



LICENSING COMMITTEE

Wednesday, 17th October, 2018

at 7.00 pm

Room 102, Hackney Town Hall, Mare Street,
London E8 1EA

Membership

Cllr Emma Plouviez (Chair), Cllr Brian Bell (Vice-Chair), Cllr Caroline Woodley, Cllr Gilbert Smyth, Cllr Sam Pallis, Cllr Sharon Patrick, Cllr Margaret Gordon, Cllr James Peters, Cllr Caroline Selman, Cllr Ian Rathbone, Cllr Sophie Conway, Cllr Sem Moema, Cllr Peter Snell and Cllr Harvey Odze

TIM SHIELDS
Chief Executive

Contact:
Gareth Sykes, Governance Services Officer
Tel: 020 8356 1266
Email: gareth.sykes@hackney.gov.uk

The press and public are welcome to attend this meeting

ACCESS AND INFORMATION

Hackney Council website: www.hackney.gov.uk

The Council and Democracy section of the Hackney Council website contains full details about the democratic process at Hackney, including:

- Councillor contact details
- Agendas, reports and minutes from council meetings
- The council's constitution
- Overview and Scrutiny information
- Details and links to area forums and local consultations

Facilities

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in the Assembly Halls, rooms 101, 102 & 103 and the Council Chamber. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

AGENDA

Wednesday, 17th October, 2018

ORDER OF BUSINESS

Item No		Page No
1	Apologies for Absence	
2	Declarations of Interest - Members to declare as appropriate	
3	Minutes of the Previous Meeting	1 - 6
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5	Gambling Act 2005 Statement of Principles	33 - 112
6	Proposed Pre-Application Advice Service - Pilot Scheme	113 - 118
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ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to all Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Director of Legal and Governance
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

Further Information

Advice can be obtained from Suki Binjal, Director of Legal and Governance, on 020 8356 6234 or email suki.binjal@hackney.gov.uk



FS 566728



LICENSING COMMITTEE
MONDAY, 2ND JULY 2018
COUNCIL CHAMBER, HACKNEY TOWN HALL, LONDON E8 1EA

- Present:** Councillor Emma Plouviez in the Chair
- Councillors Cllr Brian Bell (Vice-Chair),
Cllr Sam Pallis, Cllr Caroline Selman and Cllr
Caroline Woodley
- Officers:** Butta Singh, Senior Lawyer Licensing & Corporate
Gareth Sykes, Governance Services Officer
David Tuitt, Business Regulation Team Leader
- Apologies:** Cllr Margaret Gordon and Cllr Sem Moema

1 Apologies for Absence

- 1.1 Apologies for absence were given by Councillor Margaret Gordon and Councillor Sem Moema.

2 Declarations of Interest - Members to declare as appropriate

- 2.1 There were no declarations of interest.

3 Minutes of the Previous Meeting

- 3.1 **RESOLVED** the minutes of the previous extraordinary meeting, held on 23rd May 2018, be agreed.

RESOLVED the minutes of the previous meeting, held on 8th February 2018, be agreed, subject to clarification on the following:

5 Late night levy – structure of Management Board and Terms of Reference

RESOLVED the licensing service would clarify the quorum for the Late Night Levy Management Board (LNLMB).

RESOLVED the licensing service would amend and clarify the terms of reference for the Late Night Levy Management Board including clarifying the position of the role of vice-chair on the LNLMB.

4 Draft Gambling Statement of Principles for consultation

- 4.1 David Tuitt, Business Regulation Team Leader (Licensing and Technical Support), introduced the report recommending the draft gambling Statement of Principles (“the Statement”) for consultation. Committee members noted that Section 349 of the Act states that each Licensing Authority must prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act during the three year period to which the statement applies. The statement must be kept under review during the period and be republished where it is revised. The statement must be in place before the authority can determine any application. Mr Tuitt explained that the Gambling Statement of Principles 2019 – 2022 contained tracked changes as this was

required by Gambling Commission. There would be two versions; one tracked and one untracked.

- 4.2 David Tuitt highlighted in paragraph 4.1 of the report the implementation timetable for the revised statement. David suggested that the consultation period may not be 12 weeks. Members noted that the final consultation would likely be published on the 16th July 2018. Council approval would be sought at the 31st October 2018 Council meeting.
- 4.3 David Tuitt highlighted to Committee members that the maps in the appendices of the draft policy would be updated in time for publication of the final consultation.
- 4.4 In a response to question from Councillor Pallis, David Tuitt replied that there had not been any substantial changes to the policy apart from the announcements on Fixed Odds Betting Terminals (FOBTs). Licensing Committee members noted that stakes and prizes policy still applied. Mr Tuitt added that current government legislation was in place up to 2022.
- 4.5 Councillor Selman recommended including in the foreword to the consultation that the legislation was due to end in 2022. Councillor Selman also recommended that reference be made to the Council's views on FOBTs and how they hoped there would be no delay by government in this area.
- 4.6 Following a suggestion from Councillor Pallis, the Committee agreed that the consultation response should elude to the Council's aspirations in relation to game machine maximum stakes B3 and B3a.

RESOLVED the Licensing Committee noted the draft Gambling Statement of Principles for consultation subject to the following:

- amendments to the appendices e.g. updating of the maps
- to include in the eventual consultation response Hackney Council's aspirations in relation to game machine maximum stakes B3 and B3a

5 Resolution not to issue Casino Licences

- 5.1 David Tuitt, Business Regulation Team Leader, Licensing and Technical Support, introduced the report proposing putting a resolution to Council not to issue casino licences under the Gambling Act (2005) for a further period not exceeding three years. The Council first passed a 'no-casino' resolution on 28th June 2006 and had continued to do so by making a new resolution every three years. The most recent resolution was due to expire on 30th January 2019. Although there was no right of appeal against this resolution, the Council reserved the right to review it and can, at any point, withdraw the resolution where appropriate.
- 5.2 In a response to a question from Councillor Woodley, the Chair replied that since the policy had been in place it had not been challenged.
- 5.3 The Vice Chair objected to the policy suggesting that it was putting in place a policy against something that may happen in theory. He recommended instead that the Council wait until an application is submitted and then determine that application on its own merits.
- 5.4 The Chair responded by citing the example of a similar policy in relation to lap dancing clubs and how it had prevented them coming into the borough.

- 5.5 The Vice-Chair re-iterated his opposition to the policy on a point of principle.
- 5.6 Councillor Pallis acknowledged the Vice-Chair's point of view and briefly cited the measures introduced by the Labour Government in the early 2000s. Councillor Pallis added that the council had to take steps to promote responsible gambling.

The chair moved that the Licensing Committee consider:

(i) Full Council should resolve not to issue casino premises licences under the Gambling Act 2005 for a further period not exceeding three years effective from 31 January 2019 given the characteristics of the Borough.

On a vote there was three For, one Against and no abstentions, it was:

RESOLVED that it be recommended to full Council they should resolve not to issue casino premises licences under the Gambling Act 2005 for a further period not exceeding three years effective from 31 January 2019 given the characteristics of the Borough.

6 Licensing Committee and Licensing sub-committee membership

- 6.1 The Licensing Committee considered the report establishing new membership of the Licensing Sub-Committees subject to approval by full Council at its meeting on the 18th July 2018.
- 6.2 The paper outlined how at the time of the Annual General Meeting (AGM), on the 23rd May 2018, the Conservative Party, as the only opposition party, had not yet identified their nominee to the Licensing Committee. Councillor Harvey Odze had now been nominated for this Committee and approval for this appointment will be sought at the 18TH July 2018 Council meeting. This appointment abides by the political balance rules.
- 6.3 The Licensing Committee noted that Councillor Adejare was appointed to the Licensing Committee at the AGM but owing to personal commitments had had to step down. Councillor Snell was nominated as her replacement and again approval for this appointment would be sought at the July Council meeting.

RESOLVED the Licensing Committee, as set out below, agreed to the new membership of the Licensing Sub-Committees subject to approval by Full Council at its meeting on the 18th July 2018:

Licensing Sub-Committee A

Councillor Sophie Conway
Councillor Sharon Patrick
Councillor Caroline Woodley

Licensing Sub-Committee B

Councillor Margaret Gordon
Councillor Sem Moema
Councillor Harvey Odze

Licensing Sub-Committee C

Councillor Alex Kuye
Councillor Sam Pallis
Councillor James Peters

Licensing Sub-Committee D

Councillor Brian Bell
Councillor Emma Plouviez
Councillor Gilbert Smyth

Licensing Sub-Committee E

Councillor Ian Rathbone
Councillor Caroline Selman
Councillor Peter Snell

7 Any Other Business

Justin Farley

- 7.1 The Licensing Committee wished to express their thanks to legal officer Justin Farley, who after working for Hackney Council for 12 years, was leaving to work for the Phone-paid Services Authority. Members thanked Justin for his expertise and help over the years in assisting the work of the Licensing Sub-Committees.

Licensing Training

- 7.2 Licensing Committee members noted that the Licensing training was scheduled for the 12th July 2018. The training would include the latest legal update and case law and the findings from the House of Lords Select Committee's report into the Licensing Act 2003. The House of Lords Committee had concluded that the act was flawed and needed a radical overhaul, including the abolition of local authority licensing committees.

WAVE presentation

- 7.3 Committee members noted that after their next meeting, on 17th October 2018, there would be a presentation on WAVE (Welfare and Vulnerability Engagement) from the Metropolitan Police Service's (MPS') central licencing team. This work aimed to provide those working in the licensed industry with an awareness of vulnerability and their responsibilities towards people visiting their premises.

Pre Application Advice Service

- 7.4 David Tuitt explained the Licensing Service were looking at creating a paid pre-application advice service to advise and assist applicants with their premises licence applications. The Licensing Service were seeking to formalise the process and had looked at other local authorities who were already using a similar service. A report would be considered at the next Licensing Committee meeting.
- 7.5 In response to a question from Councillor Pallis, David Tuitt replied that there would be in place layers to avoid any potential conflicts of interest in the Licensing application process. Those council staff involved in the pre-application stages would not be involved in the later stages of the process.
- 7.6 In response to a question from Councillor Pallis, David Tuitt replied that the Licensing Service could not recommend to applicants a particular licensing agent or solicitors firm but they could provide the applicant with a list.

Licensing Sub-Committees update

- 7.7 The Chair explained that after the next Licensing Committee there would be a brief update about the status and work of the Licensing Sub-Committees.

Duration of the meeting: 19:00 – 20:00

Cllr Emma Plouviez, Chair at the meeting on
Monday, 2 July 2018

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LICENSING SERVICE – ANNUAL REPORT	
LICENSING COMMITTEE 18 OCTOBER 2018	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING KIM WRIGHT	

1. INTRODUCTION

- 1.1 The purpose of this report is to inform the Committee of the activities and performance of the Service during the 2017/18 municipal year and to show aims and targets for the forthcoming 2018/19 year.

2. RECOMMENDATION(S)

- 2.1 That the Licensing Committee notes the report.

3. BACKGROUND

- 3.1 The Licensing Service has been preparing an annual report to the Licensing Committee since 2009. This report provides an update on the main operational functions of the Licensing Service in terms of applications, policy and enforcement.

4. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 4.1 This report requests the Licensing Committee to note the activities and performance of the Service during 2017/18 and the aims and targets for 2018/19.
- 4.2 The Licensing Service generated an annual income total of £433k in 2017/18, against budgeted income of £581k. Expenditure was £939k against budgeted expenditure of £948k.
- 4.3 The income attributable to the Highways Act 1980 is excluded from this total as the administration of highways functions transferred to Streetscene as part of the Cross-Cutting Enforcement Review. The respective service income budgets were updated in 2018/19 to accommodate this transfer.
- 4.4 The Licensing Service will continue to manage its costs within the financial constraints determined by income from externally regulated and locally set fees.

