

London Borough of Barnet

# Statement of Principles Gambling Act 2005

Effective from \*\*\*\*  
(Approved at Full Council on \*\*01/2024)

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## 1. Summary of Changes

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This document updates the borough's Statement of Gambling Principles - 2019-2022 and a summary of the changes incorporated into the Statement of Gambling Principles 2022-2025 are set out below.

### 1.1 Continuation of the borough resolution on Casinos

Section 166 of the Gambling Act 2005 enables the Council, as the Licensing Authority under the Act, to issue a resolution not to issue casino licences for the duration of the document, and to consult on this proposal via the public consultation exercise. There are currently no casinos within the borough. The Statement of Gambling Principles 2019 - 2022 includes this resolution and this is also included within the Statement of Gambling Principles -2022 - 2025.

The response to the public consultation on the draft Statement of Gambling Principles 2022 - 2025 was in favour of this continued stance.

### 1.2 Online Gaming

Additional text added to define types of online gaming and how this area is governed by the gambling commission only.

### 1.3 Lotteries

Requirements defining lotteries have been expanded to detail limits and categories of exemptions for lotteries listed.

Small Lotteries – further details have been added with regards registration, enforcement and record keeping

### 1.4 Adult Gaming Centres

Additional text has been added to reference types for measures sought for consideration by operators and that these premises are subject to mandatory conditions set by statute.

### 1.5 Local Area Profile Maps have been updated to provide current data

## 2. Introduction

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- 2.1 Licensing Authorities are required by the Gambling Act 2005 (“the Act”) to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This statement must be published at least every three years and may also be reviewed from “time to time”. Any amendments must be consulted upon and the statement published before giving it effect.
- 2.2 In preparing a statement, the Act requires Licensing Authorities to consult the following:
- The Chief Officer of Police;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.
- 2.3 The London Borough of Barnet has consulted widely upon this statement in accordance with the Act. A list of the groups consulted upon is provided below:
- The Metropolitan Police Service
  - Social Services
  - Trade associations
  - Resident associations
  - Responsible authorities
  - Councillors
  - Faith Groups
  - Voluntary Groups
  - Gambling businesses
- 2.4 A full copy of the individuals and groups consulted can be found in appendix 1 of this statement.
- 2.5 **This Statement of Principles was approved at a meeting of the Full Council on \*\* January 2024 and will come into effect on \*\* January 2024.**
- 2.6 The Gambling Commission states in the introduction to its Guidance to Licensing Authorities:
- 2.6.1 *When the **Gambling Act 2005** (the Act) came into force in late 2007, it brought in a new, comprehensive system for gambling regulation in Great Britain. For the first time, the vast majority of commercial gambling was brought together into a single regulatory framework. The Act established a dedicated regulator, at a national level, in the form of the Gambling Commission (the Commission). But it also recognised the potential local impact and importance of gambling. So it created many local regulators, whose job it is to manage gambling locally, in line with local circumstances. Those regulators are the 368 licensing authorities of England, Wales and Scotland. In doing so, the Act established a strong element of local decision-making and accountability in gambling regulation.*
- 2.6.2 *The Act gives local regulators discretion to manage local gambling provision, including discretion as to the level of fees set to cover the cost of administering the local system of regulation within limits set by The Department for Digital Culture Media and Sport*

(DCMS) in England and Wales. It sets out some boundaries to that discretion, consistent with the recognition of gambling as a mainstream leisure activity.

2.6.3 The Act also provides scope for the Commission to act to set an overall direction at national level, while leaving licensing authorities in the lead locally, with appropriate support from the Commission. This Guidance, to which licensing authorities must have regard, is an important part of those arrangements.

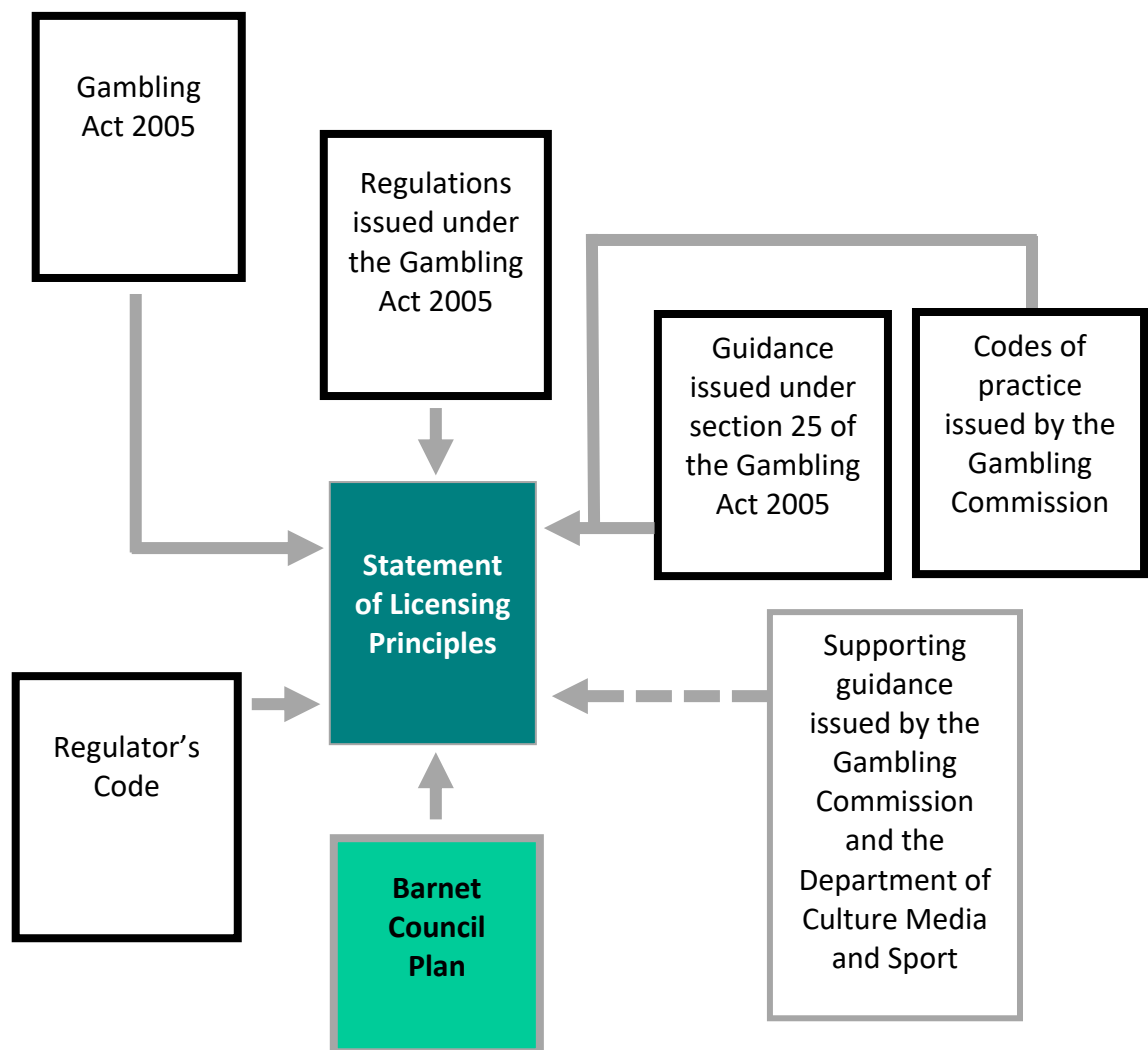
2.7 It should be noted that this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act.

2.8 The Gambling Act 2005 is available at: <http://www.legislation.gov.uk/ukpga/2005/19/contents> and the Gambling Commission's Guidance to Licensing Authorities is available at:

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities/gla-part-1-general-guidance-on-the-role-and-responsibilities-of-licensing>

### 3. Statement of licensing policy hierarchy

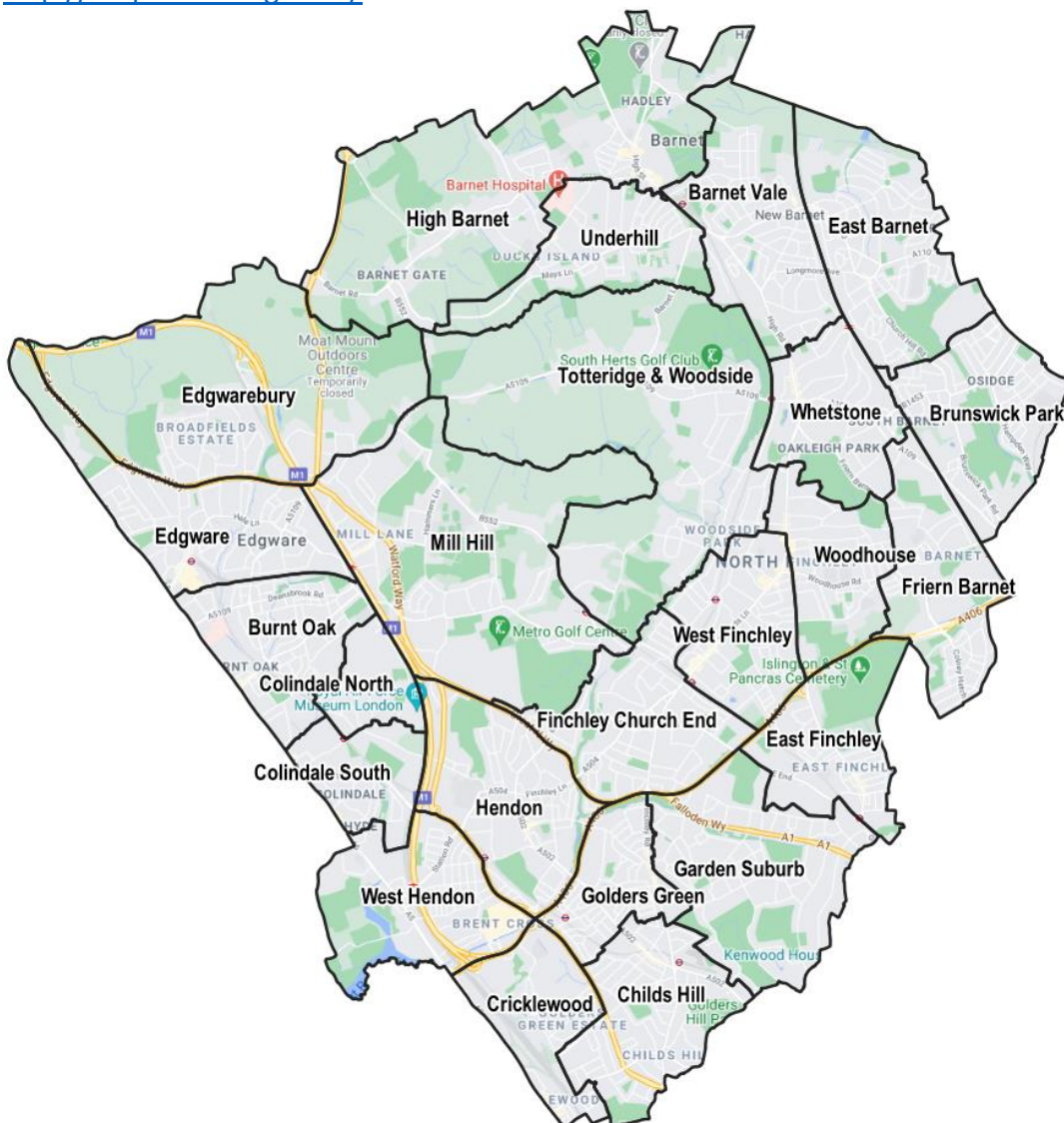
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## 4. Barnet's Geographic Area

