities within the Brick Lane area.
- 1.2 Due to ongoing operations within this part of the Borough, an outline of certain activities can only be given at present.
- 1.3 The report also details non- enforcement activities that are carried out in the Brick Lane area to ensure that visitors have an enjoyable time but do not disrupt those that live in the surrounding area.

2. RECOMMENDATIONS

- 2.1 That the Licensing Committee note, consider and comment on the activities that the Consumer and Business Regulations Service is actively undertaking within the Brick Lane area.

3 REASONS FOR THE DECISIONS

- 3.1 This is a noting report. No decisions are requested.

4. ALTERNATIVE OPTIONS

- 4.1 See above. Not applicable.

5. DETAILS

- 5.1 Under the Licensing Act 2003, the Council is required to determine its policy with respect to exercising its licensing functions and as part of that policy, the Council may have a special policy whereby it can designate an area within the

Borough as a Cumulative Impact Zone (CIZ), if it feels that the number of licensed premises is having an adverse impact on any of the Licensing Objectives i.e. crime and disorder, noise/nuisance, public safety and harm to children.

5.2 On 1st November 2013, the CIZ for the Brick Lane area came into effect after adoption of the Statement of Licensing Policy at Full Council.

5.3 The table below demonstrates the number and type of licences within the CIZ, which is just below 20% of all the licences within the Borough.

Alcohol	56
Regulated entertainment	2
Late night refreshment	8
Alcohol and Regulated Entertainment	34
Alcohol and Late Night Refreshment	28
Alcohol, Late Night Refreshment and Regulated Ent	63
Regulated entertainment and Late Night Refreshment	1
Grand Total	192

5.4 Since the inception of the CIZ, 50 new licences have been issued within the area, this does not include variations etc.

Educational Programmes

5.5 The Tower Hamlets Street Pastors are a group of trained volunteers from surrounding churches who have a concern for their local community. They work with the police and local council, to patrol the streets of Tower Hamlets on a Friday evening usually between 10:00 p.m. to 2:00 a.m. in order to care for, listen to and help people, whether it is to give flip-flops to young ladies walk in their high heels due to alcohol consumption or to give out warm hats, gloves or thermal blankets to those sleeping rough. They are able to diffuse potentially aggressive situations, maintaining the safety of the lost, drunk or distressed and sometimes signposting people to appropriate help agencies. Licensing Officers have engagement with the Street Pastors through the Community Alcohol Partnership. The Street Pastors advise on hot spots and areas of concern which is later reviewed by the Licensing Officers.

5.6 Pubwatch is a national voluntary organisation set up to promote best practice with the aim is to achieve a safer drinking environment in all licensed premises throughout the UK. 'Pubwatch' has made an important contribution to reductions in alcohol-related violence in recent years. It does so by creating a safer drinking environment in licensed premises. The scheme enables licensees to take collective action to ban troublemakers, provides an early warning system and promotes good working relations between licensees, the

police and local authorities. It provides a proven and effective partnership forum for local agencies to develop targeted interventions to tackle alcohol related disorder in the night time economy. There are approximately 10 active premises within the CIZ. Licensing Officers attend and manage the Pubwatch scheme and are constantly attempting to get more members when they carry out routine inspections.

5.7 The Good Trader Scheme is an initiative that has been launched with the Trading Standards Service and Public Health. Officers have been encouraging retailers to attend training and sign up to codes of practice with regards to the sale of alcohol to under 18, to promote challenge 25, to keep a refusals book and to empower retail staff. The scheme has also promoted the removal of high strength alcohol.

5.8 The Best Bar None Scheme was launched in Tower Hamlets last year with eight premises achieving the award. The scheme was originally launched in the Brick Lane area but is now being rolled out across the Borough. The scheme is managed through Council Officers within the Consumer and Business Regulations Service who have been accredited to assess business and to award the scheme. We are currently assessing a further 20 applications across the Borough. The purpose of the scheme is to:

- Reduce alcohol related crime and disorder
- Building a positive relationship between licensed trade, police and local authorities
- Reduces harmful effects of binge drinking
- Improves knowledge and skills of enforcement and regulation agencies, licensees and bar staff to help them responsibly manage licensed premises
- Process of becoming recognised by BBN includes meeting minimum standards and culminates with a high profile award night with category winners and an overall winner
- Responsible owners are recognised and able to share good practice with others
- Highlight how operating more responsibly can improve the profitability of an individual business and attractiveness of a general area

Enforcement Programmes

5.9 The Council has a number of enforcement initiatives that it has carried out to ensure that the set licence conditions are being met. Where appropriate every effort is made to work with premises holders and local business to ensure compliance before more serious forms of enforcement is pursued.

- Reviews of licence conditions; this is carried out when there is need to change the licence holders behaviour in relation to running their business. There were 21 reviews in the last 12 months.
- Prosecutions; where licence holders are deliberately disregarding conditions that have been set.
- Joint Operations with the Police, Trading Standards and HMRC in relation to inspections of premises to ensure that conditions are being met and

counterfeit and contraband material is not being sold. This has cumulated in 99 joint visits over the last 12 months. These activities normally move on to warning letters, reviews or prosecutions being brought forward.

- Routine evening visits by Licensing Officers to ensure conditions are being met and that premises are not trading without the appropriate licences. There have been approximately 140 visits in the last 12 months.
- Routine patrols by the THEO's along Brick Lane, dealing with any anti-social behaviour.

6. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 6.1 No specific financial implications emanate from this report. The details of the current activities within the Brick Lane area on the impact of the Cumulative Impact Zone are provided for consideration and comment by the Licensing Committee.

7 LEGAL COMMENTS

- 7.1 The report sets out for consideration and noting the current activities within the Brick Lane area for the service pursuant to the Council policy made under the Licensing Act 2003. There are no specific legal implications arising out of this report.

8. ONE TOWER HAMLETS CONSIDERATIONS

- 8.1 No adverse impacts have been identified

9. BEST VALUE (BV) IMPLICATIONS

- 9.1 The activities carried out within Brick Lane, aim to create a level economic landscape for all business, encouraging business to flourish and increase visitor foot fall, thus increasing the economic viability of the area. This then has a compensatory effect for the Council.

- 9.2 Where enforcement action is taken, the Council seeks to recover its full costs through the Courts.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 There are no adverse impacts identified.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 The Council will be at risk of legal challenge if its decision making process on determining applications is not transparent and evidentially based.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 One of the key licensing objectives is to prevent licensed premises from

being a source of crime and disorder. The Responsible Authorities support and assist with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences.

Linked Reports, Appendices and Background Documents

Linked Report
NONE

Appendices
None

Local Government Act, 1972 Section 100D (As amended) List of "Background Papers" used in the preparation of this report


List any background documents not already in the public domain including officer contact information.

- NONE.