5. COMMENTS OF THE DIRECTOR OF LEGAL

- 5.1 This report is solely for noting as such there are no legal matters arising from the report that require comment on at this stage.
- 5.2 Notwithstanding paragraph 5.1 it should be noted that since the last report legislative changes has resulted in the following;
- The Policing & Crime Act 2017 removed the requirement to lay the S.182 Guidance before Parliament when it's revised. The guidance will retain its statutory status, but this simply now allows amendments to made far quicker. A new statutory guidance was issued in April 2018
 - The Policing & Crime Act 2017 also placed Cumulative Impact polices (SPAs) on a statutory footing since April 2018.
- 5.3 Since the last report The House of Lords select committee, appointed on 25th May 2016, to consider the Licensing Act 2013 reported back before 4th April 2017. The Licensing Committee have already been updated on this and the initial response to the report.
- 5.4 The Government's response to the report was provided in November 2017 and it noted that the Select Committee stated that 'where it works well, it really works well.' The Government felt it would be hasty to consider any substantive overhaul of the Act, but agreed with the Select Committee as to clarifying 'points of practice' for the Licensing Committee by updating the Statutory Guidance, which was done in April 2018. The Government also confirmed that they would also look into making the licensing function more effective, in addition to learning any lessons from the planning system.
- 5.5 In responding to some of the specific points raised the Government stated the following;
- Agent of Change is to be dealt with as a planning matter
 - Adverts to remain
 - Appeals to remain in the Magistrates Court
 - Late Night Levies to remain
 - Local fees will be considered later
 - S.182 Guidance updated to; remove points relating to the Police, clarified S.19 Closure Notices, clarified Temporary Event Notices, explained the need to update those residents involved on Appeals/Settlement, Sub-Committee's consisting of 3 members, applicants be given sufficient time in hearings, beer gardens and the role of Responsible Authorities.

APPENDICES

Appendix 1 – Annual Report

EXEMPT

Not applicable.

BACKGROUND PAPERS

Not applicable.

Report Authors	<p>David Tuitt Business Regulation Team Leader Licensing and Technical Support david.tuitt@hackney.gov.uk ☎ 020 8356 4942</p> <p>Subangini Sriramana Senior Licensing Officer subangini.sriramana@hackney.gov.uk ☎ 020 8356 4915</p>
Comments of the Group Director of Finance and Corporate Resources	<p>Philip Walcott Group Accountant philip.walcott@hackney.gov.uk ☎ 020 8356 2396</p>
Comments of the Director of Legal	<p>Butta Singh Senior Lawyer – Licensing butta.singh@hackney.gov.uk ☎ 020 8356 6295</p>

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Licensing Service

2017/18 Annual Report

Contents

1. Introduction
2. Licensing Act 2003
3. Gambling Act 2005
4. Massage and Special Treatments (MST) Licences
5. Summary of Key Activities
6. Look back / Projects
7. Planned Activity for 2018/19

APPENDIX – SUMMARY TABLES

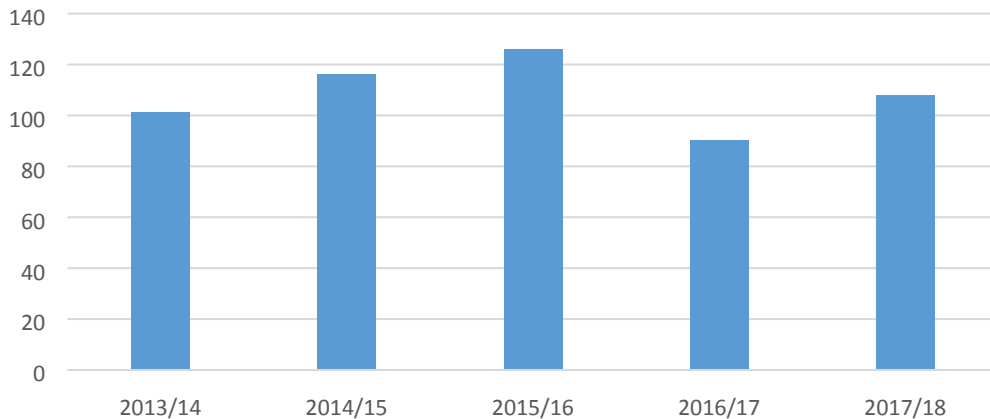
1. Introduction

- 1.1 The purpose of this document is to report on the activities and performance of the Service during the 2017/18 municipal year and to show aims and targets for the forthcoming year. The Licensing Service has presented an annual report to the Licensing Committee since 2009.
- 1.2 Responsibility for discharging many of the Council's licensing functions and the enforcement of licensing legislation lies with the Licensing Service. The Service is also responsible for the development and review of alcohol and entertainment licensing, gambling and sex establishment policies as well as providing guidance and assistance on the various licensing, registration and permitting processes.
- 1.3 Officers conduct pro-active inspections of licensed premises to ensure compliance with authorisations and advise businesses of their responsibilities. The enforcement functions involve investigations into complaints of alleged unauthorised activity as well as targeted night visits in order to witness and resolve allegations. Formal enforcement actions are taken when merited.
- 1.4 Officers also fulfil the responsible authority role on behalf of the Licensing Authority as defined under the Licensing Act 2003 and the Gambling Act 2005. This entails reviewing new and variation applications and considering making representations in line with the Council's Licensing Policy.

2. Licensing Act 2003

Premises licences granted

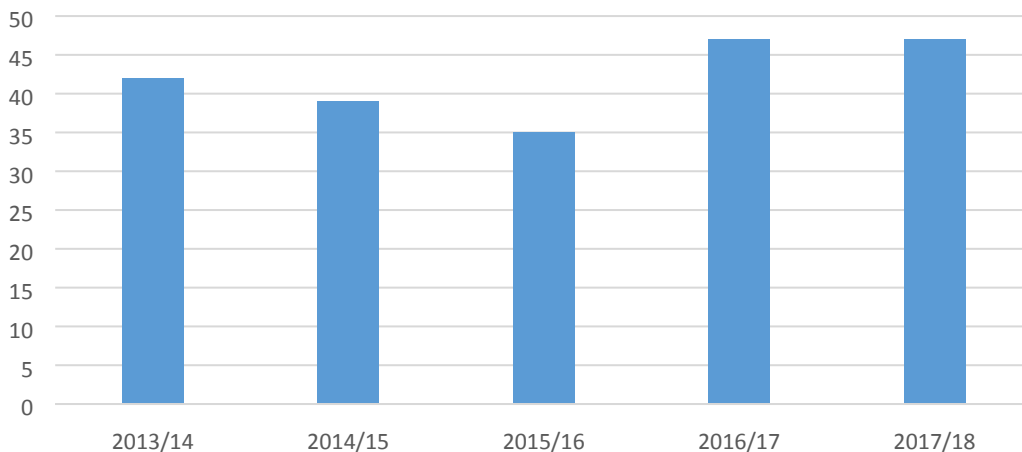
A premises licence authorises a premises to be used for the sale or supply of alcohol, the provision of regulated entertainment, or the provision of late night refreshment, under the Licensing Act 2003.



1. Premises licences issued

- 2.1 Fig. 1 highlights the numbers of new licences granted. The number of new licences granted remains same when compared to the previous year. Statistically the trend had been upwards over the last five years.

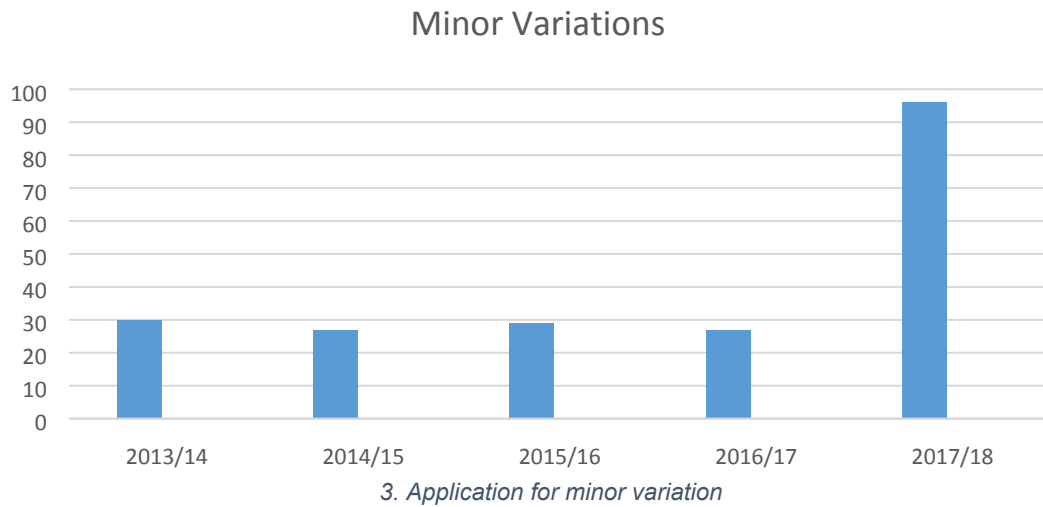
Variations of existing premises licences/certificates



2. Variations of existing premises licences/certificates

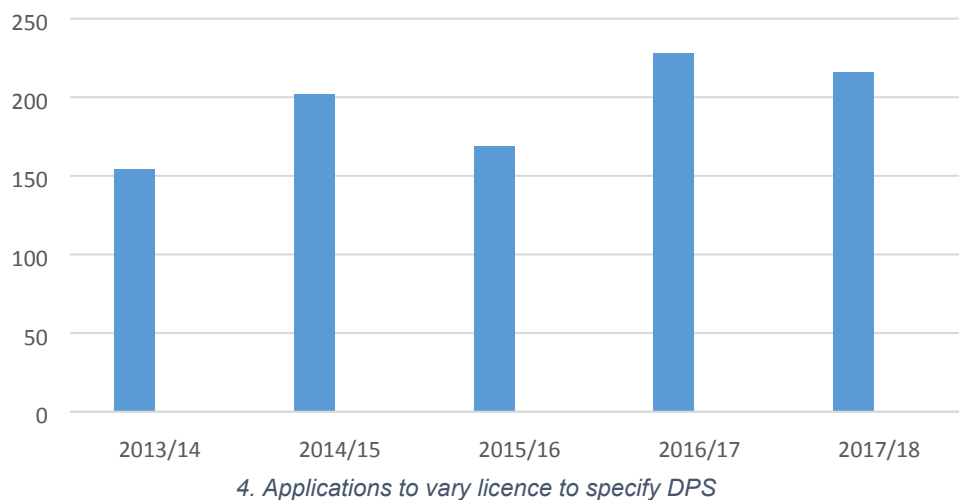
- 2.2 Fig. 2 highlights that the number of full variations of licences/certificates increased when compared with the previous years.

Minor variations



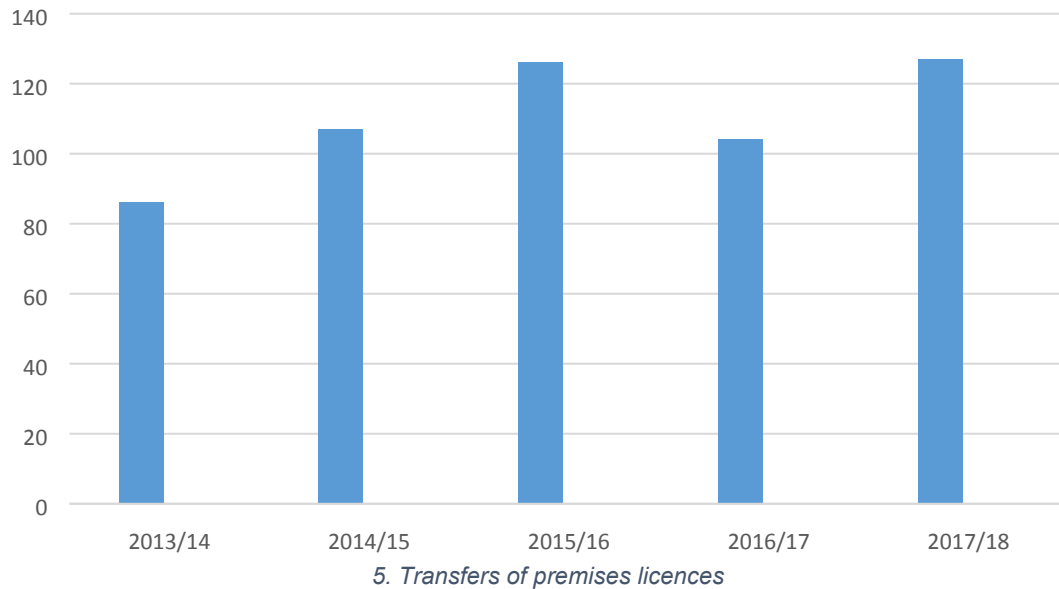
- 2.3 The number of minor variation applications has increased by 72% when compared with previous years, this is due mainly to the introduction of late night levy on 1 November 2017.