- 4.1 The London Borough of Barnet herein sets out a statement of principles that it will apply when carrying out its functions as a licensing authority in accordance with the Act.
- 4.2 The London Borough of Barnet is situated in North London. According to the 2021 Census Barnet's overall population in 2021 was recorded to be 389,340. This shows a **9.2%** increase on the 2011 Census, meaning that Barnet now has the 2nd largest population of all the London boroughs.
- 4.3 In terms of area Barnet is the fourth largest. 36% of the borough is undeveloped, being greenbelt (28%) and metropolitan open land (8%). The rest of the borough is made up of densely populated suburban areas, 20 town centres and the transport network.
- 4.4 The current Borough map is shown below

<http://maps.barnet.gov.uk/>



# Part 1

## 5. General Principles

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5.1 The Licensing Authority in carrying out its functions under s153 of the Gambling Act 2005 ('the Act') will aim to permit the use of premises for gambling in so far as it thinks it:

- a) in accordance with any relevant code of practice issued by the Gambling Commission;
- b) in accordance with any relevant guidance issued by the Gambling Commission;
- c) reasonably consistent with the licensing objectives; and
- d) in accordance with the Authority's Statement of Principles

5.2 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act. The sole exception to this rule is for Casino premises licences – as Barnet has adopted a 'no- casino' resolution, the Authority will not consider any application for a new casino premises licence.

## 6. Licensing Objectives

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6.1 In exercising functions under 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 being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

6.2 The London Borough of Barnet as the relevant licensing authority accepts that the term "vulnerable person" is not defined. It may for example include people who gamble more than they want to, or 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. The London Borough of Barnet will consider this objective on a case by case basis and will not interpret the term narrowly.

6.3 The London Borough of Barnet recognises that harm in relation to gambling is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.

## 7. Declaration

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7.1 In preparing this Statement of Principles, the licensing authority has had regard to the licensing objectives of the Act, and the Guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on this Statement of Principles.

## 8. Responsible Authorities

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8.1 The responsible authorities with respect to licensing premises in Barnet are:

- The Gambling Commission
- The Metropolitan Police Service
- London Borough of Barnet's Planning Service



- The London Fire and Emergency Planning Authority
- The Safeguarding Children Board
- HM Revenue and Customs
- London Borough of Barnet itself as the licensing authority

8.2 The London Borough of Barnet are required by regulations to state the principles it will apply in exercising its powers under Section 157 of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area and,
- The need for the body to be answerable to the democratically elected persons rather than any particular vested interest group.

8.3 In accordance with the suggestion in the Gambling Commission Guidance to Local Authorities the London Borough of Barnet designates the local Safeguarding Children's Board for this purpose.

8.4 In selecting the Safeguarding Children Board as the body competent to advise about the protection of children from harm, the London Borough of Barnet took into account the following points:

- The Safeguarding Children Board has a responsibility under the Children Act 2004 to promote the welfare and safety of children and young people in the London Borough of Barnet
- The Board includes a variety of professionals with skills and experiences directly relevant to the need to protect children from being harmed or exploited by gambling
- The Board is answerable to democratically elected persons and does not represent any particular interest group
- The Board is the responsible authority for the purposes of the Licensing Act 2003 and has experience of the licensing process
- The Board works in partnership with other local authority services and other organisations to make Barnet a safer place for children
- The Board is able to provide advice about protecting children and guidance in accessing appropriate training
- The Board works within the wider pan London framework of child protection so as to promote a consistent approach across London

8.5 Responsible authorities have the right to make representations in connection to an application, or to ask for a review of an existing licence. Any such representation must be relevant to the application.

## 9. Interested Parties

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9.1 Interested parties are defined in Section 158 of the Act as follows:

*"A person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person;*

- (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)”*

- 9.2 Interested Parties have the right to make representations in connection to an application, or to ask for a review of an existing licence. Any such representation must be relevant to the application.
- 9.3 To enable the London Borough of Barnet to decide whether a person is an interested party it will expect any person making a representation to give their name and address and explain how they or their business interests would be affected by the authorised activities. If this information is not provided then the representation will not be accepted by the licensing authority.
- 9.4 In considering whether an interested party lives or has business interests sufficiently close to the premises certain factors will be taken into account including:
- The size of the premises
  - The nature of the premises
  - The distance of the premises from the habitual residence or workplace of the person making the representation
  - The potential impact of the premises (number of customers, routes likely to be taken when visiting the premises)
  - The circumstances of the complainants and their interest that may be relevant to the distance from the premises.
- 9.5 In determining whether a person or organisation has “business interests” the London Borough of Barnet will adopt the widest possible interpretation and may recognise certain groups which include but are not limited to, trade unions, partnerships, charities, faith groups, residents and tenants associations and medical practices.
- 9.6 If the representation is from an association or any other body then these will only be accepted provided that they have at least one member who is an interested party.
- 9.7 Unless the person making the representation is a locally elected Councillor or Member of Parliament the London Borough of Barnet as licensing authority will require written evidence that they represent identified interested parties. A letter from one of these persons will be sufficient.
- 9.8 If individuals wish to approach locally elected Councillors to ask them to represent their views then those Councillors cannot sit on a licensing committee that meets to determine the licence application.
- 9.9 To be deemed relevant, a representation must relate to the licensing objectives or raise issues under the policy or the Gambling Commissions guidance or codes or practice.
- 9.10 In deciding whether to treat a representation as frivolous or vexatious the following will be taken into account
- Who is making the representation and whether that person has a history of making representation that are not relevant
  - Whether or not it raises a relevant issue
  - Whether it raises issues specifically to do with the premises which are the subject of the application
- 9.11 The validity of each representation 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 Licensing Authorities.

## 10. Licensing Authority Functions

10.1 The London Borough of Barnet are required under the Act to assume responsibility for;

- Licensing premises where gambling activities are to take place by issuing premises licences.
- Issuing provisional statements
- Regulation of members clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to Commercial clubs.
- Granting permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
- Receiving notifications from alcohol licensed premise (Under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issuing Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Registration of small society lotteries below the prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission regarding details of licensing issues
- Maintaining registers of the permits and licences that are issued under these functions.

10.2 It should be noted that the London Borough of Barnet are not involved in licensing remote gambling at all. This falls within the remit of the Gambling Commission via operating licences. Remote gambling is defined as "gambling in which persons participate by the use of remote communication" namely, the internet, telephone, television, radio or "any other kind of electronic or other technology for facilitating communication".

## 11. Delegation of Functions

11.1 The Licensing Authority will delegate its functions in accordance with the Act, as summarised below:

Matter to be dealt with	Full Council	Licensing & General Purposes Committee	Licensing sub committee	Officers
Final approval of the Licensing Authority Statement of Policy	X			
Policy not to permit casinos	X			
Application for premises licence			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application to vary			Where	Where no representations

Matter to be dealt with	Full Council	Licensing & General Purposes Committee	Licensing sub committee	Officers
premises licence			representations have been received and not withdrawn	received/ representations have been withdrawn
Application for transfer of a licence			Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for provisional statement			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence			All cases	
Application for club gaming/club machine permits			Where objections have been made (and not withdrawn)	Where no objections have been made/objections have been withdrawn
Cancellation of club gaming/club machine permits			All cases	
Applications for other permits				All cases
Cancellation of licensed premises gaming machine permits				All cases
Consideration of temporary use notice				All cases
Decision to give a counter notice to a temporary use notice			All cases	
Decision to reject a representation on the grounds that it is not from an interested party				All cases
Initiation of review of a premises licence by London Borough of Barnet in its capacity as licensing authority				All cases
Fee setting (when appropriate)		Normal budget-setting arrangements		
Consideration of representations when London Borough of			All cases	

Matter to be dealt with	Full Council	Licensing & General Purposes Committee	Licensing sub committee	Officers
Barnet is minded to refuse to register a lottery or to revoke a lottery registration				

## 12. Role of the Gambling Commission

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### 12.1 The Gambling Commission is responsible for:

- issuing operating licences to organisations and individuals who provide facilities for gambling
- issuing personal licences to persons working in the gambling industry
- taking the lead role on ensuring that gambling is conducted in a fair and open way through the administration and enforcement of operating and personal licence requirements
- remote gambling activities such as facilities provided via the Internet, television, or radio
- issuing guidance and statutory codes of practice

## 13. Exchange of Information

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13.1 The London Borough of Barnet as licensing authority will act in accordance with the provisions of the Act in its exchange of information with the Gambling Commission and other persons listed in Schedule 6 to the Act. This includes the provision that the Data Protection Act 2018 will not be contravened.

13.2 The London Borough of Barnet as licensing authority will also have regard to any guidance issued to local authorities by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under powers provided in the Act.

13.3 The London Borough of Barnet as licensing authority will seek to establish information exchange protocols with the responsible authorities and will make these available.

## 14. Inspection and Enforcement

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14.1 The London Borough of Barnet is required to state the principles to be applied by the authority in exercising its functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

14.2 The London Borough of Barnet's principles are that it will have regard to the Gambling Commissions Guidance for Local Authorities and in doing so will endeavour to be:

- Proportionate - London Borough of Barnet will only intervene when necessary; remedies will be appropriate to the risks posed and costs identified and minimised
- Accountable - London Borough of Barnet must be able to justify decisions and will be subject to public scrutiny
- Consistent - rules and standards will be implemented fairly
- Transparent - London Borough of Barnet will be open and do its best to keep things simple and user friendly

- Targeted – London Borough of Barnet will focus on the problem and do its best to minimise side effects.

14.3 Any enforcement action will be in accordance with the relevant enforcement policy.

14.4 The main enforcement and compliance role for the London Borough of Barnet in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the London Borough of Barnet but should be notified to the Gambling Commission.

14.5 The London Borough of Barnet also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities. The Better Regulation Executive is a government agency within the Department for Business, and Trade (previously within the Department for Business), Energy and Industrial Strategy which aims to achieve more effective regulation and reduce existing regulatory burdens affecting business and frontline staff in the public sector.

14.6 The London Borough of Barnet's licensing officers will monitor ongoing compliance with licence conditions. They may carry out inspections without prior notice to the occupier or licensee.