Officer contact details for documents:

- N/A

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Non-Executive Report of the: Licensing Committee 8th December 2015	 TOWER HAMLETS
Report of: Steve Halsey: Corporate Director of Communities, Localities and Culture	Classification: Unclassified
Gambling Policy Review 2015/16	

Originating Officer(s)	David Tolley – Head of Consumer and Business Regulations
Wards affected	All

1.0 Summary

- 1.1 As a Licensing Authority the Council must review the existing Gambling Policy and adopt a new policy by November 2016, as one of the responsibilities it has to administer ‘high street’ licences under the Gambling Act 2005.
- 1.2 The purpose of the policy is to define how the responsibilities under the Act are going to be exercised and administered. This is highly prescribed and limited by statute. The Council is not able, for example, to ban gambling.
- 1.3 A statutory consultation process must be undertaken, this commenced on the 19 October and last for three months. In addition there will be the opportunity for the local community to comment along with other partners.
- 1.4 Following consultation the reviewed policy will ultimately go to full Council for adoption.

2 Recommendations

- 2.1 That the Licensing Committee note, consider and comment on the Gambling Policy as part of the consultation process.

1. REASONS FOR THE DECISIONS

- 1.1 Members are not being asked to make a decision – but provide any comments on the new Gambling policy proposals.

2. ALTERNATIVE OPTIONS

- 2.1 None

3. DETAILS OF REPORT

- 3.1 Pursuant to the Gambling Act 2005, the Council is a responsible authority for the licensing of premises used for gambling. If the Council did not have a policy it would be acting ultra vires with regards to any decisions it makes determining gambling premises licences. This course of action is not recommended.
- 3.2 The Gambling Commission has laid down 'rules' which the Council must follow with regards to the Gambling Policy. If these 'rules' are not followed, the Council could be at risk of judicial challenge. The Gambling Commission guidance has been followed in drafting the revised Gambling Policy. The policy is limited to considering the elements covered by the licensing objectives. There is no option but to follow the guidance laid down by the Gambling Commission.
- 3.3 The Gambling Act 2005 gives local authorities a range of responsibilities relating to gambling. The Gambling Policy states how the Licensing Authority will exercise its authority.
- 3.4 This policy covers the following:
- How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.
 - The main licensing objectives for the authority is protecting children, preventing crime and disorder and ensuring gambling is fair and open.
 - The Licensing Authorities approach to regulation
 - The scheme of delegation
- 3.5 The statutory and regulatory limitations of the Gambling Policy should also be noted with regards to addiction, noise, clustering and the provision of gambling machines.
- 3.6 The Gambling Policy is prescribed by central government and the Gambling Commission. The policy produced has to comply with guidance issued by both of these bodies. The current policy is compatible with this advice and guidance.
- 3.7 Members should note that some of the major issues and concerns about gambling are not addressed in the policy and in any consultation. For example, gambling addiction is outside the remit of the consultation, as are arguments about the public benefits, or otherwise, of a more liberal gambling regime.

- 3.8 In addition, 'noise nuisance' is not a licensing objective, so the regime will not consider the impact of licensed premises on nearby residents. Any issues relating to noise and nuisance will be dealt with by the Council's Noise Service.
- 3.9 The Local Authority does not have the powers within its Gambling Policy to regulate on-line gambling sites. All gambling websites trading with, or advertising to, consumers in Britain must have a Gambling Commission licence issued by the Gambling Commission.
- 3.10 Earlier this year the government changed the use class order so that betting shops were removed from their previous A2 use class and made a 'sui generis' use. As such planning permission is now required to change the use from any other use to a betting shop. This has meant that there is slightly more control under planning legislation to control the growth of Betting Shops.
- 3.11 Planning powers cannot control existing betting shops if they have already opened up under a permitted change of use (i.e. before the recent changes to the use class order moving betting shops from A2 to 'sui generis'), however any further change of use applications for a betting shop would be subject to a planning application. As part of the determination of the application, issues such as the number of betting shops in the surrounding area could be a consideration if the area was becoming saturated with betting shops.
- 3.12 There have been several concerns raised though London Councils concerning the fixed odds betting terminals (FOBT's) that have been installed within betting shops. These B2 gambling machines play games of chance such as roulette. With a betting shop licence, the operator can install up to four machines, which have a maximum stake of £100 and a maximum prize of £500. London Councils are promoting that the maximum £100 stake on B2 machines should be changed to £2 to prevent the clustering of betting shops due to the profitability of such gambling machines. Tower Hamlets is a signatory to this campaign.
- 3.13 We have not experienced the same volume of applications in gambling as we have in other areas of licensing. There has been one application in the preceding year for a Paddy Power Shop in Roman Road. This application was objected to by the community, but after consideration by the Licensing Sub Committee and legal advice the licence was issued.
- 3.14 The issues of betting shop clustering and concern over fixed odd betting terminals (FOBT) have shown that gambling generates extremely strong feelings. Whilst licensing authorities do not have the powers to refuse new applications or limit FOBT machines, the requirement for operators to prepare local risk assessments in relation to their premises from April 2016 means that licensing authorities need to set out their expectations within their statements of Gambling Policy.

- 3.15 The additional requirements to include in the Gambling Policy are noted below:
- to set out a local profile, the Policy links to the Borough profile held on the website, therefore the profile can be updated without the need to re-consult on amending the full Policy.
 - details of the inspection format to be used
 - risk assessment format for operators
 - sample licence conditions
- 3.16 The responsibilities the Council have under the Gambling Act 2005 have not been controversial. Licences have been issued primarily to betting shops and adult amusement arcades. These businesses are nearly all national companies that have conducted their business within the legal requirements. The number of premises in a particular area is not grounds for objection.
- 3.17 The only controversial applications have been where betting shops have applied to open in close proximity to schools or places of worship. The powers the Council have are limited and it is not possible to make either policy or decisions regarding this issue under the Gambling Policy.
- 3.18 The Gambling Policy is in Appendix 1 to the report. Due to change in guidance, proposed changes to the policy are outlined in Appendix Two.
- 3.19 It is proposed that the current 'no casino' resolution that is currently in the existing policy remains.
- 3.20 An Equalities checklist has been undertaken as is at Appendix three.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 [There are no specific financial implications emanating from this report which provides the committee with a review of the existing Gambling Policy.]

5. LEGAL COMMENTS

- 5.1 Section 349 of the Gambling Act 2005 ('the Act') requires the Council to prepare a statement of the principles that it proposes to apply in exercising its functions under the Act and to determine and then publish this statement. This statement is more commonly known as a Gambling Policy or Statement of Gambling Policy. The legal requirement is for the preparation of the statement of principles to be undertaken every 3 years. The current statement of policy was published on 1 November 2013, and therefore the fresh statement should be published before 1 November 2016.
- 5.2 Prior to publishing the statement, the Council must undertake the statutory consultation as provided by section 349(3) of the Act and any Regulations made under the Act. The Council must consult with: the chief officer of police for Tower Hamlets; one or more persons who represent the interests of gambling businesses in Tower Hamlets; and one or more persons who

represent the interests of person who are likely to be affected by the exercise of the Council's functions under the Gambling Act.