Variations to specify an individual as DPS



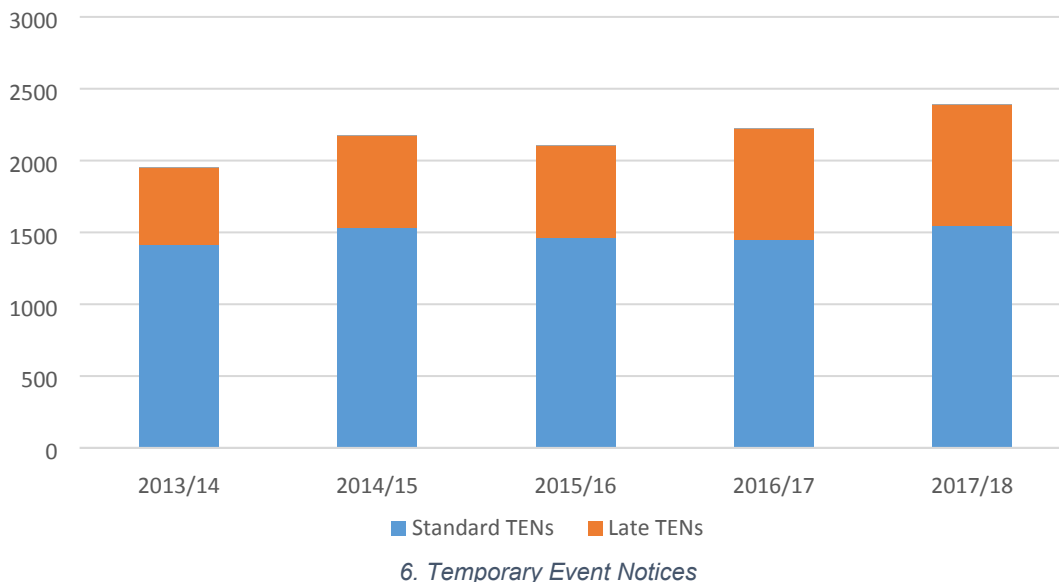
- 2.4 Where a premises licences authorises the supply of alcohol, there is a requirement for a personal licence holder to be nominated as the designated premises supervisor. The Service generally receives a high volume of these each year. The figure received in 2017/18 is slightly less when compared with previous year.

Transfer of premises licences



- 2.5 The number of licences being transferred between operators has risen consistently over the last three years. This may be as a result of a net increase in the overall number of licences.

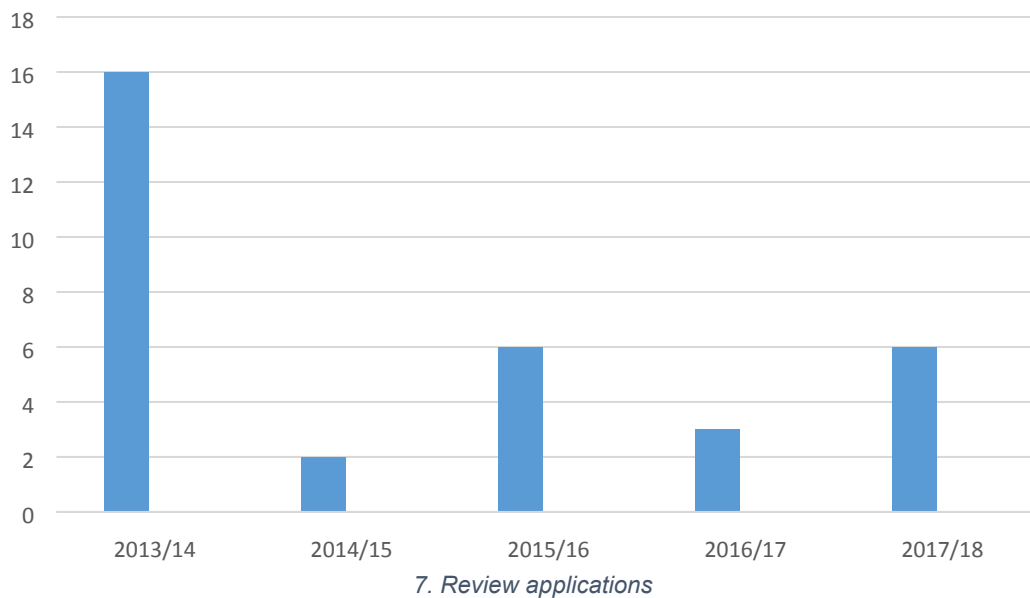
Temporary Event Notices (TENs)



- 2.6 The overall number of TENs received increased from the previous year. This is despite the Home Office guidance suggesting late TENs are to “assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice...”

- 2.7 It should also be noted that on 1 January 2016 the limit for the amount of TENs that can be given in respect of a premises in a calendar year rose from 12 to 15. This may, therefore, have an impact on the figures this year.
- 2.8 Also notable is the impact of late TENs. On 25 April 2012 it became possible for a person to give a late TEN. This has resulted in well over 500 additional TENs in each of the last 5 years, which has had an impact on resources for the Licensing, Environmental Protection and Police Licensing teams.

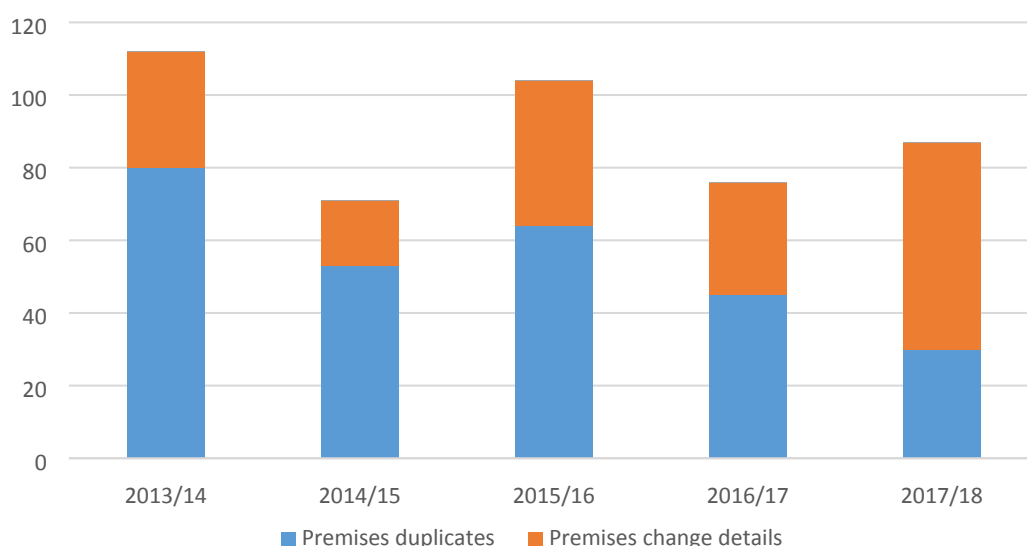
Reviews of premises licence/club premises certificates



- 2.9 The Service received six review applications last year. However, the figures remain some way below historic averages.

Premises Licences – Requests for Duplicates and Change of Details

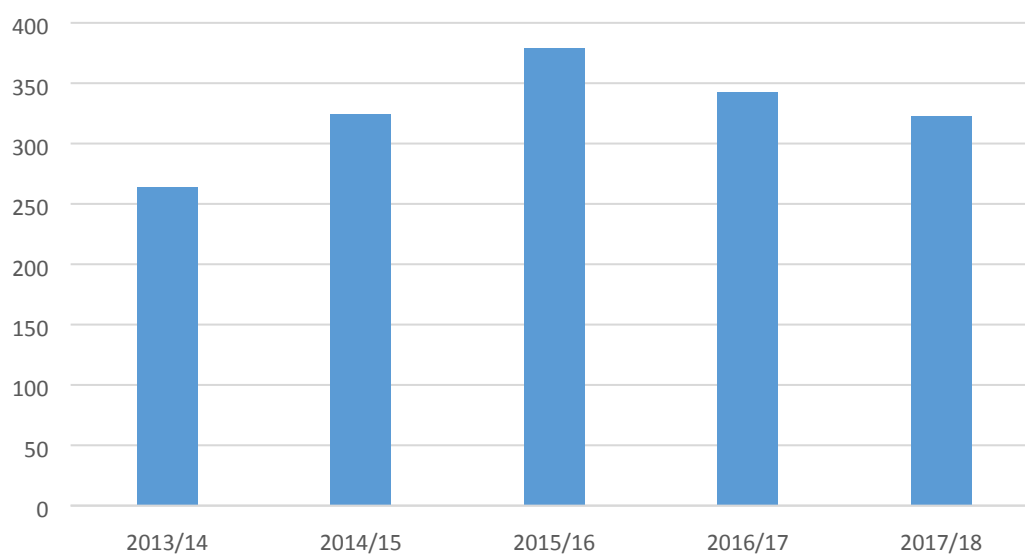
2.10 The Service has experiences demand due to requests for duplicate documents. This is primarily a desktop administrative process involving the reprint of the two-part licence. And although the numbers being requested are significant, they appear to fluctuate year-on-year.



8. Change of details & duplicate premises licences

2.11 Fig. 7 above illustrates that around two thirds of requests are for lost licences. However, the proportion of requests for changes to details, such as the licensee changing a registered address, accounted for around 40% of the demand last year.

Personal licences

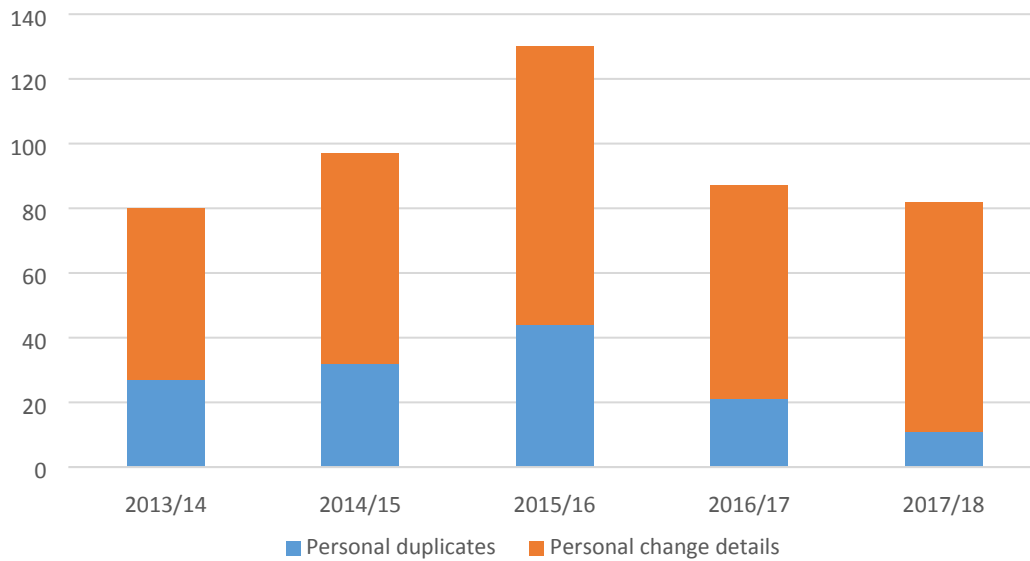


9. Personal licences issued

2.12 Grants of new personal licences fell 6% last year to 323, following three consecutive years of growth as illustrated above. The Council has granted 4178 personal licences since the commencement of the Licensing Act 2003.