14.7 As per the Gambling Commission's Guidance to Licensing Authorities the London Borough of Barnet will endeavour to avoid duplication with other regulatory regimes so far as possible.

14.8 Planned enforcement activity will be prioritised according to assessed risk (the potential for harm to the licensing objectives). This London Borough of Barnet has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission to Licensing Authorities, in particular at Part 36 (Compliance and enforcement matters)
- The principles set out in this statement of licensing policy

14.9 When assessing risk, London Borough of Barnet will take into account the following matters:

- The type of gambling and its potential to result in harm
- The size of the premises and the number of patrons
- The standard of compliance with licence conditions
- Officers' confidence in the ability and intention of the management of the premises to maintain good standards of compliance with licence conditions.
- Relevant information from other agencies.

14.10 The risk rating for each premises will be kept under constant review and may change at any time.

14.11 The London Borough of Barnet is prepared to receive complaints about licensed premises and, with the agreement of the complainant, deal with them informally with the aim of securing improvement if necessary, without the need for a formal review of the licence.

14.12 The London Borough of Barnet will not tolerate non-compliance with licence conditions or licensable activity at unlicensed premises except in accordance with a Temporary Use Notice.

## 15. Gaming Machines

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15.1 Throughout this document, references are made to gaming machines as being within Categories A, B, C or D, or in some cases, sub-categories such as B1, B2, B3 or B4.

15.2 Gaming machines are categorised according to the nature of their operation, the maximum charge to use and the maximum prize available, and the legislation sets out the categories and sub-categories of machines that may be made available under each type of licence or permit. The Secretary of State is responsible for establishing the applicable values of each category and sub- category by way of statutory instrument.

15.3 The categories and values applicable to each category are subject to change and are therefore not included in this document. Current information is available from the Gambling Commission's Website \*\*\*\*\*

## 16. Gambling Risk Assessments

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16.1 The Gambling Commission introduced a new licensing condition within the Licence Conditions and Codes of Practice (LCCP) which came into effect in April 2016. This resulted in the requirements for premises based gambling operators to undertake a local gambling risk assessment of their premises and the potential impact that the premises and its operation may have on the licensing objectives. This condition made it a requirement for all gambling operators to consider local area information provided by the Licensing Authority via their Statement of Licensing Principles for Gambling (Licensing Policy).

16.2 The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

16.3 The council has produced a Local Area Profile (LAP) to assist applicants to conduct, assess and complete a premises based gambling risk assessments. All gambling operators within the borough or new operators applying for a new licence must have regards to the LAP when completing or revising their risk assessments. Appendix A

16.4 The council views these risks as an important component of the overall assessment and management of local risks. Barnet will assist operators in this process by providing specific information on its concerns surrounding gambling within the borough and the impact on the licensing objectives. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

## Part 2 – Applications

### 17. General Approach to Application

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17.1 The council acknowledges that licensing authorities ‘shall aim to permit the use of premises for gambling’, as specified in section 153 of the Gambling Act, whilst recognising that the presumption is counterbalanced ‘in so far as the authority think’ the application accords with relevant codes, guidance, objectives and policy. As such, when making decisions about gambling matters the authority will consider the authority’s statement of licensing principles and:

- the licensing objectives
- any relevant code of practice or guidance issued by the Gambling Commission
- the need to avoid duplicating other regulatory regimes
- the right of any person to make an application under the Act
- the Local Area Profile
- the premises own Local Risk Assessment

17.2 The London Borough of Barnet has no rigid rules about the acceptability of applications and will consider each on its merits. Applicants will be given the opportunity to demonstrate how their application promotes the licensing objectives and addresses the relevant sections of statement of principles.

17.3 The matters that it will generally take into account when considering applications for permits and licences and when reviewing a licence are set out below:

- The type and nature of the gambling activity.
- The proximity of the gambling premises to sensitive premises such as schools or centres for vulnerable adults, or to residential areas where there may be a high concentration of families with children, and the likelihood that children or vulnerable adults will enter the premises.
- Where permits or licences are sought for use at premises that may attract children, or where children may be present, the London Borough of Barnet will give particular weight to child protection issues. The London Borough of Barnet is aware that children may be harmed not only by taking part in gambling, but also if they are able to watch it taking place. This concern may be particularly relevant at premises where there are multiple licences, where only part of a premises is licensed or where permits are to be used in part of a premises only.
- The adequacy of any proposed measures to prevent crime connected with gambling.
- The adequacy of any proposed steps to prevent access by children and vulnerable adults, or to prevent such people from seeing gambling taking place.
- The public availability at the premises of information about organisations that can provide advice and support in relation to gambling and debt, for example GamCare, Gamblers Anonymous, the Gordon Moody Association, the National Debtline and local Citizens Advice Bureau and other relevant advice agencies.



- The existence of crime and disorder (particularly if it has required police intervention) or actual harm to children or vulnerable adults, where these are connected to gambling at the premises.

- 17.4 It will assist the sub-committee in contested cases if applicants, responsible authorities and interested parties address these matters.
- 17.5 When considering applications, sub-committees will decide matters of fact on the balance of probabilities.
- 17.6 The London Borough of Barnet will place information about licence applications on its website and will notify ward Councillors when applications are received.
- 17.7 The London Borough of Barnet expects the premises licence application, and plan accompanying the application, to be sufficiently detailed for the authority to determine the application. This would include for example entry, exit, the location of the gaming machines and counter. The London Borough of Barnet need to determine whether the application is 'in accordance with the relevant code of practice' and this will include social responsibility codes. The authority must also determine whether the application is 'reasonably consistent with the licensing objectives' - such as protecting the young and vulnerable. The application and the accompanying plan must be sufficient to satisfy these requirements.

## Part 3 – Premises Licences

### 18. Licensing Objectives

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18.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the London Borough of Barnet has considered the Gambling Commissions Guidance to licensing authorities and some comments are made below.

18.2 Preventing Gambling from being a source of crime and disorder or being associated with crime and disorder or being used to support crime

18.2.1 The London Borough of Barnet is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commissions guidance does however envisage that licensing authorities should pay attentions to the proposed location of gambling premises in terms of this 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 London Borough of Barnet is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

18.3 Ensuring that gambling is conducted in a fair and open way

18.3.1 The London Borough of Barnet has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

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

18.4.1 The London Borough of Barnet has noted the Gambling Commission's Guidance 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 London Borough of Barnet 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 etc.

18.4.2 The London Borough of Barnet expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.

18.4.3 This London Borough of Barnet is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

### 19. Conditions

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19.1 Premises licences will be subject to the permissions and restrictions set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in

regulations. It is expected that in most cases the mandatory and default conditions will be appropriate and sufficient but the London Borough of Barnet is able to exclude default conditions and also attach others. London Borough of Barnet will be concerned to ensure that appropriate conditions are attached to licences and if it believes that the mandatory and default conditions will not be appropriate or sufficient in a particular case, it will be minded to impose others. Similarly, it may be prepared to remove or amend default conditions if satisfied that to do so would not harm the licensing objectives.

19.2 The London Borough of Barnet accepts that conditions, other than mandatory ones, must be tailored to the individual style and characteristics of the premises concerned. Apart from the mandatory conditions, the London Borough of Barnet will not apply conditions from a standard list without regard to the particular circumstances of the application. It will only apply conditions if they are:

- Relevant to the need to make the proposed building suitable as a gambling facility, or
- Directly related to the type of licence applied for
- Relevant to one or more of the licensing objectives
- Fairly and reasonably related to the scale and type of premises
- Reasonable in all other respects.

In this way, unnecessary or disproportionate conditions will be avoided.

19.3 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the London Borough of Barnet will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This London Borough of Barnet will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

19.4 This London Borough of Barnet will also consider specific measures which may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

19.5 The London Borough of Barnet believes that children should not normally be permitted access to premises or parts of premises where gambling takes place.

19.6 The London Borough of Barnet will 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;
- 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 years of age.

- Ages of younger patrons are checked.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

- 19.7 The London Borough of Barnet 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. The London Borough of Barnet 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.
- 19.8 If there is justified concern about serious, disruptive or threatening disorder, particularly if Police intervention has been necessary, suitable licence conditions such as door supervision or the use of CCTV will normally be appropriate.
- 19.9 Licence conditions may be imposed if there is justified concern about burglary targeted at gaming machines or the use of gaming machines by children.
- 19.10 If The London Borough of Barnet is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.
- 19.11 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be Security Industries Act licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Gambling Commission's Guidance, Part 33).
- 19.12 When considering whether to impose a licence condition to restrict the number of betting machines in particular premises, London Borough of Barnet will take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.
- 19.13 It is noted that there are conditions which the London Borough of Barnet 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.
- 19.14 The fairness and openness of gambling are primarily matters for the Gambling Commission, which has the power to impose relevant conditions on operating and personal licences. The London Borough of Barnet will not impose conditions on premises licences in connection with this objective except in the case of track licences, where the track operator may not have an operating licence.

## 20. Location of Premises

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- 20.1 The London Borough of Barnet will take into account the location of premises in the context of the crime prevention objective. For example, if an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, the London Borough of Barnet will consider what, if any, controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors. London Borough of Barnet has not identified any such areas but will be receptive to advice from the Police when considering applications.
- 20.2 As stated in the Gambling Commissions Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling. Applications for granting licences in respect of gambling premises that are in close proximity to locations for such vulnerable persons for example schools, centres for gambling addicts, hostels, centres catering for people with mental disabilities or learning difficulties or those with drug or alcohol abuse problems, will receive very careful consideration.
- 20.3 Should any policy be lawfully decided upon as regards areas where gambling premises should not be located, this statement will be updated. Again, it should be noted that 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 potential concerns can be overcome.
- 20.4 Applicants for new or variation applications of premises licences within a 'gambling vulnerability zone' must include detailed information as to how the proposals will be reasonably consistent with the gambling objectives and policies. A 'vulnerability zone' is defined as any premises which is within close proximity or on a main route to a school, other educational institution, hostel or other sensitive location(s) where there is the potential for exposing children, young people or other vulnerable persons to gambling.
- 20.5 Applicants are expected to establish whether there are any sensitive premises or locations within close proximity to the premises and what the risk level is for the area based on vulnerability. Where this is the case, applicants should submit information as to how they plan to be reasonably consistent with the strand of the licensing objectives concerned with the protection of children and other vulnerable persons from being harmed or exploited by gambling. The additional supporting information may contain the following:
- How the premises operate will restrict access to children, young people or other vulnerable persons;
  - whether a proof of age scheme is being used
  - will the appropriate number of security staff be employed at appropriate times;
  - will opening times be set so that the premises are not open during school start and finish times; and
  - what procedures and staff training are in place to identify vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs, etc.
- This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 20.6 The applicant for a premises licence will have to specifically consider how the location of the premises will impact on the objectives. Applicants will have to clearly show that they have considered the potential impact of their proposed business on the licensing objectives and propose ways that will reduce or remove any likely adverse impact on them.