- 5.3 The report sets out the timeframe for consultation. The consultation should comply with the following criteria: (1) it should be at a time when proposals are still at a formative stage; (2) the Council must give sufficient reasons for any proposal to permit intelligent consideration and response; (3) adequate time must be given for consideration and response; and (4) the product of consultation must be conscientiously taken into account. The duty to act fairly applies and this may require a greater deal of specificity when consulting people who are economically disadvantaged. It may require inviting and considering views about possible alternatives.
- 5.4 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 set out the required form of the statement and set out a process that must be followed in respect of publishing the statement and before the statement comes into effect. In accordance with the Regulations a minimum of 4 weeks is required between publication and the statement coming into effect.
- 5.5 Pursuant to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the Gambling Policy is required to be part of the Council's policy framework. Article 4 of the Constitution confirms this to be the case and a review of the Gambling Policy requires the procedure set out in the Budget and Policy Framework Procedure Rules. This requires pre-decision scrutiny by the Overview & Scrutiny Committee and recommendation to Council by Cabinet. If Council wishes to change the recommendation, then the matter is referred back to Cabinet and in due course back to Council. This reference to the Licensing Committee is advanced consultation prior to the policy framework process and comments from the Committee will be fed into that process.
- 5.6 The terms of reference of the Licensing Committee under the Constitution and Delegations provides that the Licensing Committee considers statements of Licensing Policy, so consultation with the Licensing Committee is appropriate.
- 5.7 In carrying out its functions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). An equality analysis will be required which is proportionate to the function in question (adopting a new Gambling Policy) and its potential impacts. The current equality checklist will likely require development into a more detailed analysis in the course of the consultation process.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 [An equalities impact assessment has been undertaken which shows no adverse impact.]

7. BEST VALUE (BV) IMPLICATIONS

7.1 The Gambling policy details the regulatory approach to gambling establishments with the Borough. The fees imposed for the licence are set by government and have been adopted by the Licensing Committee. The fees cover the cost of regulating and administering the Gambling Policy.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no adverse impacts identified.

9. RISK MANAGEMENT IMPLICATIONS

9.1 There are no identified risks, current licence holders and their current terms of business are not affected. Any new application, if representations are made, will still be determined by the Licensing Sub – Committee and subjected to the procedures of that Sub-Committee.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 One of the key licensing objectives is to prevent gambling from being a source of crime and disorder. The policy supports and assists with crime and disorder reduction by controlling those who are able to offer gambling to members of the public and imposing conditions on relevant premises licences.

Linked Reports, Appendices and Background Documents

Linked Report

- [Linked Report – None]

Appendices

Appendix One: Gambling Policy 2013-2016

Appendix Two: Gambling Policy proposed changes for consultation

Appendix Three: Equalities Checklist

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

None.

Officer contact details for documents:

- [N/A]

Gambling Act 2005

The London Borough of Tower Hamlets Gambling Policy 2013- 2016

Effective 1st November 2013

Summary of Local Authority Gambling Policy

1. Licensing local authorities in England and Wales have all been required by the Gambling Act 2005 to adopt a gambling policy following consultation.
2. The following policy was adopted after consultation, including but not confined to the consultation required by the legislation.
3. The policy has to be reviewed every three years and consequently it is now being sent out for a new round of consultation. Again the consultation will include but not be confined to the statutory consultation.
4. The policy sets out in detail how the licensing authority will discharge its licensing functions under the Gambling Act 2005.
5. There are three licensing objectives set out in the Act, as follows:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable people from being harmed or exploited by gambling
6. The main area of involvement for the licensing authority is protecting the vulnerable, and the licensing policy is largely devoted to seeking to achieve this, across the range of premises licences and permits which the authority will administer.
7. The licensing authority approach to enforcement is defined.
8. The scheme of delegation that defines the responsibility for decision making, administration and enforcement is also included.

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PART A

1. The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005, (the Act) licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable people from being harmed or exploited by gambling
- 1.2 The Gambling Commission's guidance emphasises that moral objections to gambling, or a view that it is generally undesirable are not licensing objectives and cannot inform any decisions by the licensing authority. Also neither public safety nor public nuisance are licensing objectives. These issues will largely be dealt with by the Council's Environmental Health Service
- 1.3 This authority recognises that in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:-
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives in accordance with the authorities statement of licensing policy

2 Introduction

- 2.1 The London Borough of Tower Hamlets is a single tier authority on the East side of inner London. The Borough is shown in the map in **Annex 1** where Gambling premises licences have been issued.
- 2.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re consulted upon. The statement must be then re-published.
- 2.3 Tower Hamlets Council has consulted widely upon its policy statement before finalising and publishing it. A list of the persons and organisations

consulted is provided in **Annex 2** of the Policy adopted by the Council. We have consulted businesses, elected representatives, community and third sector organisations and responsible authorities.

- 2.4 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police
 - One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 2.5 The consultation took place between 18th October 2012 and 30th November 2012. The results of the consultation are summarised in **Annex 3**
- 2.6 The policy has to be approved at a meeting of the Full Council published via our website as well as being available in the Town Hall and Idea Stores.
- 2.7 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 2.8 The Licensing Authority would like to encourage the highest standards within premises that hold a licence under the Gambling Act 2005. The Licensing Authority has produced a 'Gambling Best Practice Guide' to assist both new applicants and existing operators.
- 2.9 The list of recommended measures listed in **Annex 4** is not exhaustive but gives an indication of some of the suitable measures and procedures that are expected in well managed premises.

3 Declaration

- 3.1 In producing this licensing policy the Authority has had regard to the licensing objectives of the Gambling Act 2005 and the guidance issued by the Gambling Commission. The policy has also had regard to any responses from those consulted on the policy statement.

4 Responsible Authorities

- 4.1 The licensing authority is required to state the principles it will apply to designate a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group
- 4.2 In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children Board for this purpose. This is the statutory body charged with coordinating the activities of organisations in Tower Hamlets who are instrumental in safeguarding and promoting the welfare of children.
- 4.3 The contact details of all the responsible authorities are found on the Council's website at www.towerhamlets.gov.uk

5 Interested parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. Interested parties are defined as a person who in the opinion of the licensing authority
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - b) has business interests that might be affected by the authorised activities,
 - c) represents persons who satisfy paragraph (a) or (b)
- 5.2 The licensing authority is required to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.
- 5.3 These principles are that :-
- Each case will be decided upon its merits.
 - This authority will not apply a rigid rule to its decision making.
 - It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.
 - It will also consider the Gambling Commission's advice that "business interests" should be given its widest possible meaning and includes partnerships, charities, faith groups, and medical practices.
- 5.4 The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act

2005 e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

5.5 Interested parties can be persons who are democratically elected, such as Councillors and MP's. Other than these persons, this authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorities activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

5.6 Individuals may wish to approach Councillors to ask them to represent their views. If Councillors take on a representative role they will not be able to be part of the decision making process. If they are a member of the Committee they will withdraw for the hearing.

6 Exchange of Information

6.1 Licensing Authorities have a number of responsibilities relating to the control and exchange of information that has been gained in carrying out its duties and responsibilities under the Act.

6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened.

6.3 The licensing authority will also have regard to any guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. Any protocols that are adopted will be made available if requested.