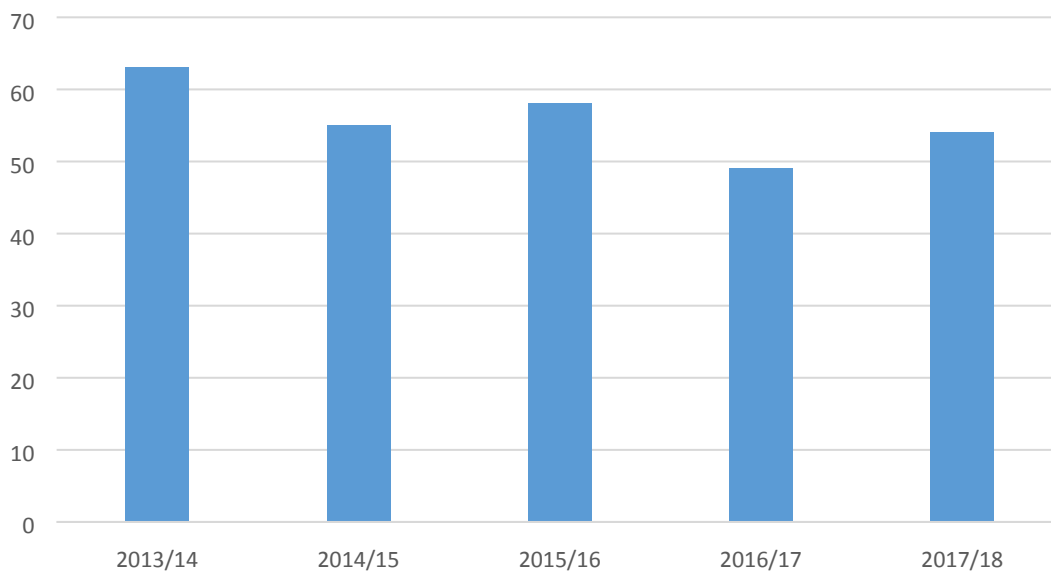
Personal licences – Requests for Duplicates and Change of Details

2.13 Similar to premises licences, the Service receives requests for personal licences to be reprinted. Again this is a desktop administrative process. The number received fell 41% on the previous year.



10. Personal licence duplicates and change of details

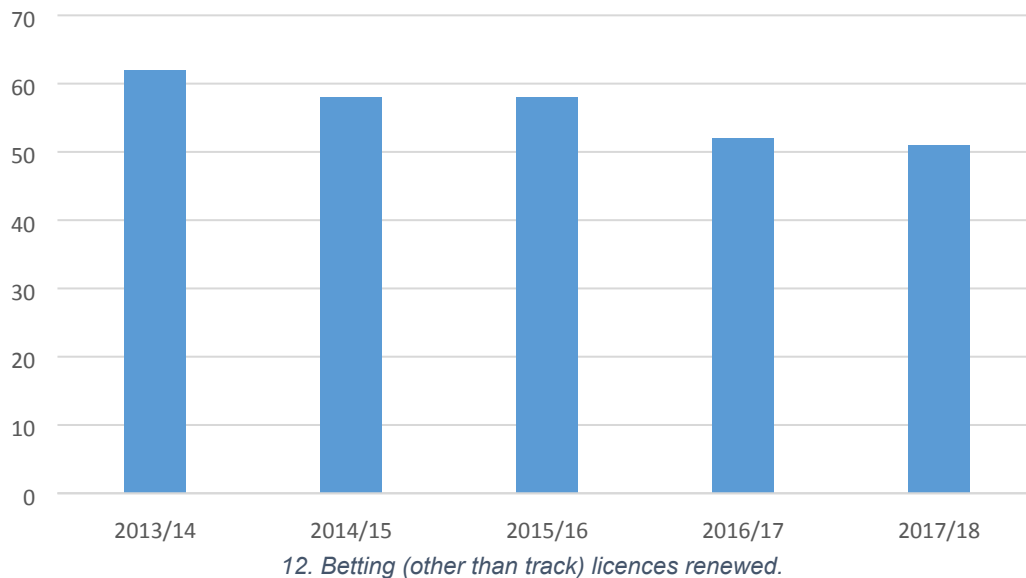
Licensing Sub-Committee



11. Licensing Sub-Committee

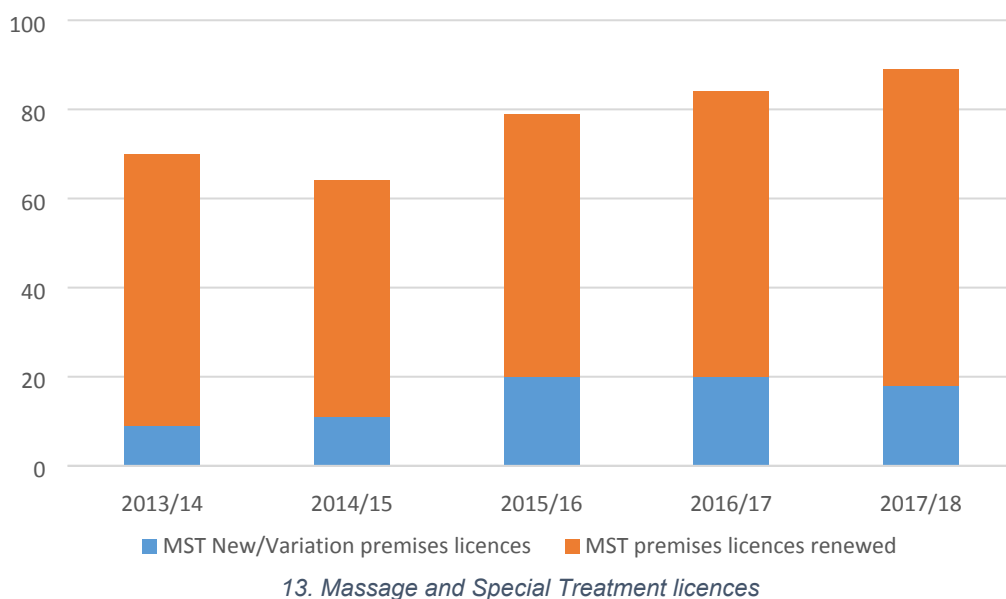
2.14 Licensing Sub-Committees sat on more occasions than the previous year, reflecting the slightly increased number of new licences and variations granted.

3. Gambling Act 2005



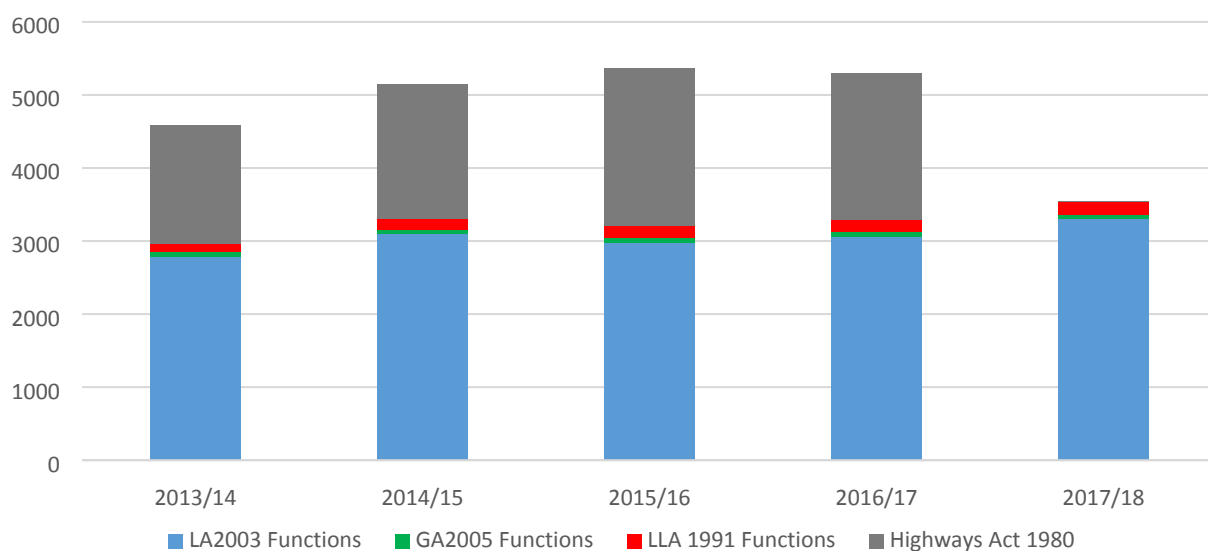
3.1 The number of betting licences fell further to 51, which is consistent with recent years. This is now at the lowest level the Council took over the responsibility of gambling licensing in 2007.

4. Massage and Special Treatments (MST) Licences



4.1 The majority of MST premises licences comprise of applications to renew existing licences issued in a previous year. The overall number of premises is currently 84 which is the highest net figure in the last five years.

5. Summary of key activities



14. Key activity types

- 5.1 When key intervention types across functions are grouped, it can be seen from Fig. 16 above that the amount of correspondence being received by the Service remains stable.

6. Look back / Projects

The table below sets out the projects planned by the Service last year.

Objectives	What we will do	Purpose	Status
Publish revised Statement of Licensing Policy	<ul style="list-style-type: none"> • Consultation with key stakeholders and prepare report for Licensing Committee • Full Council decision by February 2018 • Policy effective March 2018. 	<p>To set out the principles applied when considering applications under the Licensing Act 2003 whilst promoting the 4 licensing objectives.</p> <p>To manage the growth of the vibrant night time economy.</p> <p>To support a safe, diverse and vibrant night time economy and growth of the hospitality sector.</p> <p>To manage the impact of anti-social behaviour and nuisance.</p> <p>To reduce negative impacts of alcohol on health, wellbeing and quality of life for consumers and residents.</p>	<ul style="list-style-type: none"> • Consultation ran from 6 November 2017 to 12 January 2018. • Policy approved by Full Council on 18 July 2018, effective 1 August 2018.
Introduce the Late Night Levy from 1 November.	<ul style="list-style-type: none"> • Collaborative working with MOPAC, Community Safety, other external agencies, local authorities and local businesses and communities. • Monitor collection and effectiveness 	<p>To support a safe and vibrant night time/hospitality economy.</p> <p>To support the work of the Community Safety service to reduce crime, anti-social behaviour and other nuisance.</p>	<ul style="list-style-type: none"> • Levy introduced on 1 November 2017. • Late night levy board established, Terms of Reference approved.
Introduce pre-application advice scheme	<ul style="list-style-type: none"> • Develop delegated powers report. • Introduce and advertise service. 	<p>To secure additional revenue for the Council</p> <p>To ensure the Council is not subsidising businesses.</p> <p>To work towards cost neutrality by 2020.</p>	<ul style="list-style-type: none"> • Currently being progressed

Objectives	What we will do	Purpose	Status
Review Massage and Special Treatment Functions	<ul style="list-style-type: none"> - Review current procedures and processes - Benchmark with other authorities - Delegated powers report/report to the Licensing Committee. - Revised arrangements in place 	<p>To ensure function up-to-date and aligned with other function types</p> <p>To find efficiencies and rationalise working practices.</p>	<ul style="list-style-type: none"> • Currently being progressed
Begin review of Statement of Principals under the Gambling Act 2005	<ul style="list-style-type: none"> - Review local area profile and policy requirements - Prepare for consultation with key stakeholders and prepare report for Licensing Committee - Full Council decision by October 2018 - Statement effective from January 2019. 	<p>To set out the principles applied when considering applications under the Gambling Act 2005 whilst promoting the 3 licensing objectives.</p> <p>To identify and highlight any negative impacts on vulnerable adults, children, health, wellbeing and quality of life for residents.</p>	<ul style="list-style-type: none"> • Currently being progressed

7. Planned Activity for 2018/19

Objectives	What we will do	Purpose
Monitor the performance of the Late Night Levy.	<ul style="list-style-type: none"> • Collaborative working with Met Police via MOPAC, Community Safety, other external agencies, local authorities and local businesses and communities. • Monitor effectiveness against agreed targets • Prepare report to the Licensing Committee after first full year of the levy. 	<ul style="list-style-type: none"> • To support a safe and vibrant night time/hospitality economy. • To support the work of the Community Safety service to reduce crime, anti-social behaviour and other forms of nuisance arising from the sale of alcohol late at night.
Introduce pre-application advice scheme (subject to outcome of pilot)	<ul style="list-style-type: none"> • Develop delegated powers report. • Introduce and advertise service. 	<ul style="list-style-type: none"> • To assist new and existing businesses • Recover costs for the Council • To work towards cost neutrality by 2020.
Review Massage and Special Treatment Functions	<ul style="list-style-type: none"> • Review current procedures and processes • Benchmark with other authorities • Delegated powers report/report to the Licensing Committee. • Revised arrangements in place 	<ul style="list-style-type: none"> • To ensure function up-to-date and aligned with other function types • To find efficiencies and rationalise working practices.