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

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

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

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

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

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

20.12 The council has produced a Local Area Profile (LAP) to assist operators. The profile outlines the possible risks to gambling-related harm. The LAP sets out the information that gambling operators need to consider for new applications or when updating their risk assessments for existing premises.

20.13 The council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. Applicants are able to refer to the Local Area Profile to establish the risks for the area and what vulnerable groups are present. This will inform the consideration and implementation of any control measures that would mitigate the risk to the vulnerable. The applicant must set out the risks, their consideration and adequate control measures within their premises risk assessments.

20.14 The Licensing Authority will assess the risks presented and determine whether the proposed steps are suitable to mitigate the risks of harm within the area.

20.15 The Licensing Authority will expect all applicants for a new licence to submit the completed assessment with their application. For more information, please see Appendix A of this document.

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

- Enable licensing authorities to better serve their local community, by improving Barnet's understanding of the community and the local risk profile

- Provide improved clarity for operators as to the relevant factors in Licensing Authority decision-making. This aims to lead to improved premises licence applications, with the potential operator already incorporating controls and measures to mitigate risk in their application;
- Enable Licensing Authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge; and
- Encourage a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

## 21. Division of Premises and Primary Usage

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21.1 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.

21.2 However, the London Borough of Barnet will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

21.3 In most cases the expectation is that a single building or plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer.

21.4 The London Borough of Barnet does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.

21.5 The London Borough of Barnet will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, the attention of applicants is drawn to the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

- Customers should be able to participate in the activity named on the premises licence.

21.6 Other factors which The London Borough of Barnet will consider are:

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

The London Borough of Barnet will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

21.7 This Licensing Authority takes particular note of the Gambling Commission's guidance which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non- gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activities identified on the premises licence.

21.8 The Licensing Authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's guidance.

21.9 This Licensing Authority is also aware that an issue has arisen in some parts of the country, where operators have sought to sub-divide existing single licensed premises, and obtain further premises licences in respect of each sub-division. It has been observed that this practice has been used predominantly in respect of categories of premises licences which allow the operation of a small, fixed number of high-value gaming machines – in effect, using multiple premises licences in respect of different areas of a single business to artificially increase the permitted number of category B machines that can be made available.

21.10 The Licensing Authority notes the Commission's guidance that "in most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, '32 High Street'. But that does not mean that '32 High Street' cannot be the subject of separate premises licences for the basement and ground floor if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances." When assessing whether premises can be regarded as separate, the Licensing Authority proposes to apply the following criteria:



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

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

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

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

Type of premises	Access provisions
Casinos	<ul style="list-style-type: none"> <li>• the principal entrance to the premises must be from a 'street'</li> <li>• no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons</li> <li>• no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.</li> </ul>
AGCs	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly from any other licensed gambling premises.</li> </ul>
Betting shops	<ul style="list-style-type: none"> <li>• access must be from a 'street' or from other premises with a betting premises licence</li> <li>• no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.</li> </ul>
Tracks	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly from a casino or AGC</li> </ul>
Bingo premises	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track</li> </ul>
FECs	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly from a casino, an AGC or a betting premises</li> </ul>

21.13 In the case of some divided premises, it appears that the intended primary use of a premises licence had not been offered, with operators solely making use of the additional machine

entitlement (for example, holding a Bingo premises licence but not making any facilities for playing bingo available). The Gambling Commission consulted on this issue in 2008, and subsequently issued a revision to the Licence Conditions and Codes of Practice affecting Bingo, Betting and Casino operating licences. Holders of these licences are now mandated to provide suitable and sufficient facilities for their primary gambling activity in any of their associated premises.

21.14 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

## 22. Door Supervisors

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

### Provisional Statements

23.1 Developers may wish to apply to this London Borough of Barnet for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

23.2 Section 204 of the Gambling Act provides for a person to make an application to the London Borough of Barnet for a provisional statement in respect of premises that he or she:

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

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

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

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

23.5 In addition, London Borough of Barnet may refuse the premises licence or grant it on terms different to those attached to the provisional statement only by reference to matters:

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

## 24. Reviews

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24.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the London Borough of Barnet to decide whether the review is to be carried out. This decision will be made on the basis of whether the request for the review is relevant to the matters listed below but London Borough of Barnet will not review a licence if it considers the request to be frivolous, vexatious or repetitious, or that a review will certainly not cause the London Borough of Barnet to alter, revoke or suspend the licence, or the request is substantially the same as previous representations or requests for review. The holding of a review must be:

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

24.2 The London Borough of Barnet can itself initiate a review of a licence and may do so if it appears to its officers that the licensing objectives are being harmed. It is open to any officer of the London Borough of Barnet authorised to do so to initiate a review in the London Borough of Barnet's name but it is expected that in most cases licensing officers will take the lead.

24.3 The London Borough of Barnet does not wish its licensing officers to take on the initiation of a review that could otherwise be requested by another responsible authority or an interested party. Where evidence of harm to the licensing objectives is provided by either a responsible authority or interested party wanting a review to take place, London Borough of Barnet expects that they, not the licensing officers, will normally initiate the review.

24.4 Once a valid application for a review has been received by The London Borough of Barnet, representations can be made by responsible authorities and interested parties during a 28-day period. This period begins 7 days after the application was received by London Borough of Barnet, who will publish notice of the application within 7 days of receipt. London Borough of Barnet must carry out the review as soon as possible after the 28-day period for making representations has passed.

24.5 The purpose of the review will be to determine whether The London Borough of Barnet should take any action in relation to the licence. If action is justified, the options open to the London Borough of Barnet are;

- (a) add, remove or amend a licence condition imposed by The London Borough of Barnet;
- (b) exclude a default condition imposed by the Secretary of State or

- remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

24.6 In determining what action, if any, should be taken following a review, the London Borough of Barnet will have regard to the principles set out in section 153 of the Act, as well as any relevant representations. In particular, London Borough of Barnet will also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

24.7 Once the review has been completed, the London Borough of Barnet must, as soon as possible, notify its decision to:

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

## 25. Gambling Premises Licence Applications

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25.1 A premises licence may authorise:

- The operation of a casino
- The provision of facilities for playing bingo
- Adult Gaming Centres
- Licensed Family Entertainment Centres
- The provision of facilities for betting.

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

25.3 The London Borough of Barnet recognises that every application and representation made in connection with premises licences, with the exception of applications for a casino licence, must be treated on its merits.

25.4 The London Borough of Barnet is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- 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.

25.5 It is appreciated that as stated in the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for London Borough of Barnet as licensing authority.

25.6 Premises licences that are granted must be consistent with the licensing objectives. In consideration of the Gambling Commission's Guidance to Licensing Authorities the following comments are made:

- This Council is aware that the Gambling Commission takes a lead role in preventing gambling from being a source of crime. The guidance does envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective.
- The London Borough of Barnet has noted that the Gambling Commission states it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- The London Borough of Barnet has noted that Gambling Commissions Guidance on protecting children from being harmed or exploited by gambling 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.

## 26. Categories of Premises Licence

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### 26.1 Adult Gaming Centres

26.1.1 The London Borough of Barnet will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that those who are aged under 18 years old are not attracted to or gain access to the premises.

26.1.2 The London Borough of Barnet may consider measures to meet the licensing objectives 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-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

26.1.3 The London Borough of Barnet will have particular regard to the location and management of entrances to adult gaming centres. It will wish to see that the opportunities for children to gain access are minimised. This will be of particular importance if young people are likely to be unsupervised and the gaming centre is in a complex, such as a shopping centre.

### 26.2 Licensed Family Entertainment Centres

26.2.1 Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres will contain machines of the Category D machine types on which they are allowed to play. Because gaming machines provide opportunities for solitary play and for immediate pay-outs, they are likely to engender repetitive and excessive play. In considering applications the London Borough of Barnet will have regard to the need to protect children and vulnerable people from harm or being exploited by gambling and will expect the applicant to satisfy the London Borough of Barnet, for example, that those aged under 18 years old do not have access to the adult only gaming machine areas.

26.2.2 The London Borough of Barnet may consider measures to meet the licensing objectives such as:

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

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

26.2.3 The London Borough of Barnet will refer to the Gambling Commission's website from time to time to ascertain any conditions that may apply to operating licences regulating the way in which the area containing the category C machines should be delineated. The London Borough of Barnet will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

### 26.3 Tracks

26.3.1 Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. London Borough of Barnet has no special policy on these issues, but will take into account the size of the track and associated area and the ability of staff to monitor the use of the machines by children and vulnerable people when determining the number of machines permitted.

26.3.2 The London Borough of Barnet will normally 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.

### 26.4 Casinos

26.4.1 London Borough of Barnet resolved in 2006 not to licence casinos, with immediate effect. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

## 26.5 Bingo

- 26.5.1 The London Borough of Barnet will need to be satisfied that appropriate conditions exist for bingo to be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 26.5.2 The London Borough of Barnet also notes the Gambling Commission's Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate more than the permitted number of category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.
- 26.5.3 Children and young people are allowed into bingo premises. However, they are not permitted to participate in the playing of bingo and if category B or C machines are made available for use, then these must be separated from areas where children and young people are allowed.

## 26.6 Betting premises

- 26.6.1 London Borough of Barnet is aware that there is a trend to enlarge betting offices and that this can result in improved customer facilities. The London Borough of Barnet will look favourably on applications to improve customer facilities by enlarging or relocating existing premises, provided this does not entail risk to the licensing objectives.
- 26.6.2 London Borough of Barnet recognises that certain bookmakers have a number of premises within its area. In order to ensure compliance and that issues are recognised and resolved at the earliest stage, operators are requested to give the London Borough of Barnet a single named point of contact, who should be a senior individual, and whom the London Borough of Barnet will contact first should any compliance queries or issues arise.
- 26.6.3 Betting machines - This London Borough of Barnet will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people, when considering the number, nature and circumstances of betting machines an operator wants to offer.

## Part 4 – Permits and Notices

- 27.1 The London Borough of Barnet believes that gambling, including the use of category D gaming machines, is harmful to children. London Borough of Barnet believes that the use of gaming machines by children is not consistent with the third licensing objective.
- 27.2 The London Borough of Barnet will not grant permits for any category of gaming machines where it considers that they are likely to be used or easily accessed, by children. Permits may be granted if adequate precautions are offered by the applicant. These could include, for example, steps to prevent access to the machines by children, and training for staff with respect to suspected truants and unsupervised very young children on the premises.
- 27.3 This Council is concerned about burglary targeted at gaming machines. The authority considers that this is relevant to the first licensing objective.
- 27.4 Precautions to reduce the risk of burglary or theft from the machines may include:
- good security to deter break-ins
  - machines monitored by overt CCTV systems of an adequate standard to meet Police recommendations
  - machines to be of substantial construction to resist damage
  - emptying machines of cash nightly, and displaying a notice stating that this is done
  - siting machines where they can be observed by staff or the licence holder to deter theft when the premises are open
  - providing adequate secure cash storage facilities to Police recommendations.
- 27.5 The London Borough of Barnet recommends that applicants consult the Police, including the local Safer Neighbourhood Team, at an early stage, to obtain advice about crime prevention measures.
- 27.6 When considering an application for a permit, the London Borough of Barnet will take into account the applicant's suitability (including whether they have a conviction for any relevant offence).