7 Enforcement

7.1 Licensing authorities are required to state the principles to be applied by the authority in exercising the functions with respect to the inspection of premises; and the powers to institute criminal proceedings in respect of the offences committed under the Gambling Act 2005.

7.2 This Licensing Authority's general principles of enforcement are set out in its enforcement policy. In addition we will be guided by the Gambling Commission's Guidance for local authorities and we will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: Remedies should be appropriate to the risk posed, and costs identified and minimised;

- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - **Consistent:** rules and standards must be joined up and implemented fairly;
 - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
 - **Targeted:** regulation should be focused on the problem, and minimise side effects
 - **Avoid duplication** with other regulatory regimes so far as possible.
- 7.3 This licensing authority has, as recommended by the Gambling Commission's Guidance for local authorities, adopted a risk based inspection programme.
- 7.4 The local authority does expect that premises that are licensed are aware of and keep to the terms of their licence. The Authority will take appropriate enforcement action to ensure that this is the case, and is especially concerned to ensure that the licensing objective relating to children is met in full.
- 7.5 The main enforcement and compliance role for this licensing authority will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.
- 7.6 This licensing authority also intends to monitor non-licensed gambling, and is especially concerned to stop non-destination gambling by children and young adults. Non destination gambling is where the destination is not primarily a gambling premises and is mainly visited for a different purpose. This typically (but not exclusively) involves gaming machines in premises open to the public such as public houses
- 7.7 This Licensing Authority will continue to keep informed of developments with the work from Central Government and sister organisations on the principles of Better Regulation Executive in its consideration of the regulatory functions
- 7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing department and on the Council's web site. Our risk methodology will also be available upon request. (A charge may be made for hard copies).
- 7.9 The authority recognises that bookmakers and other operators may have a number of premises within its area. In order to ensure that compliance

issues are recognised and dealt with at the earliest possible stage, operators are requested to give the authority a single named contact., who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise. The authority however, reserves the right to institute proceedings, or take other action as necessary and consistent with its general policies.

8 Licensing Authority Functions

8.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements ("in principle" licences where premises are not yet developed)
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs (Commercial Clubs are member clubs that operate on a "for profit" basis)
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres (Premises where low level gambling is permitted for children)
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Grant Licensed Premises Gaming Machine Permits for premises licensed to
- sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

8.2 This list may be added to on the advice of the Gambling Commission

8.3 Local licensing authorities will not be involved in licensing remote gambling. (Remote gambling is via the internet or interactive television). This will fall to the Gambling Commission via Operator Licences.

PART B - Premises Licences and other matters

1 General Principles

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

2 Premises

- 2.1 Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However it is possible for a single building to be subject to more than one premises licence provided they are for different parts of the building. Different parts of the building can reasonably be regarded as being separate premises will always be a question of fact in the circumstances. However areas of a building that is artificially or temporarily separate can be properly regarded as different premises.
- 2.2 This licensing authority will take particular note of the Gambling Commission’s Guidance to local authorities that: -
- "Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not “drift” into a gambling area"
 - "Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed), especially if this raises issues in relation to children. There will be specific issues that authorities should consider where children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act."
- 2.3 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to “the premises” are to the

premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

3 Location

- 3.1 This licensing authority is aware that demand issues (for example whether or not there is sufficient customer demand to make a site commercially viable) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In line with the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 3.2 It is the licensing authorities' view that premises should not normally be licensed which are close to schools, playgrounds, or other educational establishments such as museums. However any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

4 Duplication with other regulatory regimes and licensing objectives

- 4.1 This authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This authority will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

5 Licensing Objectives

- 5.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.
- 5.2 *Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.*
This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.

The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions. These will be addressed by the relevant regulatory authority e.g. Environmental Health.

- 5.3 Ensuring that gambling is conducted in a fair and open way. This licensing authority has noted that ensuring that gambling is conducted in a fair and open way is a matter for the Gambling Commission. This will not be the case if the licensing authority becomes involved in licensing betting track operators.
- 5.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling. This licensing authority has noted the Gambling Commission Guidance to local authorities that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas.
- 5.5 This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.
- 5.6 As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

6 Conditions

- 6.1 Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises: and
 - reasonable in all other respects.
- 6.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures, this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas.
- 6.3 There are specific comments made in this regard under each of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively. The licensing authority will consider the following specific measures in relation to all licensed premises, to the extent that they are relevant to a specific application:
- Leaflets aimed at giving assistance to problem gamblers clearly displayed in prominent areas and also more discreet areas such as toilets
 - Self exclusion forms available
 - The odds clearly displayed on all fixed odds machines
 - All ATM or other cash terminals to be separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display stickers with GamCare (or replacement organisation) Helpline information prominently displayed.
 - There must be clear visible signs of any age restrictions in any gaming or betting establishments. Entrances to gambling and betting areas must be well supervised and age verification vetting operated.
 - Posters with details of GamCare's (or replacement organisation) telephone number and website

The above list is not exhaustive.

- 6.4 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of Gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises

in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

- 6.5 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 6.6 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 6.7 This licensing authority is aware that betting tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 6.8 It is recognised that there are conditions which the licensing authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
 - conditions in relation to stakes, fees, winning or prizes
 - Applicants will however need to demonstrate social responsibility and adhere to best practice in the protection of the vulnerable

7 Door Supervisors

- 7.1 The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.
- 7.2 The Private Security Industry Act 2001 exempts door supervisors for casinos and bingo halls from requiring a Door Supervisors Licence. Irrespective of the provision this authority will require door supervisors used at these premises to be licensed.
- 7.3 For other premises, where supervision of entrances/machines is appropriate any requirements for door supervisors or others will be on a case by case basis. In general betting offices will not require door supervisors for the protection of the public. A door supervisor will only be required if there is clear evidence that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

8 Adult Gaming Centres

- 8.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/ helpful numbers for organisations such as GamCare

- 8.2 This list is neither mandatory nor exhaustive, and is merely indicative.

9 (Licensed) Family Entertainment Centres:

9.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self barring schemes
- Provision of information leaflets/ helpful numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

9.2 This list is not mandatory, nor exhaustive, is it merely indicative.

9.3 This licensing authority will, in accordance with the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C. Category C machines give a higher payout than children are permitted to use should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

10 Casinos

10.1 The Gambling Act, section 166, allows licensing authorities to resolve not to issue casino premises licences. The licensing authority has consulted with residents and businesses to seek their views before deciding whether to make such a resolution. As a result of the consultation the council has resolved not to issue casino premises licences. (Council decision 18th September 2013)

11 Bingo premises

11.1 This licensing authority recognises that the Gambling Commission's Guidance states:

"It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that::

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

11.2 This licensing authority is aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this licensing authority once it is made available.