APPENDIX

Licensing Service – Summary table

Activity	13/14	14/15	15/16	16/17	17/18	% change from previous year
New premises licences granted	101	116	126	90	108	▲ 16%
Variation of existing premises licence granted	42	39	35	47	47	● 0%
Minor variation premises licences issued	30	27	29	27	96	▲ 71%
Transfers of premises licences processed	86	107	126	104	127	▲ 18%
Variations of licence to specify individual as DPS processed	154	202	169	228	216	▼ 5%
Standard TENS	1412	1531	1462	1446	1547	▲ 6%
Late TENS	537	642	645	777	844	▲ 7%
Reviews of premises licences	16	2	6	3	6	▲ 50%
Premises licences – Duplicates following theft/loss	80	53	64	45	30	▼ 50%
Premises licences – Changes of details	32	18	40	31	57	▲ 45%
New personal licences issued	264	324	379	343	323	▼ 6%
Personal licence – duplicates following theft/loss	27	32	44	21	11	▼ 90%

Activity	13/14	14/15	15/16	16/17	17/18	% change from previous year
Personal licence – change of details	53	65	86	66	71	▲7%
Premises licences revoked	1	1	1	1	5	▲80%
Premises licences surrendered	8	16	7	12	36	▲66%
Licensing Sub-committee hearings	63	55	58	49	54	▲9%
Licensing appeals	4	7	6	2	6	▲66%
New Sex Establishment premises licences Issued	0	0	0	0	0	● 0%
Sex Establishment premises licences renewed	5	5	5	4	3	▼33%
Betting shop premises licences renewed	62	58	58	52	51	▼1%
Bingo premises licences	1	1	0	0	0	● 0%
Adult Gaming Centres	3	3	3	2	2	● 0%
Gambling premises licences issued	1	1	0	0	0	● 0%
Lotteries registered	6	7	8	4	4	● 0%
Notification of gaming permits issued	3	2	4	4	8	▲50%
MST New/variation premises licences	9	11	20	20		● 0%
MST Premises licences renewed	61	53	59	64		▲8%

Activity	13/14	14/15	15/16	16/17	17/18	% change from previous year
Transfer of MST premises licences	4	3	2	2	0	● 0%
MST Practitioner licences	51	79	91	93	77	▼ 20%
Explosives registration	18	15	6	8	7	▼ 14%

Review applications

2013/14	Postcode	Applicant	Type	Determined	Outcome
BE	N1	Police	Review	09/05/2013	Conditions modified
BF	N1	Other Persons	Review	23/05/2013	Conditions modified
BG	EC2A	Other Persons	Review	05/06/2013	Conditions modified
BH	EC2A	Police	Expedited Review	14/06/2013	Conditions modified, following transfer of licence
BI	N16	Other Persons	Review	28/06/2013	Conditions modified
BJ	E8	Police	Review	03/07/2013	Hours/conditions modified
BK	N16	Other Persons	Review	11/07/2013	Application withdrawn
BL	N16	Other Persons	Review	11/07/2013	Conditions modified, following transfer of licence
BM	E8	Police	Review	26/07/2013	Conditions modified
BN	E8	Other Persons	Review	23/08/2013	Conditions modified
BO	N16	Police	Expedited Review	19/11/2013	Conditions modified
BP	N16	Trading Standards	Review	26/11/2013	Application withdrawn
BQ	E8	Police	Expedited Review	06/12/2013	Licence suspended for 3 months, or until Police satisfied
BR	N16	Police	Review	19/12/2013	Licence suspended for 1 month, or until Police/LFB satisfied
BS	N16	Police	Review	20/12/2013	Licence Surrendered
BT	E8	Police	Review	25/02/2014	Revoked

2014/15	Postcode	Applicant	Type	Determined	Outcome
BV	E8	Police	Expedited Review	14/07/2014	Revoked
BW	E8	Police	Review	16/02/2014	Conditions modified

2015/16	Postcode	Applicant	Type	Determined	Outcome
BX	EC1V	Police	Review	08/05/2015	Hours/conditions modified
BY	E1	Licensing Authority	Review	12/06/2015	Revoked
BZ	EC1V	Police	Review	14/07/2015	Hours/conditions modified
CA	EC2A	Police	Review	05/11/2015	Conditions modified
CB	E1	Police	Review	05/11/2015	Conditions modified
CD	EC2A	Police	Review	05/11/2015	Conditions modified
CE	EC2A	Police	Review	05/11/2015	Conditions modified

2016/17	Postcode	Applicant	Type	Determined	Outcome
CF	N1	Police	Review	12/04/2016	Conditions modified
CG	E2	Police	Review	27/04/2016	Licence revoked
CH	E9	Police	Review	29/04/2016	Licence surrendered before hearing took place
CI	N4	Trading Standards	Review	21/07/2016	Licence suspended, conditions modified

2017/18	Postcode	Applicant	Type	Determined	Outcome
CJ	EC2A	Police	Review	01/02/2018	Licence revoked
CK	EC2A	Licensing Authority	Review	22/02/2018	Licence revoked
CL	E8	Environmental Enforcement	Review	18/07/2017	Conditions modified
CM	N1	Trading Standards	Review	05/12/2017	Licence revoked
CN	E8	Police	Review	12/12/2017	Licence revoked
CO	E9	Review triggered following a	Review	11/05/2017	Licence revoked

		Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014			
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GAMBLING ACT 2005 STATEMENT OF PRINCIPLES	
LICENSING COMMITTEE 17 OCTOBER 2018	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING KIM WRIGHT	

1. INTRODUCTION

- 1.1 This report provides the Licensing Committee with relevant information on the Gambling Act 2005 (“the Act”) and the review of the Gambling Statement of Principles (“Statement”) following the statutory consultation.

2. RECOMMENDATION(S)

- 2.1 That the Licensing Committee:

(i) notes and makes any comments on the content of the proposed Policy at Appendix 1 and commends the proposed Policy to Cabinet for recommendation to Full Council for approval.

(ii) notes the report on the consultation at Appendix 2.

(ii) authorises the Group Director of Neighbourhoods and Housing to make any non-substantive changes to the proposed Policy as appropriate.

3. BACKGROUND

- 3.1 Section 349 of the Act states that each Licensing Authority must prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act during the three year period to which the policy applies. The Policy must be kept under review during the period and be republished where it is revised. The Policy must be in place before the authority can determine any application.
- 3.2 The Policy sets out the basis of decisions made by the authority regarding gambling premises and in issuing a range of permits to authorise other gambling facilities in the area. For example:
- Adult gaming centre premises licences
 - Betting premises licences
 - Bingo premises licences
 - Family entertainment centre premises licences
 - Gaming Machine Permits
 - Temporary Use Notices
- 3.3 The Policy must take account of the Gambling Commission Guidance, and be subject to statutory consultation with prescribed stakeholders including the holders of licences and the Police, as well as other stakeholders including representatives of gambling businesses, local residents, social services and child protection.

- 3.4 Members will also recall that on 2 July 2018 the Licensing Committee supported a further resolution not to issue casino licences given the characteristics of the Borough. Full Council subsequently made a further 3 year resolution at its meeting on 18 July 2018.

4. CONSULTATION

- 4.1 Members will recall that on 2 July 2018, the Licensing Committee approved the draft Policy for consultation.
- 4.2 As part of the process, information was published in Hackney Today and on the Council's website. Officers also sent correspondence to statutory bodies and authorities as well as holders of relevant authorisations and other interested parties.
- 4.3 During the consultation, which ran from 23 July to 14 September 2018, 15 responses were received. A report on the consultation has been prepared by the Consultation Team and has been appended to this report.

5. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 5.1 This report requests that the Licensing Committee note the review of the Gambling Statement of Principles ("Statement") following the statutory consultation.
- 5.2 The cost of managing the Council's functions under the Gambling Act 2005 is met from the Business Regulation service budgets.

6. COMMENTS OF THE DIRECTOR OF LEGAL

- 6.1 Members will already been aware of the requirement within the Gambling Act 2005 ('the Act') to have a Policy as set out in Section 349 of the Act, the current Policy being approved at Council on 25th November 2015. Members are reminded that the Licensing Authority is required by the Act to publish a revised Policy by January 2019.
- 6.2 The Licensing Authority has a duty to consult on the policy with its statutory consultees under section 349 of the Act. A consultation has been undertaken is in line with the Government's Cabinet Office Consultation Principles 2018 ("the Cabinet Office Principles"), which outlines the need for a targeted and proportional approach.
- 6.3 The consultation of the Policy attracted a limited number of responses. This perhaps reflects the fact that the Policy has in reality had very few changes following its last legal review before taking effect in 2016. As such having considered the consultation undertaken the revised policy

is in compliance with both the Act and current Guidance, which the Licensing Authority must have regard to.

- 6.4 Approving the policy cannot be the sole responsibility of the executive. Therefore, Full Council must decide whether to adopt the proposed Policy, as set out in The Local Authorities (Functions and Responsibilities) (Amendment (England) Regulations 2006.
- 6.5 After adopting the revised policy the Council will still need to publish the Policy and a statutory notice of intent at least 4 weeks before the policy takes effect on 31 January 2019.

APPENDICES

Appendix 1 – Gambling Policy 2019-2022 for approval.

Appendix 2 – Consultation Summary Report

EXEMPT

Not applicable.

BACKGROUND PAPERS

Not applicable

Report Author	David Tuitt Business Regulation Team Leader Licensing and Technical Support david.tuitt@hackney.gov.uk ☎ 020 8356 4942
Comments of the Group Director of Finance and Corporate Resources	Deirdre Worrell Director – Neighbourhoods and Housing Finance deirdre.worrell@hackney.gov.uk ☎ 020 8356 7350
Comments of the Director of Legal	Butta Singh Senior Lawyer – Licensing Butta.Singh@hackney.gov.uk ☎ 020 8356 6295



**Draft Gambling Statement of
Principles
2019 – 2022**

London Borough of Hackney's Draft Statement of Gambling Principles

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Appendix A: Glossary of useful terms

Appendix B: Hackney land use map

Appendix C: List of consultees

Appendix D: Table of delegations of licensing functions

Appendix E: Crime and Disorder Maps

Appendix F: Schools, colleges and nurseries map

Appendix G: Table of exemptions

Appendix H: Hackney map of the locations of betting premises licences

In drafting this Statement, the Licensing Authority has relied upon the Act, Regulations, Gambling Commission Guidance and Codes of Practice.

Foreword by Councillor Emma Plouviez Chair, Licensing Committee

In September 2007 Hackney Council assumed responsibility for the 72 premises licensed for gambling in the Borough. There are now 53 gambling premises licences held within the Borough: 51 betting shops and 2 adult gaming centres, as well as a range of other gambling authorisations. Hackney Council as the Licensing Authority has been guided by its Gambling Statement of Principles since that time. It is responsible for producing and reviewing this Statement every three years and the Policy has now undergone its fourth statutory review.

Hackney is central to London's offer of a wide range of cultural and leisure opportunities. From art galleries and independent cinema to its niche and specialist retail offer and renowned theatres and restaurants, Hackney has much to celebrate in its day and night time economies. Hackney Council acknowledges the opportunities within the Borough for investment, including those related to its growing visitor economy and securing a sustainable Olympic legacy for the borough. Whilst the Council encourages inward investment and opportunities for growth through a balance of day time and night time uses in town centres, it is important to be mindful of the fact that Hackney continues to be one of the most deprived local authority areas in the country with a young population and comparatively high prevalence of mental health issues within the population.