### 28. Alcohol Licensed Premises Gaming Machine Permits & Notifications

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- 28.1 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. The premises merely need to notify The London Borough of Barnet.
- 28.2 The London Borough of Barnet can remove the automatic authorisation in respect of any particular premises if:
- the 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 London Borough of Barnet, 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.

28.3 The London Borough of Barnet expects licensed premises to be clear on the expectations and requirements in relation to gambling on licensed premises.

<http://www.gamblingcommission.gov.uk/authorities/guide/pubs-and-clubs-toolkit>

## 29. Alcohol Licensed Premises Gaming Machine Permits or More Machines

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29.1 If premises wish to have more than 2 machines, then it needs to apply for a permit. The London Borough of Barnet will 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 any other matters that it may think relevant. The London Borough of Barnet 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 those aged under 18 years old 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 who will monitor that the machines are not being used by those under 18 years. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

29.3 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.

29.4 It should be noted that The London Borough of Barnet 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.

29.5 It should also be noted that 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.

## 30. Club Gaming and Club Machine Permits

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30.1 Members clubs and miners' welfare institutes but not commercial clubs may apply for a club gaming 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 regulations.

30.2 Members clubs, miner's welfare institutes and commercial clubs may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). It should be noted that commercial clubs may not site category B3A gaming machines offering lottery games in their club.

30.3 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. The Secretary of State has made regulations and these cover bridge and whist clubs, which replicates 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.

30.4 Licensing authorities may 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;
- e) an objection has been lodged by the Gambling Commission or the Police.

30.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police 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."

30.6 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.

### **31. Unlicensed Family Entertainment Centre Gaming Machine Permits**

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31.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to The London Borough of Barnet 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.

31.2 An application for a permit may be granted only if The London Borough of Barnet is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre (UFEC) and if the chief officer of police has been consulted on the application.

31.3 The London Borough of Barnet 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 including training for staff as regards suspected truant school children on the premises, measures including training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

31.4 The London Borough of Barnet will expect applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;

- that the applicant has no relevant convictions
- that staff are trained to have a full understanding of the maximum stakes and prizes.

31.5 It should be noted that The London Borough of Barnet cannot attach conditions to this type of permit.

## 32. Prize Gaming Permits

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32.1 Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

32.2 The London Borough of Barnet 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;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

32.3 In making its decision on an application for this permit The London Borough of Barnet does not need to but may have regard to the licensing objectives. However, it must have regard to any Gambling Commission guidance.

32.4 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the London Borough of Barnet 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;
- participation in the gaming must not entitle the player to take part in any other gambling.

32.5 The London Borough of Barnet may not impose any further conditions.

## 33. Temporary Use Notices

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33.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice would include hotels, conference centres and sporting venues.

33.2 The London Borough of Barnet can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

- 33.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 33.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the London Borough of Barnet needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 33.5 The London Borough of Barnet expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

#### **34. Occasional Use Notices**

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- 34.1 The London Borough of Barnet has very little discretion as regards occasional use notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Council will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice

#### **35. Travelling Fairs**

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- 35.1 The London Borough of Barnet is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 35.2 The London Borough of Barnet will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 35.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, 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.
- 35.4 The London Borough of Barnet will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

## Part 5 – Lotteries

36.1 The Gambling Act 2005 regulates all forms of fund-raising lotteries promoted in the UK. With the exception of the National Lottery, which is not regulated under this Act, it is illegal to promote a lottery for private or commercial gain.

36.2 While the term 'lottery' is used within the legislation, these provisions are also likely to apply to raffles, prize draws, tombola's, sweepstakes, scratch-card sales, and so on – in short, any arrangement in which a ticket is sold for a random chance of winning a prize. For the sake of simplicity, 'lottery' is used to define all of these.

36.3 Broadly speaking, there are two categories of lottery established under the Act –

- Licensed lotteries (proceeds exceed £20,000 for each lottery or aggregate proceeds exceed £250,000 in a calendar year) & Local Authority Lotteries (administered by local authorities for the benefit of local authorities). An operating licence must be held by the promoter(s) of these lotteries.
- Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission each with its own limits on the amounts that can be raised, the purposes for which it can be promoted, and the manner in which it must be run.

These are:

Incidental Non-Commercial Lotteries: these are raffles which take place during the course of an event, e.g., tickets are sold and a raffle that is drawn during a fete, party or meeting.

Work Lotteries and Resident's Lotteries: these include raffles in which tickets are only sold to a) people who all work in the same premises; or b) people who all live in the same premises. This lottery does not require registration and any money raised for a good cause must be stipulated when selling tickets. If tickets are not for a good cause, all proceeds must be spent on costs of organising the lottery and buying prizes.

Customer Lotteries: these are where businesses arrange lotteries for their customers, whereby tickets are sold on the business' own premises, to its customers and the prize is worth less than £50. These lotteries do not require registration. Such lotteries cannot be used or fundraising.

Private Society Lotteries : this is a raffle where tickets are restricted to members of the society only. Tickets can be sold to guests of members and all proceeds must go to the organisation or to a charity (after organising costs and prizes are deducted). This lottery does not require registration.

Society Lotteries: this is where a raffle is run by a non-commercial society (such as a community group or charity) whereby tickets are sold to members of the public in advance. These lotteries require registration with the Gambling Commission.

Societies may organise lotteries if they are licensed by the Gambling Commission, or if they fall within one of the exempt categories. The Licensing Authority recommends those seeking to run lotteries, seek their own independent legal advice on which type of lottery category

they fall under.

36.4 The administration and enforcement of licensed lotteries is carried out solely by the Gambling Commission, although local authorities may provide information and intelligence to assist in these processes. Both the Commission and local authorities may carry out enforcement checks to ensure that any exempt lotteries are carried on in accordance with the relevant legal restrictions.

### 37. Small Society Lotteries

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37.1 Small Society Lotteries are those where (a) 20% of proceeds go to the purposes of the society; (b) proceeds raised are under £20,000 for each lottery; (c) aggregate proceeds are under £250,000 in a calendar year and (d) the maximum prize is £25,000.

37.2 These lotteries require registration with a Local Authority where their principal office is located. Where the local authority believes the Society's office is situated in another area, it will inform the Society as soon as possible.

37.3 Small Lottery operators registered with the Licensing Authority must maintain a written record of all sold and unsold tickets for a period of one year from the date the draw occurs. The Licensing Authority is permitted to inspect these records.

37.4 Should a society registered with a Licensing Authority for the promotion of small society lotteries promote a lottery which causes either on the statutory limits on proceeds to be exceeded, then any subsequent lotteries promoted by that society in the current calendar year or any of the following three calendar years will be deemed to be large society lotteries and will require the society to obtain a relevant operating licence from the Gambling Commission. The registration with the Licensing Authority will remain in force but will not serve to authorise any lottery schemes during this period – it is open to the society as to whether to cancel the registration.

37.5 Registration of non-commercial society lotteries may be refused if it appears that the applicant is a commercial society, and The London Borough of Barnet will therefore expect full details to be provided of the purpose for which the society is established. The London Borough of Barnet may make enquiries to satisfy itself on this point.

37.6 If the London Borough of Barnet is minded to refuse to register a lottery, or to revoke a registration, it will inform the applicant, stating the reasons, and the applicant will have the right to make representations. Any such representations will be heard by a sub-committee of the Licensing Committee.

37.7 The London Borough of Barnet does not currently possess an operating licence in its own name for the purposes of promoting a lottery for the benefit of the community.

### 38. Free Prize Draws & Skill Competitions

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38.1 The Act does not include any measures to regulate prize draws where there is no charge to enter, nor any competition where the outcome relies significantly upon a participant's skill, judgement or knowledge. Generally, the Licensing Authority will be unable to become involved in any matters relating to these schemes.

38.2 However, on some occasions, schemes that are presented as skill competitions will actually fall under the definition of lotteries, or prize (chance) gaming, and would therefore need to comply with the statutory requirements. Alongside the Gambling Commission, licensing authorities are obliged to monitor the boundaries between lotteries and skill competitions and will provide advice and assistance to ensure that any competitions are run in compliance

with the relevant laws. This Licensing Authority notes the criteria set out in section 14 of the Act relating to the characteristics of a skill competition, and, when called upon to assess a particular scheme, will seek to ensure that the competition includes a suitable challenge of skill, judgement or knowledge that cannot reasonably be expected to:

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

### **39. Tourism and employment**

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39.1 The London Borough of Barnet recognises the relevance of licensed premises to tourism and employment in the borough. The Licensing Committee will receive reports from anybody that it considers appropriate on the needs of the local cultural strategy, and tourist economy, including the employment situation in the area and the need for new investment and employment. These issues will be taken into account so far as the Act permits when making licensing decisions.

### **40. Promotion of equality**

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40.1 The London Borough of Barnet encourages the provision of proper facilities for disabled people at licensed premises, and will offer advice and information where necessary to assist applicants.

40.2 The London Borough of Barnet is obliged to have due regard to the need to eliminate unlawful discrimination, for example on the grounds of race, gender, disability, sexual orientation or religion, and to promote equality of opportunity and good relations between persons of different groups. When considering applications and representations, the London Borough of Barnet will treat all parties equally. However, it can take into account only the issues provided for in the Act.

### **41. Licensing Register**

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41.1 The London Borough of Barnet will establish and maintain a Licensing Register containing the information required by statute and keep it available for inspection. It can be seen on request to the Licensing Team, telephone 020 8359 7443.