12 Betting Premises

12.1 Betting Machines - This licensing authority will have regard to the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

13 Tracks – (This section refers to where racing takes place, such as horse or greyhound racing) and other matters

13.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

- 13.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided
- 13.3 This licensing authority 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
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare
- 13.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 13.5 Gaming machines - Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use their entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young people are not prohibited from playing category D gaming machines on a track.
- 13.6 Betting machines - This licensing authority will, having regard to the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number /nature / circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing

authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

- 13.7 Condition on rules being displayed - The Gambling Commission has advised in its Guidance for local authorities that “licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”
- 13.8 Applications and plans - This licensing authority awaits regulations setting-out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission’s suggestion “To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.” And that “Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.”
- 13.9 This licensing authority also notes that in the Commission’s view that it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

14 Travelling Fairs

- 14.1 It will fall to this licensing authority to decide whether, and where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, provided that the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 14.2 The licensing authority will expect applicants to show how they will meet the licensing objectives, in particular in relation to children and young persons.
- 14.3 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

14.4 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

15 Provisional Statements ("in principle" licences where premises are not yet developed)

15.1 This licensing authority notes the Guidance for the Gambling Commission which states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could if necessary inspect it fully".

15.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

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

(a) which could not have been raised by objectors at the provisional licence stage; or

(b) which is in the authority's opinion reflect a change in the operator's circumstances.

16 Reviews:

16.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;

- reasonably consistent with the licensing objectives; and
- in accordance with the authority’s statement of licensing policy.
- The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PART C - Permits / Temporary & Occasional Use Notice

1 Unlicensed Family Entertainment Centre Gaming Machine Permits

- 1.1 Where premises do not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use
- 1.2 A licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission
- 1.3 The Gambling Commission’s Guidance for local authorities also states: “In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permit. Licensing authorities will want to give weight to child protection issues.”
- 1.4 Guidance also states: “An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centres, and if the chief officer of police has been consulted on the application. Licensing authorities might wish to consider asking applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
 - that the applicant has no relevant convictions and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 1.5 It should be noted that a licensing authority cannot attach conditions to this type of permit.

- 1.6 Statement of Principles - This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. Location will also be expected to be dealt with, and it is the licensing authorities view that premises should not normally be licensed which are close to schools, playgrounds, or other educational establishments such as museums and places of worship.
- 1.7 This licensing authority will also expect that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres; that the applicant has no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

2 (Alcohol) Licensed premises gaming machine permits

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. Full definitions of the Gaming Machine Categories can be found on the Councils website; www.towerhamlets.gov.uk. The premises merely need to notify the licensing authority. In relation to all applications the licensing authority will use nationally recommended forms from LACORS as far as possible. The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.

- 2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant..” The licensing authority will require that an application for more than two machines is considered against the above and the matters in 2.3 below before it is granted or refused.
- 2.3 This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be help.
- 2.4 As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 2.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.6 The licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for conditions (other than these) cannot be attached.
- 2.7 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3 Prize Gaming Permits

- 3.1 The licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

- 3.2 This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - and that the gaming offered is within the law.
- 3.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

4 Club Gaming and Club Machines Permits

- 4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.
- 4.2 A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 4.3 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working

men's clubs, branches of Royal British Legion and clubs with political affiliations."

4.4 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

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

4.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." And "The grounds on which an application under the process may be refused are:

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

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

5 Temporary Use Notices

5.1 The granting of a temporary use notice allows premises without a premises licence to be used by a gambling operator temporarily to provide facilities for gambling

- 5.2 Licensing authorities are being asked to mindful of the restrictions that allow premises to be licensed for at the most 21 days per year under Temporary Use Notices
- 5.3 It is possible licence part of a building or set of premises if the location can be rightfully regarded as being separate in terms of ownership, occupation and control.
- 5.4 This authority will object to a Temporary Use Notice application if it appears that regular gambling is taking place in locations the could be described as one set of premises.

6 Occasional Use Notices

- 6.1 Occasional Use Notices relate to occasional "track" uses. Betting Track is usually thought of as horse or dog racing. These notices will be for events like point to points on agricultural land.
- 6.2 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

PART D

1 Administration, Exercise and Delegation of Functions

- 1.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 1.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 1.3 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications where no representations have been made has been delegated to Council Officers. All such matters dealt with by Officers will be reported for information and comment only to the next Committee meeting. The decisions cannot be reversed.
- 1.4 The following Table sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.

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

1 TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	BY WHOM
Three year licensing policy (responsibility shared with Cabinet) Policy to permit or not to permit casinos	THE FULL COUNCIL
Fee Setting- (but when appropriate Corporate Director) Application - for a premises licence, variation of a premises licence, transfer of a premises licence, application for a provisional statement in connection with a premises, in all cases where representations have been received and not withdrawn. Review- of a premises licence. Application for, or cancellation of club gaming /club machine permits where representations have been received and not withdrawn Decision to give a counter notice to a temporary use notice	LICENSING COMMITTEE/ SUB-COMMITTEE
For a premises licence, variation of a premises licence, transfer of a premises, application for a provisional statement in connection with a premises, in all cases where no representations have been received/ or representations have been withdrawn. Application for a club gaming machine/ club machine permit where no representations received/ representations have been withdrawn. Applications for other permits Cancellation of licensed premises gaming machine permits Consideration of temporary use notice	OFFICERS

Annexes

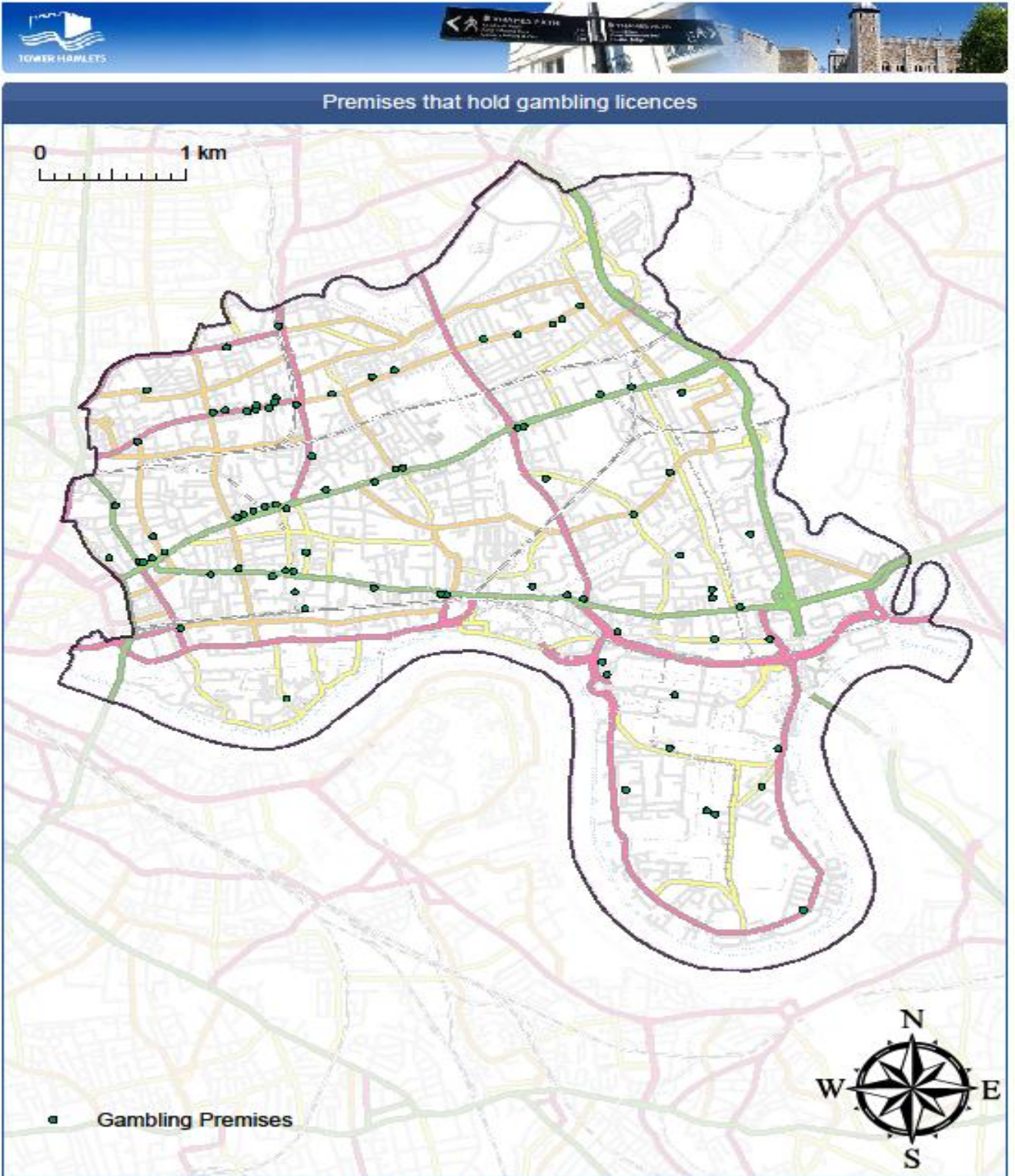
Annex 1 Map of London Borough of Tower Hamlets showing where Gambling Premises Licences have been issued