Where it can, the Council continues to influence the shape of its neighbourhoods and town centres, informed by local needs and circumstances, to encourage the development of a varied and sustainable local environment. However, I feel the powers within the Gambling Act 2005 and the Gambling Commission Guidance unduly limit the Council's ability to do this, particularly in controlling numbers of betting shops and addressing concerns about how an increase of these could undermine the social and economic cohesion in the Borough and conflict with the vision of creating and developing sustainable communities.. And, whilst I welcome the changes under planning law which have seen betting shops excluded from the A2 planning category and the framework developed jointly by the Local Government Association and Association of British Bookmakers for local partnerships on betting shops, I still feel more can be done. For example, or example, I welcome the Government's proposal that the current maximum stake for B2 gaming machines, commonly referred to as fixed odds betting terminals (FOBTs) should be limited to £2.00 - and hope that the betting industry accepts this change as inevitable. I would also like Councils to be given powers to tackle the clustering of premises which is evident in Hackney. Notwithstanding this, the Council can and will only act within the limitations of the Act and the Guidance when considering gambling applications.

This Statement has been drafted to reflect recent updates in gambling legislation, including the requirement for operators to assess local risk. It continues to assist the Council, applicants and those wishing to object to

applications in having an understanding of the factors that the Council feels should be taken into consideration within the confines of the Act, Gambling Commission Codes of Practice and Guidance.

How to use this Statement

- The gambling licensing policies are shown in text boxes called GLPs (Gambling Licensing Policies). Each GLP is separately numbered and titled. These are general policies and their specific application will vary accordingly
- The additional text where relevant, gives examples, background and reasons for the policies
- The appendices give additional information referred to within the Statement
- A glossary of useful terms is set out at Appendix A.

1. Gambling Statement of Principles

1.1 Background and introduction

1.1.1 Hackney Council which is the local authority for the London Borough of Hackney is a “Licensing Authority” under the Gambling Act 2005 (the “Act”). The Council’s Licensing Committee is responsible for granting premises licences in Hackney for:

- adult gaming centres
- betting premises, including tracks
- bingo premises
- casino premises
- family entertainment centres.

1.1.2 The definition of ‘Gambling’ is defined in the Act as either gaming, betting, or taking part in a lottery:

- gaming means playing a game of chance for a prize
- betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not
- a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

1.1.3 Under the Act, Hackney, like all licensing authorities, must publish a statement of principles (“the Statement”) which they propose to apply when carrying out their licensing functions. This statement must be published at least once every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must then be re-published.

1.1.4 This Statement has been revised and is based on Gambling Commission Guidance (the “Guidance”) and the licensing objectives

under the Act. The Statement sets out how the Licensing Authority will build on the licensing objectives to reflect local circumstances.

1.2 The licensing objectives

1.2.1 In exercising most of its functions under the Act, the Licensing Authority must have regard to the licensing objectives. The licensing objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is carried out in a fair and open way and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2.2 This Licensing Authority is aware that, when exercising its functions in relation to premises licensing, it should aim to permit the use of the premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission (the “Codes of Practice”)
- in accordance with any relevant Guidance
- reasonably consistent with the licensing objectives (subject to the above) and
- in accordance with this Statement (subject to the above).

1.2.3 Applicants are encouraged to demonstrate how they will promote the licensing objectives.

1.3 Scope of the Statement

1.3.1 The Statement considers the needs of the Borough and is concerned with upholding the licensing objectives set out in paragraph 1.2.1 above. It will guide the Licensing Authority in carrying out its various regulatory functions under the Act. These main functions are to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences
- issue provisional statements
- regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits
- issue club machine permits to commercial clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed

premises, under the Licensing Act 2003, where more than two machines are required

- register small society lotteries below prescribed thresholds
- issue prize gaming permits
- receive and endorse temporary use notices
- receive occasional use notices
- provide information to the Gambling Commission regarding details of licences issued (see section below on “information exchange”)
- maintain registers of the permits and licences that are issued under these functions
- enforce legislation in relation to premises.

1.3.2 This document sets out the policies that the Licensing Authority will apply when determining applications for:

- premises licences
- use notices
- permits as required under the Act
- registrations as required under the Act.

1.3.3 This Statement relates to all authorisations identified as falling within the provisions of the Act, namely:

- bingo premises
- betting premises
- tracks
- adult gaming centres (AGCs)
- family entertainment centres (FECs)
- club gaming permits
- prize gaming and prize gaming permits
- temporary and occasional use notices
- registration of small society lotteries.

1.3.4 This list does not include casinos. Hackney has previously resolved not to allow casinos in the Borough and will seek a further resolution. Please also refer to paragraph 1.9 on casinos.

1.3.5 For a list of gambling facilities that are exempt from requiring certain licences, please see Appendix G.

1.4 Matters outside the scope of the Statement

1.4.1 The Licensing Authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences. Spread betting is regulated by the Financial Conduct Authority. The National Lottery is also regulated by the Gambling Commission.

1.4.2 When determining an application, the Licensing Authority will not take into account the following:

- the likelihood of the applicant obtaining planning permission or building regulations approval
- the expected demand for the facilities which are being proposed
- “irrelevant” matters such as those not related to gambling or the licensing objectives
- moral objections.

1.4.3 The Licensing Authority will avoid duplication with other local government functions when considering some authorisations. However, applicants are expected to comply with all other legislation and regulatory regimes relevant to the operation of their business. The Licensing Authority will as a matter of routine share information with other responsible authorities and the Gambling Commission particularly where there is evidence of non-compliance. Please also note paragraph 2.4 of the Policy which deals with the exchange of information.

1.5 Geographical area covered

1.5.1 According to the Office of National Statistics 2016 mid-year estimates, Hackney’s population stood at 273,526. This, as well as Hackney’s relatively small geographical area, makes it one of the most densely populated boroughs in London. Its size ranks 29th in comparison to the other boroughs; only Hammersmith & Fulham, Islington, Kensington & Chelsea and City of London have smaller areas. Hackney is primarily urban (residential, retail, offices, industrial etc.); this accounts for 50.3% of its land use; 22.6% of the Borough is made up of parks, open spaces and waterways with 27.1% being roads and thoroughfares. The Borough’s land use is shown in the map at Appendix B.

1.6 Integrating strategies

1.6.1 Regard should be given to the available data, findings, shared vision and plans informing Hackney’s Sustainable Community Strategy (the “Strategy”).

1.6.2 The Strategy sets out the Council’s overarching vision for Hackney as it grows and changes over the next decade. It will provide a backdrop for

all decision making throughout this period and a focus for working in partnership with residents, businesses, the voluntary and community sector and statutory agencies. The Strategy builds on what residents have told the Council about the challenges and opportunities presented to those who live and work in the borough.

- 1.6.3 The Strategy will help the Council respond to residents' experience of living in the borough, thinking about how the Council will co-ordinate activity and collaborate with partners to think about the whole place, rather than just running individual services. This will help put the needs, perspectives and feelings of the whole community at the heart of what the Council does through a time of continued change and uncertainty.
- 1.6.4 The Strategy will set out the overall aspirations for Hackney in 2028 and then breaks this down into five key, crosscutting themes. Under each of the themes is a set of commitments the Council is making to move toward Hackney in 2028. The 5 crosscutting themes are:
1. A borough where there is a good quality of life and the whole community can benefit from growth
 2. A borough with residents who are ambitious, engaging and want to contribute to community life
 3. A green and environmentally sustainable borough
 4. An open, cohesive and supportive community
 5. A borough with healthy, active and independent residents
- 1.6.5 Regard has also been given to the responsibility under the Council's planning regime and in particular the new borough-wide local plan, known as LP33. This will be the key strategic planning document which will establish a vision and planning policies to direct and guide development in Hackney up to 2033. The plan is critical in ensuring that the right amount of development is built in the right place at the right time so that the future needs of the borough are met.
- 1.6.7 In order to deliver continued growth and regeneration in the Borough, the Council must ensure a robust planning framework is in place. At the moment there are three key documents (Core Strategy, Development Management and Site Allocations local plans). LP33 will combine and update these documents into a single clear document, helping to support growth and regeneration and provide clarity to our residents.
- 1.6.9 Responsible authorities will have a vital role to play in scrutinising licensing applications to prevent gambling from being a source of, or associated with or used to support crime, and to protect children and other vulnerable persons from being harmed or exploited by gambling. This role will be further enhanced by the enforcement activities of the Police and the Council's Licensing Service.

1.7 Consultation

1.7.1 The Licensing Authority recognises the important role that responsible authorities, the gambling trade and other stakeholders have to play in influencing this Statement. It will therefore take a wide range of views as part of the consultation that took place from July 2018 before finalising and publishing its Statement.

1.7.2 Under the Act, consultation will take place with:

- the Chief Officer of Police for the London Borough of Hackney
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area and
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by or otherwise have an interest in the Statement. This includes but is not limited to:
 - responsible authorities such as the fire authority, child protection, Gambling Commission
 - interested parties such as resident associations and trade associations.

1.7.3 A summary list of persons and groups this Licensing Authority consults with is set out in Appendix C.

1.7.4 The Licensing Authority will give due weight to the views of those consulted and may amend the Statement accordingly following responses received. In determining what weight to give particular representations, the factors taken into account will include:

- who is making the representation (what is their expertise or interest)
- what their motivation may be for their views
- how many other people have expressed the same or similar views
- how far representations relate to matters the Licensing Authority should include in its Statement
- reasoned cases.

1.7.5 The results of the consultation are available via the Council's website.

1.7.6 Nothing in this Statement will:

- undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; or
- override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act as each will be considered on its own merits and according to the statutory requirements of the Act.

1.8 Declaration

1.8.1 In producing the Statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Act, the Guidance, and any responses it has from those consulted.

1.9 Casinos

1.9.1 There are currently no casinos operating within the borough.

1.9.2 On 25 November 2015, the Council made a resolution not to issue casino licences for a further three years given the characteristics of the Borough. The Council will consider a further resolution for another 3 year period in July 2018.

1.9.3 Where a resolution is in place, any casino application received will be returned with a notification that a 'no-casino' resolution is in place.

1.9.4 There is no right of appeal against this resolution.

1.10 Responsible authorities

1.10.1 This Licensing Authority designates the City and Hackney Safeguarding Children's Board as the body competent to advise the Authority about the protection of children from harm. The principles the Licensing Authority has applied in designating this Board are as follows:

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

1.10.2 For a list of responsible authorities, please refer to the glossary of useful terms at Appendix A.

1.10.3 The contact details for all responsible authorities under the Act are available from the Licensing Service.

1.11 Interested parties

1.11.1 A person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority, the person:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities
- has business interests that might be affected by the authorised activities
- represents persons who satisfy a) or b) above.

1.11.2 In determining whether a person or business is an interested party, the Licensing Authority will look at each case and decide it upon its merits. It may take into account the size of the premises and nature of activities taking place. This Authority will not apply a rigid rule to its decision making and will consider the Guidance on this.

1.11.3 When determining what “sufficiently close to the premises” means, the Licensing Authority may take into account:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment) and
- the circumstances of the complainant. For example, it could be reasonable for the Authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.

1.11.4 Interested parties will include trade associations, trade unions, and residents’ and tenants’ associations. The Licensing Authority may also request a membership list which will indicate the extent of the membership of that association to allow due weight to be given as appropriate.

1.11.5 Interested parties can be persons who are democratically elected such as Ward Councillors and MPs. Other than these persons, this Authority will generally require written evidence that a person or body (such as an advocate or relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

1.11.6 The Licensing Authority would usually expect Councillors and MPs to make representations only when requested to by ward constituents and/or residents from the area to which the application relates. If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application.

1.11.7 In determining whether a person has a business interest which could be affected, the Licensing Authority will consider among other things:

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected.

1.11.8 “Business interests” will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

1.12 Relevant representations

1.12.1 Representations relating to an application will be considered as admissible where they are made by an interested party or responsible authority. The Licensing Authority will then normally only consider that representations are relevant where they relate to the licensing objectives, the Guidance, the Codes of Practice or the Statement.