### **42. Complaints about the Licensing Service**

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42.1 The London Borough of Barnet will investigate any complaint about the way it deals with a licensing issue and will inform the complainant of the outcome. If the complaint is justified, it will put the problem right if possible. London Borough of Barnet has a formal complaints procedure. For information see:

[www.barnet.gov.uk/your-council/contact-council/compliments-and-complaints](http://www.barnet.gov.uk/your-council/contact-council/compliments-and-complaints)

### **43. Further information**

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43.1 Information about applications, fees, how to make a representation, details of the responsible authorities and the licensing register, see [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) or contact the Licensing Team on 020 8359 7443, [licensingadmin@barnet.gov.uk](mailto:licensingadmin@barnet.gov.uk) or see The London Borough of Barnet's website, [www.barnet.gov.uk](http://www.barnet.gov.uk)

#### 44. Relevant documents

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- The Enforcement Concordat  
<http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/files/file10150.pdf>  
<http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/files/file10150.pdf>
- The Regulators' Compliance Code  
<https://www.gov.uk/government/publications/regulators-code>  
[https://www.gov.uk/government/publications/regulators-](https://www.gov.uk/government/publications/regulators-code)  
<codehttps://www.gov.uk/government/publications/regulators-code>
- The Human Rights Act 1998  
<http://www.legislation.gov.uk/ukpga/1998/42/contents>  
[http://www.legislation.gov.uk/uk](http://www.legislation.gov.uk/ukpga/1998/42/contents)  
<pga/1998/42/contents>  
<http://www.legislation.gov.uk/ukpga/1998/42/contents>  
[http://www.legislation.gov.uk/uk](http://www.legislation.gov.uk/ukpga/1998/42/contents)  
<pga/1998/42/contents>
- Crime and Disorder Act 1998  
<http://www.legislation.gov.uk/ukpga/1998/37/contents>  
[http://www.legislation.gov.uk/uk](http://www.legislation.gov.uk/ukpga/1998/37/contents)  
<pga/1998/37/contents>  
<http://www.legislation.gov.uk/ukpga/1998/37/contents>
- Equality Act 2010  
<https://www.legislation.gov.uk/ukpga/2010/15/contents>
- Guidance to Local Authorities issued by the Gambling Commission under section 25 of the Gambling Act 2005  
<https://www.gamblingcommission.gov.uk/authorities>  
  
<http://www.barnet.gov.uk/>

#### 45. Commencement and Review

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- 45.1 This policy will come into effect on **\*\* January 2024**
- 45.2 It will be kept under review and The London Borough of Barnet may make changes after consultation. It will be renewed every three years. The London Borough of Barnet will be pleased to receive the views of responsible authorities, individuals or organisations at any time.



**London Borough of Barnet**

**Local Area Profile  
Gambling Act 2005**

**January 2024**

## Introduction

- 1.1. Great Britain has one of the most accessible gambling markets worldwide. Opportunities to gamble exist on most high streets and, with the increase in online gambling, in virtually every home. The majority of British people have gambled at some point and most of those who gamble have no issues with keeping their gambling within sensible and affordable limits.
- 1.2. However, for some, gambling can be problematic, affecting their ability to live and work. People with gambling problems often experience a range of negative effects, including health issues, relationship breakdown, and difficulties with debt. In more severe cases gambling problems can lead to crime, thoughts of suicide or suicide itself.<sup>11</sup>
- 1.3. When the Gambling Act 2005 (the Act) came into force in late 2007, it brought in a new, comprehensive system for gambling regulation in Great Britain. The Act established a dedicated regulator, at a national level, in the form of the Gambling Commission and recognised the potential local impact and importance of gambling. So, it created many local regulators in line with local circumstances. Those regulators are the 380 licensing authorities of England, Wales and Scotland. Barnet Council, as such, is one of these regulators.
- 1.4. The regulatory environment in Great Britain is changing, becoming more focused on risk. Licensing authorities are expected to take the lead on local regulation of gambling. As such, policy is becoming more focused on understanding and mitigating gambling-related harm, rather than focusing on problem gambling alone.
- 1.5. The Gambling Commission recommend, that as part of any policy refresh, which licensing authorities are required to do every three years, that authorities also produce a Local Area Profile. The Commission explain that this will have a number benefits for policy-making in the future, including:
  - Enabling licensing authorities to better serve their local community, by improving Barnet's understanding of the community and the local risk profile;
  - Improved clarity for operators as to the relevant factors in licensing authority decision making. This will lead to improved premises licence applications, with the potential operator already incorporating controls and measures to mitigate risk in their application;
  - Enabling licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge; and
  - Encouraging a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

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<sup>1</sup> <https://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2015.pdf>

## Barnet's Approach

- 2.1 The purpose of the Barnet Local Area Profile is to identify the areas' most vulnerable to gambling related harm. Therefore, the question that this profile attempts to better understand is – who is vulnerable to, or at risk of, gambling-related harm and where are such vulnerabilities likely to manifest in Barnet?
- 2.2 Gambling-related harm was recently defined by the Gambling Commission in their 'Measuring Gambling Related Harms – A Framework for Action' report, published in July 2018<sup>2</sup> :
- "Gambling-related harms are the adverse impacts from gambling on the health and wellbeing of individuals, families, communities and society"*
- 2.3 The Gambling Commission in 2012, whilst stating that it would not explicitly define who exactly is vulnerable in relation to gambling, could identify types of people that it is likely to impact more than others. This focuses on people who gamble more than they would want to, some examples include:
- Young people and students
  - Those with Mental Health problems
  - Those with problems around drug dependency/misuse
  - Those with learning disabilities/difficulties
  - Homeless people
  - Those living in constrained economic circumstances
  - Those living in deprived areas
  - Those with personality/cognitive impairments
- 2.4 A report by the Gambling Commission in 2015 defined problem gambling as an activity:
- "To a degree that compromises, disrupts or damages family, personal or recreational pursuits"*
- 2.5 In accordance with the Gambling Commission's recent gambling harms framework and previous publications, the types of harms that have been considered as part of this local area profile are as follows:
- Gambling associated crime (acquisitive and those at a gambling premises)
  - Relationship breakdown/problems (reported domestic incidents) 2 "Gambling-related harms are the adverse impacts from gambling on the health and wellbeing of individuals, families, communities and society" "To a degree that compromises, disrupts or damages family, personal or recreational pursuits"
  - Unemployment, financial stress, and income deprivation
  - Health issues
  - Homelessness
  - Children being exposed to gambling (accidental or otherwise)
- 2.6 Barnet, as the licensing authority, has modelled where such risks might be more acute in certain areas versus others. This has included an assessment of the key characteristics of the borough to identify areas of higher risk of vulnerability to gambling-related harm.

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<sup>2</sup> <https://www.gamblingcommission.gov.uk/PDF/Measuring-gambling-related-harms.pdf>

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

2.8 Barnet will take specific note of whether an application relates to a premise that is:

- Close to an educational establishment, including colleges and universities;
- Close to a center dealing with addictions;
- Close to general practitioners and supported housing that focuses on mental health;
- Situated in an area of high, gambling associated crime;
- Situated in an area of deprivation;
- Close to locations that are regularly visited by those who are unemployed such as job centres and food banks; or
- Close to the location of businesses providing instant access to cash such as payday loans, pawn shops

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

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

## Data

3.1 Below is the data table which highlights the data that has gone into the model to assess vulnerability across Barnet.

Dataset	Source	Link Harm	
All crime - venue recorded as occurring at a Barnet betting shop – 2016, 2017 and 2018	MPS	Crime	
ASB incidents in Barnet in 2022	MPS	Relationship problems/ breakdown	

Dataset	Source	Link Harm	
Acquisitive crime in 2022	MPS	Crime	
Food banks	Open Source	Unemployment Financial Stress Income Deprivation	
Education institutions	Corporate GIS	Child Exposure	
Deprivation	Corporate GIS	Unemployment Financial Stress Income Deprivation	
Location of Gambling Premises Licenses	Licensing	All	
Population by Lower Super Output Area	ONS 2022 office of national statistics	All	

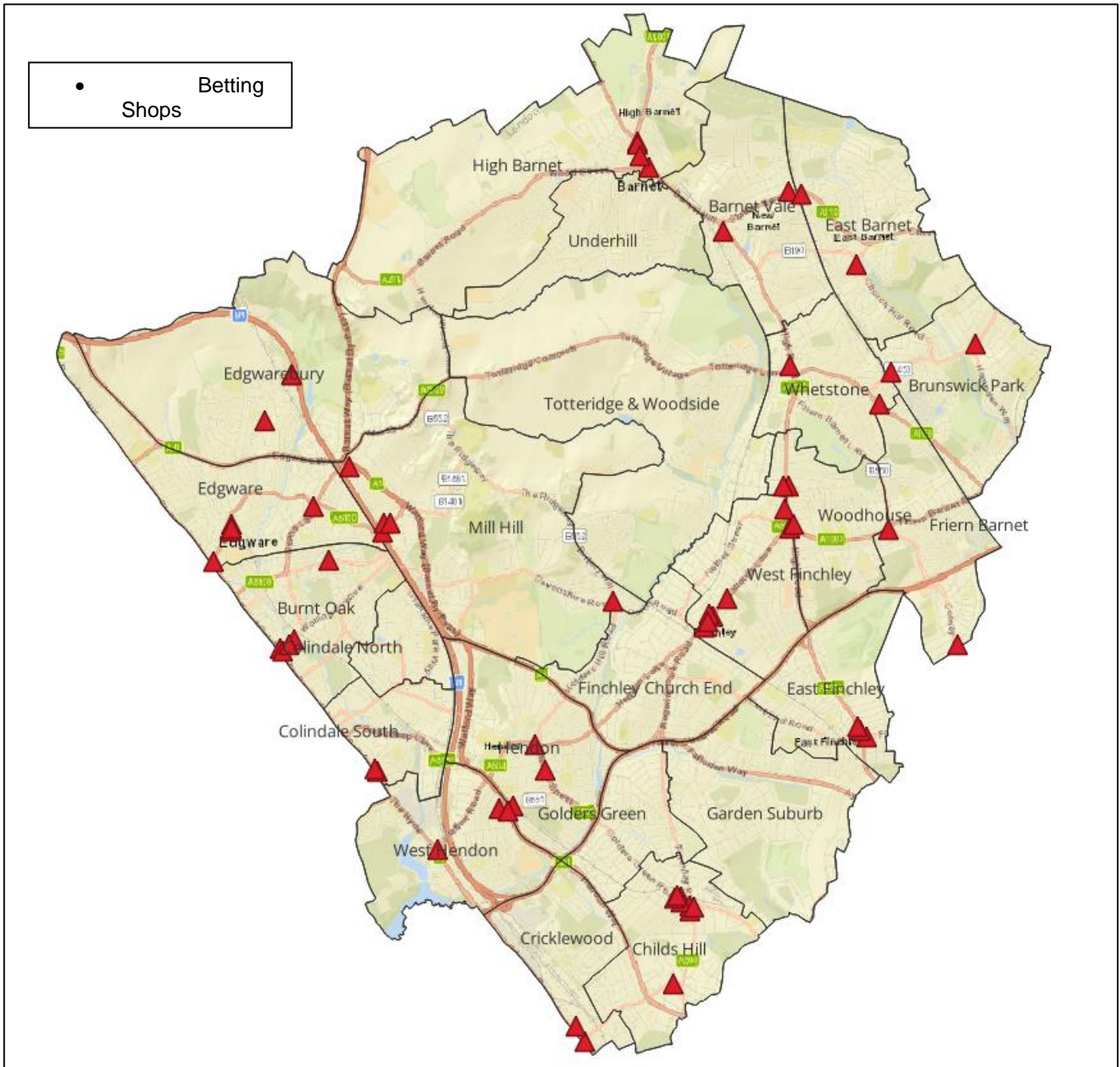
### Vulnerability Maps

4.1 Below is the data table which should be used to navigate between the various maps made available through this local area profile<sup>3</sup>

Map No	Map Title
Section 4 – Vulnerability Maps	
1	Locations of Gambling Premises in Barnet
2	Barnet’s Hots Spot areas for Licensed Gambling Premises
3	Barnet’s index of Multiple Deprivation
4	Proximity of Schools to Gambling Premises
5	ASB Hot Spots and Licensed Gambling premises

<sup>3</sup> Use the links in the table to view higher resolution images and interactive views of the clusters and vulnerability maps.