Annex 2 Details of those consulted.

Annex 3 Results of Consultation

Annex 1

Map of Tower Hamlets showing Gambling Premises Licences issued



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Annex 2

List of consultees:

Authorities/Bodies

The Gambling Commission
Metropolitan Police Service
Her Majesty's Revenue & Customs
Directorate of Development & Renewal
London Fire & Emergency Planning Authority
c/o The Maritime & Coastguard Agency
Jane Cook CPRS Unit
British Waterways Board
The Environment Agency
NSPCC
Tower Hamlets Primary Care Trust
Young Mayor and Youth Panel
Inter Faith Forum
Schools
Adults Safeguarding Board
Community Safety Partnership

Gambling Support Services

GamCare
Gamblers Anonymous
Responsibility in Gambling Trust

Businesses

Agora Betting (UK) Ltd
Arcade Shop
Bet Share Racing
Betex
Betfred Ltd
Better
Betting Shop Services Ltd
Canary Wharf Sports Exchange Ltd
Carousel Amusements
Cashino
Collins Bookmakers
Coral Racing Ltd
Frankice (Golders Green) Ltd
Gala Coral Group
Gold Room

Grove Leisure Ltd
Joe Jennings Bookmakers Ltd
Ladbrokes Betting & Gambling Ltd
Leisure World (UK) Ltd
Lucky 8 Limited
Paddy Power Limited
Quicksilver Limited
Roar Betting
Roma
Shirt Hot Limited
Talarius Ltd
Tote Bookmakers
TWL Holdings Limited
Two Way Media Ltd
William Claridge Ltd
William Hill Organisation Ltd

Licensing Committee Members

Cllr Carli Harper-Penman
Cllr Rajib Ahmed
Cllr Khales Uddin Ahmed
Cllr Lutfa Begum
Cllr Mizanur Chaudhury
Cllr Marc Francis
Cllr Peter Golds
Cllr Sirajul Islam
Cllr Denise Jones
Cllr Gulam Robbani
Cllr Amy Whitelock
Cllr David Snowdon

Housing Associations

A 2 Dominion Housing
Eastend Homes
Gateway Housing
Mitali Housing Association
One Housing Group
Poplar Harca
Peabody Housing Association
Spitalfields Housing Association
Tower Hamlets Community Housing
Tower Hamlets Homes
Oxford House
Industrial Dwellings Society
Karin Housing Association

Look Ahead Housing Care
Newlon
Old Ford Housing Association
Peter Bedford Housing Association
Reside Housing Association Ltd
South Poplar and Limehouse Action for Secure
Housing
St Margarets House Settlement
The Kipper Project

Annex 3

Consultation Comments

Consulted	Comment	Response
Lee Daly Old Ford Housing Association	The policy is comprehensive and covers all areas of concern	Noted Action: None
Chris Lovitt NHS Tower Hamlets	A review has been undertaken by NHS Tower Hamlets in relation to problem gambling. The main points made covered: Monitoring Gambling premises, monitoring advertising, assessing the impact on the quality of life, foster a research agenda, adopt harm reduction via health authorities intervention.	NHS Tower Hamlets provided a comprehensive review of macro issues relating to gambling. The majority of issues covered were out of the scope of the Policy however, agreement has been made for the Council and public Health to review and work to an agreed agenda to address some of the issued outlined in the response. Action: Monitoring of Gambling premises is part of the Service Planning process.
Jane Cooke – Child Protection Reviewing Service	Should there be a definition of ‘close to schools. Playgrounds or other educational establishments such as museums and places of worship’	The Gambling Commission Policy requires children and vulnerable groups to be considered only. The licence consultation process could be restrictive if specific distances were imposed. Any application that has an representation made against it will be referred to the Licensing Sub-Committee
John Rutherford Adult Safe Guarding Board	The major issue from our perspective would be having safeguards that protect adults without	Noted: the policy requires vulnerable groups to be protected.

	mental capacity from getting into situations of financial difficulties	
Member Consultation	Good Practice Guide for businesses to follow	Introduction of Annex 4 the Gambling Best Practice Guide

Annex 4: Gambling Best Practice Guide

We expect all Gambling premises in the Borough to carry out the measures listed in this Best Practice Guide along with the measures detailed in the main Policy. This guide is about businesses that promote gambling have the responsibility in protecting the vulnerable who may be exposed by their activities.

- All premises to hold and maintain a log of incidences and the handling of problem gambling that occur in the premises. This information should be shared with Licensing Officers on request. Relevant data that should be held include the date and a short description of the intervention in relation to voluntary/mandatory exclusions and whether individuals have tried to gain entry, attempts of those that are underage to gain entry whether with an adult or not. Any incident requiring an intervention from staff
- Staff should be aware on how to tackle irresponsible gambling and have sufficient knowledge on how to promote responsible gambling. Be able to signpost customers to support services with respect to problem gambling, financial management and debt advice. Leaflets on how to identify problem gambling should available for customers in the premises.
- Staff should be aware of the importance of social responsibility, the causes and consequences of problem gambling, intervention with vulnerable persons, dealing with the exclusion of problem gamblers and escalating them for advice or treatment.
- Staff should be aware of refusing customers entry due to alcohol or drugs, age verification processes, identifying forged ID, the importance of time and spend limits
- Staff to be familiar with the offences under the Gambling Act, the categories of gaming machines, the stakes and odds associated with each machine.
- Staff should also be aware of not encouraging customers to increase the amount or time they gamble, re-gamble winnings and chase losses.
- Staff to be excluded from gambling at the premises where they are employed and the premises to have a 'no tipping' rule.
- Applicants may wish to seek support with their applications from the Crime Reduction Officer and GamCare with a view to obtaining a certificate of Social Responsibility.
- Where Fixed Odds Betting Terminals are installed within the premises they should be positioned in direct sight of a supervised counter.