1.12.2 The Licensing Authority may determine an application without a hearing despite having received representations from interested parties or responsible authorities where it thinks the representations are vexatious, frivolous or will certainly not influence the authority’s determination of the application.

1.12.3 Anyone making representations on an application should note that their details will be made available to the applicant in the interest of fairness and to allow for negotiation. In the event of a hearing being held, representations will form part of a public document.

2. Delegation and Decision Making

2.1 Delegation of decision making responsibilities

2.1.1 This Licensing Authority will ensure that the licensing functions contained within the Act are delegated to an appropriate level so as to ensure speedy, efficient and cost effective determination of licensing applications. Its licensing functions will be discharged as detailed in Appendix D.

2.1.2 Those decisions which are not delegated will be determined by the Licensing Committee which has been established by the Licensing Authority to administer a range of licensing functions.

2.2 Reports to licensing committee

2.2.1 There are a number of wider issues which the Licensing Committee need to be aware of in order that this and other policies within their remit can be reviewed as and when necessary. The Licensing Committee may receive reports for information such as the following, to ensure the up-to-date position is known:

- employment situation in the area and the need for new investment and employment where appropriate
- cultural strategy
- local visitor economy
- local crime and disorder figures.

2.3 Decision making

2.3.1 A Licensing Sub-Committee, drawn from members of the Licensing Committee, will normally sit in public to hear applications where representations have been received from interested parties and responsible authorities.

2.3.2 A Ward Councillor will not sit on a Sub-Committee involving an application within their own Ward.

2.3.3 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence or application in question.

2.3.4 Every decision of the Licensing Committee or Licensing Sub-Committee shall be accompanied by clear reasons. The decision will be sent to the applicant and those who have made representations as soon as is practicable.

2.3.5 The Licensing Service will deal with licensing applications where no relevant representations have been received or where representations

have been withdrawn. Even where there are no relevant representations, a hearing must occur where certain conditions to the licence are to be attached or excluded unless the applicant waives their right to a hearing.

- 2.3.6 Decisions as to whether representations are inadmissible, irrelevant, frivolous or vexatious will be made by licensing officers. Where representations are rejected, the person making that representation will be given written reasons for this. There is no right of appeal against a determination that representations are not admissible.
- 2.3.7 The Licensing Sub-Committee will determine each case before it on its individual merits whilst taking into consideration the Codes of Practice, the Guidance, the licensing objectives and the terms of this Policy and may add conditions (Please see paragraph 6.5 on Conditions).
- 2.3.8 In undertaking its licensing functions under the Act, the Licensing Authority is bound by other legislation, for example the Human Rights Act (1998).

2.4 Information exchange

- 2.4.1 The Licensing Authority will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act (2018) and the General Data Protection Regulation (GDPR) will not be contravened. The Licensing Authority will also have regard to any relevant Guidance and regulations under the Act.
- 2.4.2 Should any protocols be established regarding information exchange with other bodies then they will be made available upon request.
- 2.4.3 In fulfilling its functions and obligations under the Act, the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.
- 2.4.4 Any matters of non-compliance with the Act will, where appropriate, be reported to the Gambling Commission.
- 2.4.5 The Licensing Authority will share information with other responsible authorities and the Gambling Commission where there is evidence of non-compliance with other legislation and regulatory regimes relevant to the operation of the applicant's business.

3 Risk assessment by operators

- 3.1 From 6 April 2016, licensees must assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their

premises. Operators will be expected to have policies, procedures and control measures in place to mitigate those risks

- 3.2 The licensees must undertake a risk assessment when applying for a new premises licence as well as when varying an existing premises licence. The risk assessment should take into account the local circumstances, including those identified in this Statement and must be shared with the Licensing Authority when making an application, or otherwise on request.

GLP1

Assessing local risk

Licensees are encouraged to have regard to GLP1 - GLP7, the Council's Sustainable Community Strategy referred to in Paragraph 1.6 and Appendices B, E and G when assessing the local risks posed to the licensing objectives.

Applicants should where appropriate offer their own measures to mitigate those risks.

4 The licensing objectives

- 4.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Guidance and some comments are made below.

4.2 Prevention of crime and disorder

- 4.2.1 The Gambling Commission plays a lead role in preventing gambling from being a source of crime or disorder.
- 4.2.2 The Licensing Authority places importance on the prevention of crime and disorder, and will fulfil its duty under section 17 of the Crime and Disorder Act (1998). This binds the Licensing Authority to exercise its licensing powers with due regard to the need to do all that it reasonably can to prevent crime and disorder in its area. A high standard of control is therefore expected to be exercised over licensed premises.
- 4.2.3 The Licensing Authority will pay attention to the proposed location of gambling premises in terms of this licensing objective and possible conditions. For example, where an area has known high levels of crime and disorder, this authority will consider carefully whether the licensing objectives would be undermined if gambling premises were to be located there. For a map of the crime hotspots in Hackney, please refer to Appendix E (Crime Hotspots Map). This map is subject to change with the use of updated information.

- 4.2.4 The Licensing Authority will, when determining applications, consider whether the grant of a premises licence is likely to result in an increase in crime and disorder. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it, so as to make that distinction. Issues of nuisance cannot be addressed via the provisions of the Act.
- 4.2.5 Where the premises has been associated with drug dealing, or the possession of weapons on the premises, this may give rise to particular concerns as to whether it will be appropriate to allow the admission of children to the premises during some or all of its hours of operation. In such circumstances applicants may be required to demonstrate that these matters have been addressed.
- 4.2.6 Applicants are therefore encouraged to demonstrate to the satisfaction of the Licensing Authority, in consultation with the police, how they intend to satisfy this licensing objective. Applicants are encouraged to discuss their crime prevention procedures with licensing officers and the police before making a formal application, addressing how at an operational and local level they will implement their measures to prevent crime and disorder on the premises.
- 4.2.7 Examples of the matters that are likely to be considered by the Licensing Authority when determining an application include, where appropriate:
- the design and layout of the premises
 - physical security features installed in the premises; this may include matters such as the position of cash registers or the standard of CCTV that is installed
 - training given to staff in crime prevention measures appropriate to the premises
 - where premises are subject to age restrictions, the procedures in place to conduct age verification checks
 - the likelihood of any violence, public disorder or policing problem if the licence is granted.

4.3 Door supervisors

- 4.3.1 The Licensing Authority may consider whether there is a need for door supervisors and whether these should be Security Industry Authority (SIA) registered having regard to the licensing objectives.
- 4.3.2 Door supervisors at casino and bingo halls are exempt from being licensed by the SIA. The Licensing Authority may make specific requirements for door supervisors working at casinos or bingo premises to search individuals and deal with potentially aggressive persons to ensure that this licensing objective is met to the satisfaction of the authority.
- 4.3.3 For premises other than casinos and bingo halls, operators and the Licensing Authority may decide that supervision of entrances and/or machines is appropriate in particular cases.

GLP2

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

1. Applicants are encouraged to demonstrate within their application, where it is considered necessary and appropriate, measures to prevent crime and disorder on the premises by providing information on:
 - (a) use of door staff, details of SIA door supervisors and other appropriately trained staff including relevant qualifications or registrations, the number of staff, their location whilst working at the premises, and the times they will be on duty
 - (b) details of the training given to staff in crime prevention measures appropriate to those premises
 - (c) notices to be prominently displayed on the premises and visible to members of the public stating:
 - (i) CCTV is recording on the premises (where required by legislation)
 - (ii) drugs will not be tolerated and persons found possessing/dealing will be excluded from the premises
 - (iii) drunkenness and those under the influence of drugs will not be tolerated on the premises
 - (d) an accurate plan of the premises confirming the design and layout of the premises, with particular attention to the ability of staff to survey entrances, exits and any dark or hidden areas. Plans should include:
 - (i) the location of lighting inside and outside the premises
 - (ii) the location of any physical security features for example CCTV equipment, its coverage of the interior and exterior of the premises
 - (iii) CCTV, which is to be recordable, kept for a minimum of 31 days and made available to the police and Licensing Authority on request.

- (iv) When details of security measures are provided, they will be kept out of the public domain.
- (e) provision of adequate search facilities where applicable to the use of the premises
- (f) measures to be taken to prevent the consumption of alcohol on the premises other than where it is legal and to ensure those under the influence of alcohol are not permitted to gamble
- (g) measures to be taken to prevent the possession, supply or consumption of illegal drugs on the premises and to ensure that those under the influence of drugs are not permitted to gamble. Any drugs policy should cover the requirement to notify the Police
- (h) measures to be taken to prevent the possession of offensive weapons on the premises
- (i) details of any proof of age scheme
- (j) details of the process to ensure that children do not have access to adult only gaming facilities
- (k) measures aimed at discouraging anti-social behaviour
- (l) measures aimed at preventing children and other vulnerable persons from being exposed to incidents of violence or disorder
- (m) measures to address circumstances where there have been known instances of:
 - (i) harbouring drug dealing, or there is a known association with drug dealers
 - (ii) the possession of weapons on the premises, or where there is a known association with such activity
 - (iii) offences against children or involving children, for example, allowing under 18s to participate in adult gambling.
- (n) adoption of the Metropolitan Police Safebet Alliance Voluntary Code of Robbery Security Standards for the Bookmaking Industry

4.4 Ensuring that gambling is carried out in a fair and open way

- 4.4.1 Generally the Gambling Commission would not expect the Licensing Authority to ensure that gambling is conducted in a fair and open way. This will be a matter for either the management of the gambling business (and therefore relevant to the operating licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the personal licence). The Gambling Commission will be responsible for both of these matters and its expectations by way of measures are set out in its Codes of Practice.
- 4.4.2 There is more discretion for the Licensing Authority for authorisations which do not require an operating or personal licence and for tracks where practices may be added to ensure that the betting environment is suitable (see paragraph 7.10 on tracks). The Licensing Authority will

expect these applicants to demonstrate how they will meet this objective.

4.4.3 If during the course of considering an application for a premises licence, permit or other notice or at any other time, the Licensing Authority receives information that causes it to question the suitability of the applicant or licence holder to hold an operating licence, or an individual to hold a personal licence the Licensing Authority will notify the Gambling Commission and/or other appropriate authorities without delay.

4.4.4 The Licensing Authority cannot attach conditions on an application for a permit. Therefore, it may instead refuse the application where the above requirements and GLP3 are not met.

GLP3

Ensuring that gambling is carried out in a fair and open way

The Licensing Authority encourages applicants who do not fall within the jurisdiction of the Gambling Commission (see paragraph 4.4.2) to conform to the code of practice issued by the Gambling Commission and by the conditions of their operating licence. Failure to demonstrate this may result in the application being refused. In particular:

1. For applications which do not require an operating licence or personal licence, applicants are to demonstrate how information is to be provided about the rules and terms of gambling so that:
 - (a) customers can make an informed decision as to whether and how to participate in gambling
 - (b) customers know the contractual terms and conditions of gambling
 - (c) information is displayed in a clear, accessible and intelligible way. Information should be:
 - (i) bold, precise and clearly located on or near where the game or bet is placed (e.g. machines, track etc)
 - (ii) where the customer base includes people whose first language is not English, notices should be in other languages as appropriate
 - (d) the information displayed on the premises and on promotional information should include:
 - (i) rules of the game or bet
 - (ii) the odds of winning or losing in different scenarios
 - (iii) changes in the rules which must be bold, precise and communicated to the customer so they are fully aware of them
 - (iv) the average return to the player (the payout percentage)
 - (v) the minimum and maximum stakes
 - (vi) information about the machine characteristics (for example

- compensated/ random)
- (vii) how quickly the winnings will be paid out and in what form
 - (viii) the dispute and complaints procedures
- (e) in addition:
- (i) the operation of the games must be consistent and in line with the rules of the games
 - (ii) the layout of the premises must ensure that the games and bets can be conducted in a fair and open way
 - (iii) no advertising or other marketing tool inside or outside the premises or any part of the media which misleads the customer as to the rules of the game or encourages them not to read the rules.

4.5 Protection of children and other vulnerable persons

4.5.1 As outlined in the borough profile from paragraph 1.6, Hackney's population has a higher than average number of children and vulnerable persons. It is particularly important that the Policy has regard to these facts and the aims of our Sustainable Community Strategy in seeking to address inequality and deprivation.