## MAP 1: Locations of Gambling Premises Licences in Barnet

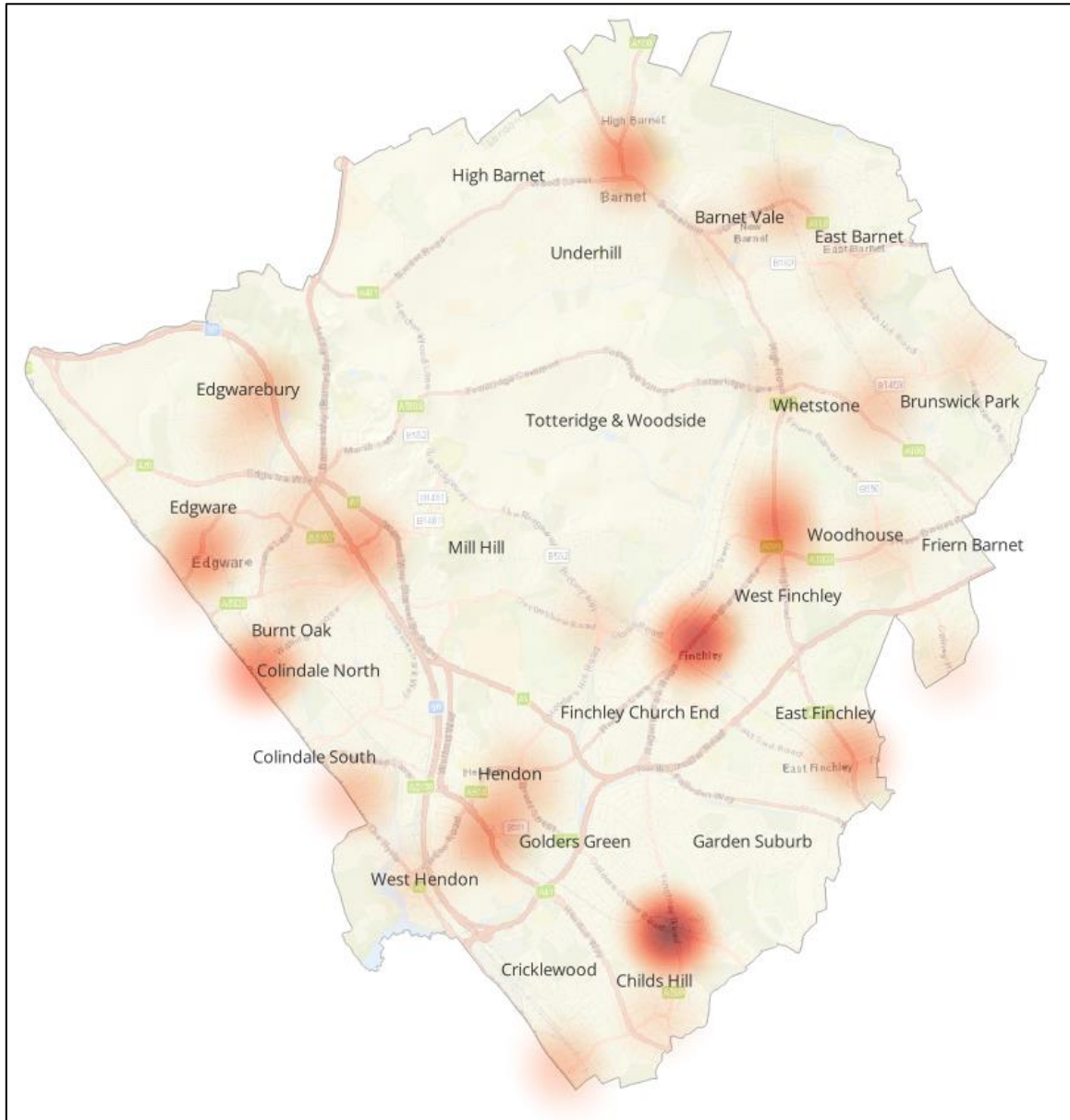


1.1. Map 1 shows the locations of the premises with a Gambling Premises licence in Barnet.

The map shows concentrations in the high footfall areas, namely;

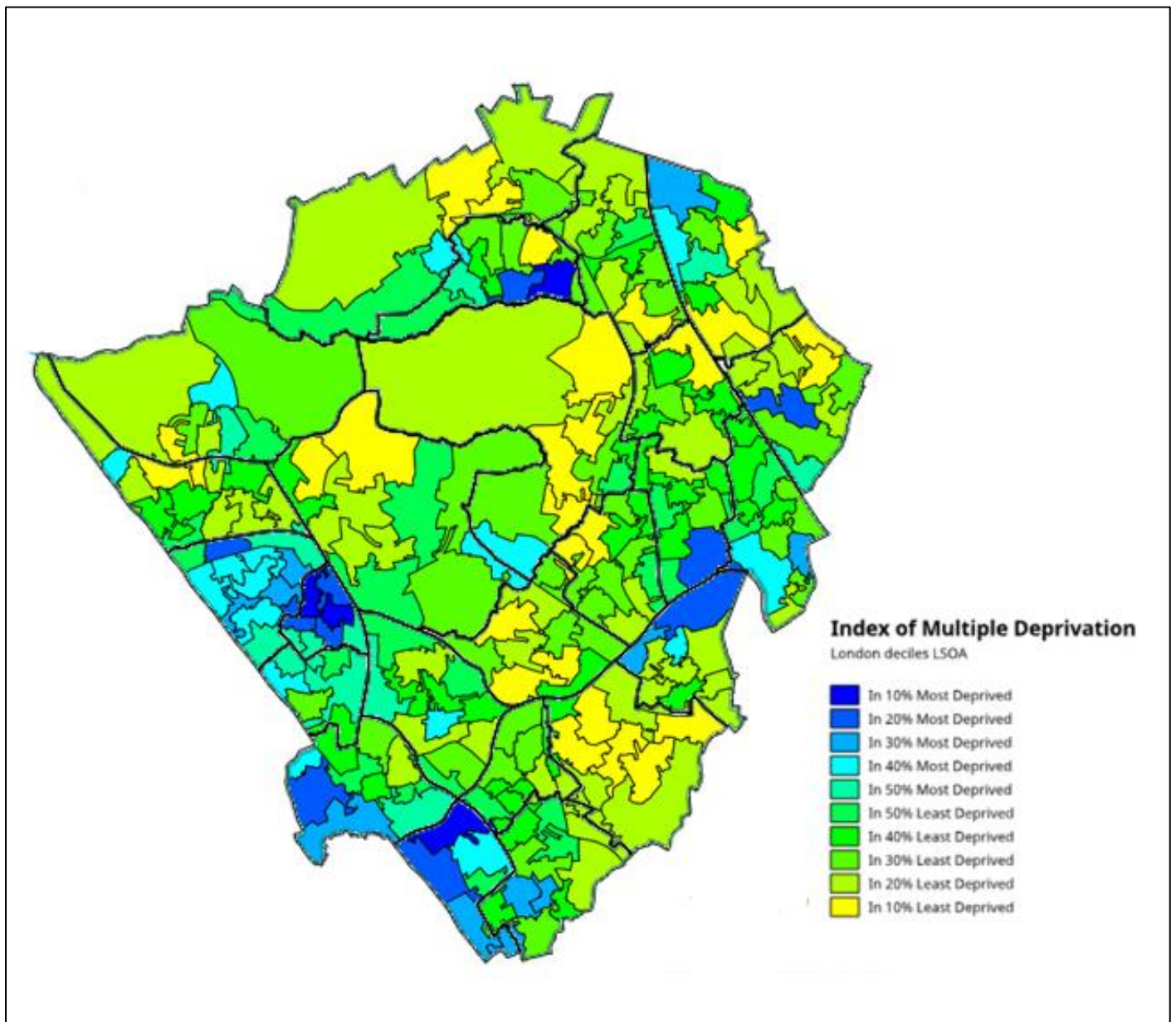
- Golders Green Road/Finchley Road Junction,
- Ballards Lane (Finchley Church End)
- Station Road, Edgware
- Watling Avenue

## MAP 2 – Barnet's Hot Spot areas for Licensed Gambling Premises



Map 2 builds on Map 1 and shows a hot spot areas of gambling premises locations, per LSOA

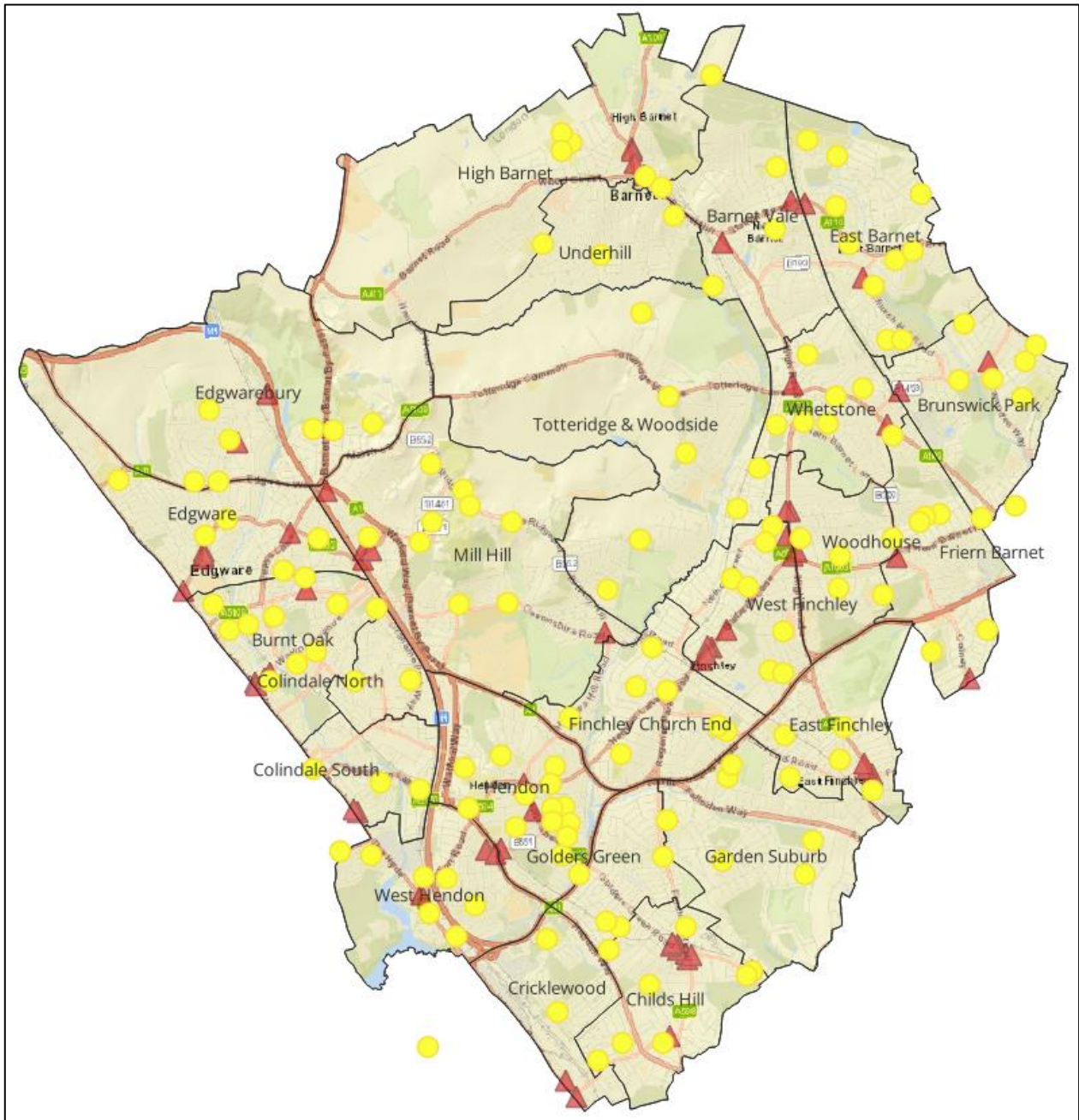
### MAP 3 – Barnet’s index of Multiple Deprivation