Appendix Two

Gambling Policy – Proposed Changes for consultation:

Section/Page	Addition/Deletion	Rationale
PART A		
At page 3 in the table of contents add	<u>Add:</u> <i>Annex 5 Sample conditions</i> <i>Annex 6 Local Area Profiles</i>	Re-ordering of references
At page 4 after paragraph 1.3	<u>Add:</u> The Gambling Commission’s Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about localities is provided in this policy at Annexe 6. The risk assessment is required to be shared with the Council where there is a new application and or a variation to an existing premises licence.	Requirement for risk assessments to be carried out by licence holder and shared with the Council.
At page 5 paragraph 5, change the consultation dates	October 2015 to January 2016	New consultation period
At page 9 after paragraph 7.9	<u>Add:</u> The Authority uses the templates inspection forms produced by the Leicester, Rutland and Leicestershire Licensing Forum and	Open and transparent inspection formats.

	<p>Leicestershire Local Economic Partnership.</p> <p>To assist the targeting of the Council’s enforcement activity the Council will request that operators / premises share:-</p> <ul style="list-style-type: none"> • test purchasing results (subject to the terms of primary authority agreements) ; • incidents in premises, which managers are likely to be required to report to head office; • information about numbers of self-excluded gamblers to help it develop its understanding about the risk of problem gambling in its area. <p>This information will help the Council to get a clearer picture of which premises may be experiencing issues, meaning that the inspection and enforcement activity is appropriately structured</p> <p>Operators are not automatically required to share their risk assessments with licensing authorities except when they are applying for a new premises licence or to vary an existing one. However, the Gambling Commission is advising operators to do so.</p> <p>The Council will request a copy of each premises risk assessment during the first year of this Policy.</p>	
Part B		
At page 11 after 3.2	<p><u>Add:</u> The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would not be harmful to the licensing objectives.</p>	Content and detail of local risk assessments

	<p>From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.</p> <p>The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:</p> <ol style="list-style-type: none"> a. to take account of significant changes in local circumstance, including those identified in this policy; b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks; c. when applying for a variation of a premises licence; and d. in any case, undertake a local risk assessment when applying for a new premises licence. <p>The Council will expect the local risk assessment to consider as a minimum:</p> <ul style="list-style-type: none"> • whether the premises is in an area of deprivation • whether the premises is in an area subject to high levels of crime and/or disorder • the ethnic profile of residents in the area • the demographics of the area in relation to vulnerable groups • the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather 	
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	<p>In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.</p> <p>Other matters that the assessment may include:</p> <ul style="list-style-type: none"> • The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this. • Details as to the location and coverage of working CCTV cameras, and how the system will be monitored. • The layout of the premises so that staff have an unobstructed view of persons using the premises; • The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises. • Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc. • The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality. • Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence. <p>To assist operators, Annex 6 sets out the Council's Gambling Local</p>	
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	Area Profiles criteria.	
At page 13 after 6.2	<u>Add:</u> The Gambling Commission have produced a list of sample conditions, and these are reproduced at Annex 5. These could be imposed in a number of circumstances to address evidence based concerns.	Potential standard conditions that could be imposed on new or reviewed licences.
At Page 27	<u>Add:</u> Annex 4 Gambling Best Practice Guide Annex 5 Sample conditions Annex 6 Local area profiles	Re-ordering of references
At page 34	<u>Add:</u> Appendix 5: Sample of premises licence conditions This Annex, reproduced from the Gambling Commission's Guidance to Licensing Authorities, provides a sample of conditions that have been attached to premises licences by licensing authorities, with some amended for illustrative purposes. These are not blanket conditions but have been imposed in a number of circumstances to address evidence based concerns. Part 9 of the Gambling Commission's Guidance to Licensing Authorities provides further details on the principles licensing authorities should apply when exercising their discretion to impose premises licence conditions. The conditions listed below have been grouped under specific headings for ease of reference. There will inevitably be some overlap between those conditions that address different concerns, for example those related to security and to anti-social behaviour. 1. Security	Examples of standard conditions that could be used

	<p>1.1 No pre-planned single staffing after 8pm and, when this is unavoidable, for a Maglock to be in constant use.</p> <p>1.2 A minimum of two members of staff after 10pm.</p> <p>1.3 A minimum of two members of staff will be on duty throughout the whole day.</p> <p>1.4 The premises will have an intruder alarm and panic button.</p> <p>1.5 Maglock systems are employed and access is controlled.</p> <p>1.6 Requirements for full-height security screens to be installed.</p> <p>1.7 A requirement for 50% of the shop frontage to be clear of advertising so that staff have a clear view and can monitor the exterior of the premises.</p> <p>1.8 The premise shall maintain a 'safe haven' to the rear of the counter.</p> <p>1.9 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer throughout the preceding 31-day period.</p> <p>1.10 A member of staff from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This member of staff must be able to show a member of the police or authorised council officer recent data or footage with the absolute minimum of delay when requested.</p> <p>1.11 A monitor shall be placed inside the premises above the front</p>	
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	<p>door showing CCTV images of customers entering the premises.</p> <p>1.12 If at any time (whether before or after the opening of the premises), the police or licensing authority supply to the premises names and/or photographs of individuals which it wishes to be banned from the premises, the licensee shall use all reasonable endeavours to implement the ban through staff training.</p> <p>2. Anti-social behaviour</p> <p>2.1 The Licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises.</p> <p>2.2 The Licensee shall take all reasonable steps to prevent street drinking of alcohol directly outside the premises and to ban from the premises those who do so.</p> <p>2.3 The Licensee shall place a notice visible from the exterior of the premises stating that drinking alcohol outside the premises is forbidden and that those who do so will be banned from the premises.</p> <p>2.4 Notices indicating that CCTV is in use at the premises shall be placed at or near the entrance to the premises and within the premises.</p> <p>2.5 The Licensee shall place and maintain a sign at the entrance which states that 'only drinks purchased on the premises may be consumed on the premises'.</p> <p>2.6 The Licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.</p> <p>2.7 The Licensee shall install and maintain an ultraviolet lighting system in the customer toilet.</p> <p>2.8 The Licensee shall install and maintain a magnetic door locking system for the customer toilet operated by staff from behind the counter.</p>	
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	<p>2.9 Prior to opening the Licensee shall meet with the Crime Prevention Officer in order to discuss any additional measures to reduce crime and disorder.</p> <p>3. Underage controls</p> <p>3.1 The Licensee shall maintain a bound and paginated 'Think 21 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.</p> <p>3.2 Customers under 21 will have to provide ID.</p> <p>3.3 The premises will operate a 'challenge 25' policy and prominent signage and notices will be displayed showing the operation of such policy</p> <p>3.4 Compulsory third party test purchasing on a twice yearly external system and the results to be reported to the Local Authority and police. In the first twelve months (from the date of the Review) two additional internal test purchase operations to be carried out.</p> <p>3.5 A physical barrier (ie a supermarket metal type or similar) acceptable to the licensing authority, and operated in conjunction with the existing monitored alert system, to be put in place within 3 months from the date of the review.</p> <p>3.6 No machines in the Unlicensed Family Entertainment Centre to be sited within one metre of the Adult Gaming Centre entrance.</p> <p>4. Player protection controls</p> <p>4.1 Prominent GamCare documentation will be displayed at the premises.</p> <p>4.2 There shall be no cash point or ATM facilities on the premises.</p> <p>4.3 The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in the training shall be formally recorded and the records produced to the police or licensing authority upon request.</p> <p>4.4 New and seasonal staff must attend induction training. All existing</p>	
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	<p>staff must attend refresher training every six months.</p> <p>4.5 All notices regarding gambling advice or support information within the vicinity of XXX must be translated into both simplified and local languages.</p> <p>4.6 Infra Red Beam to be positioned across the entrance to the premises. To be utilised whenever:</p> <p>(a) The first member of staff is not positioned within the Cash Box or,</p> <p>(b) The second member of staff is not on patrol</p> <p>Annex 5 Local area profiles</p> <p>The aim of local area profiles is to build up a picture of the locality, and in particular the elements of it that could be impacted by gambling premises.</p> <p>The Council publishes Area profiles – ward profiles on its website at http://www.towerhamlets.gov.uk/lgs/901-950/916_borough_profile/area_profiles.aspx</p> <p>As part of its Gambling Policy the Council is building separate local area profiles for the purpose of its gambling Policy. The profile will therefore include reference to:</p> <ul style="list-style-type: none"> • schools, sixth form colleges, youth centres etc, with reference to the potential risk of under-age gambling ; • hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups ; • religious buildings ; • any known information about issues with problem gambling ; 	
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	<ul style="list-style-type: none"> • the surrounding night time economy, and possible interaction with gambling premises ; • patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises ; • the socio-economic makeup of the area ; • the density of different types of gambling premises in certain locations ; • specific types of gambling premises in the local area. <p>These Local Area Profiles will build on the area profiles and will be posted on the Council’s website in the Licensing Section under the Gambling heading.</p>	