Map 3 is a visual representation of the most deprived areas in Barnet. It shows that large areas in Woodhouse, East Finchley, Colindale North, Cricklewood and Underhill wards in 10% Most Deprived.

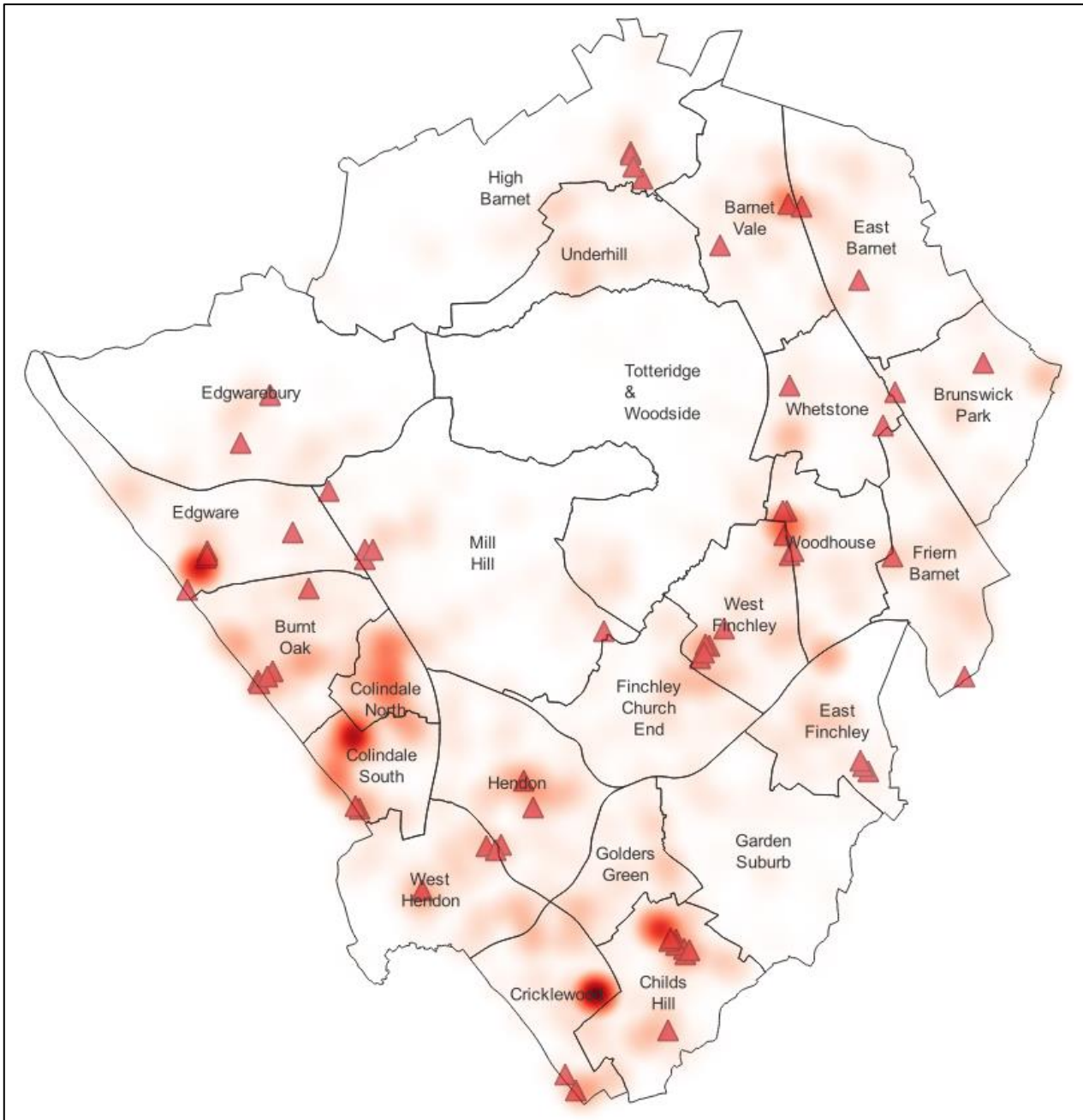


#### MAP 4 – Proximity of Schools to Gambling Premises



Map 5 – representation of the number of schools and gambling premises in the Borough. This highlights the close proximity with which some Barnet schools and gambling premises are already situated.

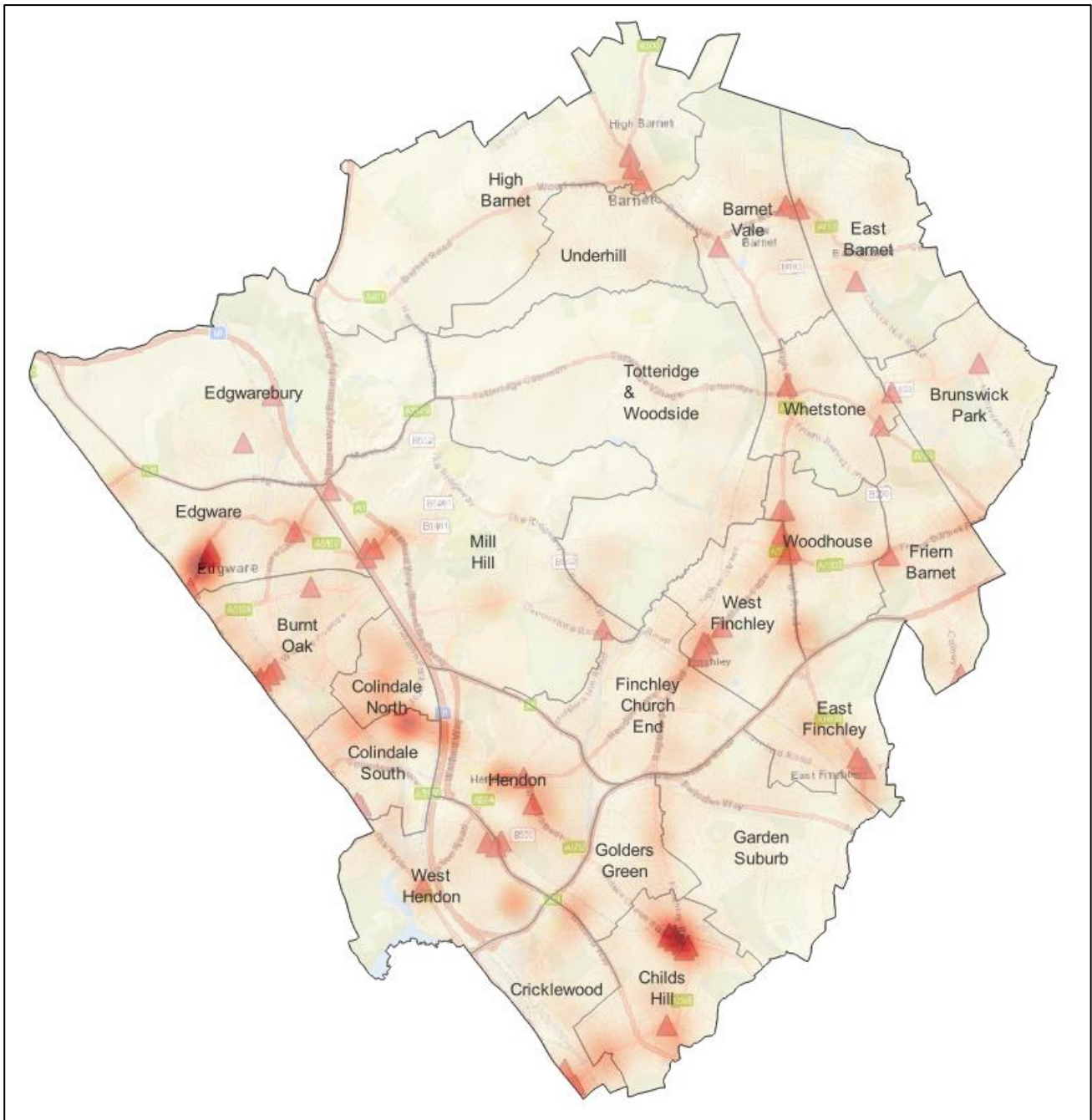
## MAP 5 - ASB Hot Spots and Licensed Gambling premises



Map 5 shows the result of the hot spot analysis for recorded ASB crimes on the Metropolitan Police recording system was active. Each crime is symbolised based on whether it is part of a statistically significant hot spot (red), and a statistically significant cold spot (white). The red areas are hot spots, or areas where high numbers of ASB incidents are surrounded by other areas with high numbers of ASB incidents. The red Triangles show the location of our existing gambling premises licence holders. In Barnet, hot spots are distributed throughout the borough with particularly high densities in:

- Cricklewood Ward – In the area of Pennine Drive
- Colindale South Ward – In the area of Colindale Avenue
- Edgware Ward – In the area around Station Road

## MAP 6 – Acquisitive crime Hot Spots and Licensed Gambling premises



Map 6 shows the result of the hot spot analysis for recorded Acquisitive crimes on the Metropolitan Police recording system was active. Each crime is symbolised based on whether it is part of a statistically significant hot spot (red). The red areas are hot spots, or areas where high numbers of Acquisitive crimes are surrounded by other areas with high numbers of incidents. The red triangles show the location of our existing gambling premises licence holders. In Barnet, hot spots are distributed throughout the borough with particularly high densities in:

- Childs Hill Ward – Golders Green Road – (Finchley Road end)
- Edgware Ward – Station Road
- South Colindale Ward – in the area of Boulevard Drive