Appendix Three

EQUALITY ANALYSIS QUALITY ASSURANCE CHECKLIST

Name of 'proposal' and how has it been implemented (proposal can be a policy, service, function, strategy, project, procedure, restructure/savings proposal)	Gambling Policy Review
Directorate / Service	CLC / Safer Communities
Lead Officer	David Tolley, Head of Consumer and Business Regulation
Signed Off By (inc date)	17/6/15
Summary – to be completed at the end of completing the QA (using Appendix A) (Please provide a summary of the findings of the Quality Assurance checklist. What has happened as a result of the QA? For example, based on the QA a Full EA will be undertaken or, based on the QA a Full EA will not be undertaken as due regard to the nine protected groups is embedded in the proposal and the proposal has low relevance to equalities)	<div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">  </div> <div> <p>Proceed with implementation</p> <p>As a result of performing the QA checklist, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p> <p>A consultation process commenced on 19 October 2015 and last for three months. Further equalities analysis will be conducted when a Gambling Policy in which consultation results are incorporated is submitted to a decision making body.</p> </div> </div>

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Stage	Checklist Area / Question	Yes / No /	Comment (If the answer is no/unsure, please ask the question to the SPP Service Manager or
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		Unsure	nominated equality lead to clarify)
1	Overview of Proposal		
a	Are the outcomes of the proposals clear?	Yes	<p>This report is to ask the Licensing Committee to:</p> <ul style="list-style-type: none"> Note, consider and comment on the Gambling Policy as part of the consultation process. <p>As a Licensing Authority, the Council must review the existing Gambling Policy and adopt a new policy by November 2016, as one of the responsibilities it has to administer 'high street' licences under the Gambling Act 2005.</p> <p>The purpose of the policy is to define how the responsibilities under the Act are going to be exercised and administered. This is highly prescribed and limited by statute. The Council is not able, for example, to ban gambling.</p> <p>A statutory consultation process commenced on 19 October 2015 and last for three months. There will also be the opportunity for the local community to comment along with other partners.</p> <p>Following consultation the reviewed policy will ultimately go to full Council for adoption.</p> <p>It should be noted that some major concerns about gambling (e.g. gambling addiction, arguments of a more liberal gambling) are not addressed in the policy. The impact of licensed premises on nearby residents, such as noise, is also out of scope.</p>
b	Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?	Yes	<p>The Gambling Policy states how the Licensing Authority will exercise its authority. This policy covers the following:</p> <ul style="list-style-type: none"> How the Licensing Authority will use its regulatory

			<p>powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.</p> <ul style="list-style-type: none"> • The main licensing objective for the authority is protecting the vulnerable. • The Licensing Authority approach to regulation • The scheme of delegation <p>The proposed changes (Appendix 2) will affect businesses who apply for a licence and those who have received licences. The business operators will be requested to follow the changes of the policy, including undertaking local risk assessments in relation to their premises. These changes will not adversely affect any protected characteristics.</p> <p>The licencing objectives remain including protecting children and the vulnerable, including 'people may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.'</p>
2	Monitoring / Collecting Evidence / Data and Consultation		
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	Yes	<p>The proposed changes are listed in Appendix 2.</p> <p>Regarding the business related data, the Development and Renewal (D&R) directorate have corporate lead responsibility for data capture and are currently reviewing the technical implications in developing an equalities strand of their business data base.</p>
	Is there sufficient evidence of local/regional/national research that can inform the analysis?	Yes	<p>The Gambling Commission has laid down 'rules' which the Council must follow with regards to the Gambling Policy. The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information.</p>

b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	The Gambling Policy is prescribed by central government and the Gambling Commission. The policy produced has to comply with guidance issued by both of these bodies. The current policy is compatible with this advice and guidance. A statutory consultation process commenced on 19 October and last for three months. In addition, there will be the opportunity for the local community to comment along with other partners.
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	See above.
3	Assessing Impact and Analysis		
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	Yes	The proposed changes listed in Appendix 2 highlight stakeholders that will be affected by the changes.
b	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	N/A	
4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	Yes	Following consultation, the reviewed policy will go to full Council for adoption.
b	Have alternative options been explored	Yes	The Gambling Policy is prescribed by central government and the Gambling Commission.
5	Quality Assurance and Monitoring		
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	Following consultation, the reviewed policy will go to full Council for adoption.
b	Is it clear how the progress will be monitored to track impact across the protected characteristics??	Yes	Equalities consideration will be given to the reviewed policy.
6	Reporting Outcomes and Action Plan		
a	Does the executive summary contain sufficient	Yes	

	information on the key findings arising from the assessment?		
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