4.5.2 The Licensing Authority will, when determining applications consider whether the grant of a premises licence is likely to result in children and other vulnerable persons being harmed or exploited by gambling. Applications are encouraged to demonstrate to the satisfaction of the Licensing Authority, in consultation with the City and Hackney Safeguarding Children Board, how they intend to implement their measures at an operational and local level to promote this objective.

4.5.3 In relation to children, it should be noted that the Gambling Commission has stated that this objective is explicitly to protect them from being harmed or exploited by gambling. This means preventing them from taking part in gambling and having restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children. The Licensing Authority will therefore judge the merits of each application before considering whether specific measures are required such as:

- restrictions on advertising and style of the premises where premises cater solely or mainly for adults so that gambling products are not aimed at children or advertised in such a way to make them particularly attractive to children
- restrictions on layout or on where certain machines may be in operation.

4.5.4 In addition, the Licensing Authority will seek to ensure the layout of the premises does not encourage gambling products to be aimed at children or in such a manner that makes them particularly attractive to children.

- 4.5.5 The Licensing Authority will generally expect those who operate or control gambling licensed premises or gambling events to have regard to child welfare.
- 4.5.6 It should be noted that the definition “vulnerable persons” includes but is not limited to people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
- 4.5.7 With regard to the protection of vulnerable persons, the Licensing Authority will consider whether special considerations are required. These will need to be balanced against the authority’s aim, in the case of premises licensing, to permit the use of the premises for gambling.
- 4.5.8 When determining an application to grant or review a premises licence, regard may be given to the proximity of other establishments catering to children or vulnerable adults, or to places that are frequented by unaccompanied children and/or vulnerable adults or where children, young people or vulnerable persons are likely to congregate. These may include schools, vulnerable adult centres, addiction centres, day centres or services used by vulnerable adults or residential areas where there may be a high concentration of families with children. It may also include school routes and places that attract unaccompanied children for recreation and leisure.
- 4.5.9 The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will be decided on its merits and may depend in part on the type of gambling proposed. Therefore, if an applicant can effectively demonstrate in its policies how they might overcome licensing objective concerns, this will be taken into account. For a map of the locations of schools, colleges and nurseries within Hackney, please refer to Appendix F.

4.6 Access to licensed premises

4.6.1 With the exception of bingo halls, non-gambling areas of tracks on race days and licensed family entertainment centres, children will not be permitted to enter adult only licensed gambling premises.

4.6.2 The Licensing Authority will consult with the City and Hackney Safeguarding Children Board on any application that indicates there may be concerns for children or vulnerable persons over access to gambling.

GLP4

The protection of children and other vulnerable persons from being harmed or exploited by gambling.

1. Applicants are encouraged to demonstrate within their application where it is considered necessary and appropriate that:
 - (a) the design and style of their premises and any external signage, advertising or promotional material is not aimed or marketed at attracting children to premises or areas which are reserved for adult gambling
 - (b) children are not to be exposed to gambling which is legally restricted to adults
 - (c) measures have been taken to prevent children from being in close proximity to types of gambling restricted to adults for example, gaming machines of class A,B or C
 - (d) staff have been or will be appropriately trained to understand the following:
 - (i) which class of machine is restricted to adults only
 - (ii) any areas where children and young persons are not to be permitted.
 - (iii) child protection requirements
 - (iv) reporting concerns about the welfare of a child to the Duty and Assessment Team, the Council
 - (v) reporting concerns about the welfare of vulnerable persons to Safeguarding Vulnerable Adults, Adult Services, the Council.
 - (e) details of helplines and guidance are provided to those who may have alcohol, drug or gambling problems.
2. The Licensing Authority may consider specific measures to protect under 18s and vulnerable persons on certain categories of premises. These measures include:
 - (a) supervision of entrances
 - (b) segregation of gambling from areas frequented by children
 - (c) supervision of gaming machines in adult only gambling premises
 - (d) separate and identifiable entrances and exits from parts of buildings with more than one licence.

3. Where category C or above machines are available in premises to which children are admitted applicants are encouraged to demonstrate that they have taken such measures to ensure that:
 - (a) all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - (b) only adults are admitted to the area where the machines are located
 - (c) access to the area where the machines are located is supervised
 - (d) the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and
 - (e) at the entrance to, and inside, any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
4. For applications that do not require an operating licence or personal licence, the Licensing Authority will consider:
 - (a) any convictions or cautions in relation to the admission of under 18 year olds
 - (b) requirement for children under 14 to be accompanied by an adult
 - (c) measures the applicant is taking to prevent children from being in close proximity to types of gambling restricted to adults (for example, category A, B or C gaming machines). Such measures may include “No Under 18s to Play” notices displayed on category A, B and C machine fronts in alcohol licensed premises, or the adoption of an effective proof of age scheme.
5. Where there have been convictions or cautions for serving alcohol to under 18s, or allowing under 18s to participate in adult gambling, applicants may be asked to demonstrate these matters have been addressed. This may give rise to particular concerns as to whether it will be appropriate to permit the admission of children to the premises during some or all of its hours of operation.
6. Where limiting access to children or young persons is considered necessary, the Licensing Authority will consider the following options:
 - (a) limiting or excluding when certain activities are taking place or at certain times
 - (b) a requirement for children under a certain age to be accompanied by an adult
 - (c) an age limitation for under 18s
 - (d) access may be limited to certain parts of the premises.

5. Location of gambling premises and gaming machines

- 5.1 When considering authorisations, including the need for conditions to be attached to licences, the Licensing Authority will primarily focus on the location, suitability and management of the premises and how this might directly impact upon the licensing objectives.
- 5.2 When determining an application to grant or review a premises licence regard will be given on a case by case basis to the location of the premises and its proximity to other establishments in terms of the licensing objectives which include the protection of children and vulnerable persons and issues of crime and disorder. See paragraph 3 onwards for more details. For crime hotspots and locations of schools, colleges and nurseries in the borough, please refer to Appendices E and F respectively.
- 5.3 Should any specific policy be decided upon regarding areas where gambling premises should not be located, this statement will be updated. 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.
- 5.4 In addition, where there are specific risks or problems associated with a particular locality or specific premises, or class of premises, conditions may be attached to reflect this on a case by case basis, where permitted by law.

GLP5

Location of gambling premises and gaming machines

1. In considering the locations for a premises licence, permit or notice, the Licensing Authority may consider:
 - (a) the proximity of other establishments catering to children or vulnerable adults, or to places that are frequented by unaccompanied children and/or vulnerable adults or where children, young people or vulnerable persons are likely to congregate
 - (b) the size and scope of the gambling premises concerned
 - (c) the type of gambling proposed on the premises.
2. In considering the locations for gaming machines, the Licensing Authority may consider:
 - (a) the size of the premises and 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/circumstances of betting machines an operator wants to offer
 - (b) the size of the premises and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people

- (c) restricting the number and location of such machines in respect of applications for track betting premises licences
- (d) the location of gaming machines at tracks
- (e) the locations of gaming machines where the applicant holds a pool betting operating licence and wishes to apply for a track premises licence using their entitlement to four gaming machines. The applicant will need to demonstrate that these machines are located in areas from which children are excluded
- (f) segregation of category C and D machines in family entertainment centres.

6. Hours of operation

- 6.1 The Licensing Authority will have regard to the Guidance and default conditions relating to operating hours and will consider excluding and replacing default conditions only if appropriate and on a case by case basis.
- 6.2 Where limiting access to children is considered necessary, the Licensing Authority will consider a limit on the hours when children may be present on the premises.

GLP6

Hours of operation

The Licensing Authority will have regard to the following, where necessary and appropriate:

- (a) Codes of Practice when determining the hours of operation
- (b) licensing hours fixed will always reflect the individual merits of the application, any relevant representations received and the requirement to uphold the licensing objectives
- (c) earlier hours may be set if the individual circumstances require it. Applicants are encouraged to demonstrate that there would be no breach of the licensing objectives if later hours are requested, especially if requests are made to go beyond midnight in residential areas
- (d) the Licensing Authority may consider the levels of relevant crime and disorder at that premises or in the vicinity of that premises and police resources available to address this late at night
- (e) applicants are encouraged to exclude children from premises or events where children are present by 9pm unless the applicant can demonstrate how they can operate beyond these hours without risking harm to children in these circumstances.

7 Premises licences

7.1 General principles

- 7.1.1 An application for a premises licence may only be made by persons over 18 years old, companies or partnerships.
- 7.1.2 The Licensing Authority can only consider a premises licence application where the applicant:
- has a right to occupy the premises at the time the application is made and can provide evidence of this if requested; and
 - holds, or has applied for, an operating licence which allows the proposed activity to be carried out.
- 7.1.3 It should be noted that the premises licence may only be determined once the operating licence has been issued by the Gambling Commission.
- 7.1.4 The Licensing Authority will expect the applicant for a premises licence to demonstrate that they have or have applied for the appropriate operating and/or personal licences from the Gambling Commission.
- 7.1.5 Where no application for an operating licence has been made, the premises licence application will be refused.
- 7.1.6 Premises licences will be subject to the requirements set out in the Act and regulations, which include mandatory and default conditions. Licensing authorities are able to exclude default conditions and also attach others where appropriate.

7.2 Definition of “premises”

- 7.2.1 Premises are defined in the Act as including “any place”. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This will always be a question of fact depending on the circumstances and the Guidance provides further detail on this. It should be noted that areas of a building that are artificially or temporarily separate cannot be properly regarded as different premises and the Licensing Authority would therefore normally expect genuine separation in this regard to be a complete floor to ceiling physical separation of the premises.
- 7.2.2 This Licensing Authority 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 on a case by case basis and with regard to the Act and the policy behind the Act, as explained in the Guidance which is to limit the number and type of machines in particular premises. Where the Licensing Authority is not satisfied that the premises are separate, it will be unable to issue further premises licences on that premises concluding that a premises licence already exists. The following factors will be taken into account

in determining whether the premises is in fact a “premises” and therefore able to submit such application(s):

- whether entrances and exits which form parts of a building covered by one or more licences are properly and suitably separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. In this context it is expected that the premises will be separated by a floor to ceiling division whereby each “premises” can be accessed without going through another licensed premises or premises with a permit particularly where this is required by the Act
- whether the premises have a separate registration for business rates
- whether the premises have different postal addresses
- whether the premises and its neighbouring premises is owned by the same person
- whether each of the premises can be accessed from the street or a public passageway
- whether the premises are accessible only from another gambling premises.

7.2.3 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises. There will be specific issues to be considered before granting such applications, for example:

- whether children are not only prevented from taking part in gambling but also prevented from being in close proximity to gambling
- whether children are invited to participate in, can gain accidental access to or closely observe gambling where they are prohibited from participating
- compatibility of the two types of establishments
- whether taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would or should be prohibited under the Act. The applicant will need to show for example that direct access between the premises is prevented if the premises licence condition requires it
- whether customers can primarily participate in the gambling activity named on the premises licence.

7.2.4 Applicants will need to demonstrate that the primary purpose of the premises will be fulfilled and are encouraged to provide to the Licensing Authority the precise arrangements for primary and ancillary gambling activities at the premises.

7.3 Premises “ready for gambling”

- 7.3.1 A licence to use a premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. The Guidance provides advice on this.
- 7.3.2 In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at a premises, this Authority will determine applications on their merit, considered in a two stage process:
- firstly, whether as a matter of substance the premises ought to be permitted to be used for gambling and
 - secondly, in deciding whether or not to grant the application, consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 7.3.3 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement may be a better option. Applicants are encouraged to discuss which route is appropriate with the Licensing Authority. For example, where applications are received in respect of uncompleted premises which it appears are not going to be ready to be used for gambling for a considerable period of time, the Licensing Authority ought to consider whether, applying the two stage process, it should grant a licence or whether the circumstances are more appropriate for a provisional statement application. Please refer to paragraph 7 on provisional statements.
- 7.3.4 If a premises licence is to be sought before the premises is ready to be used for gambling the applicant should consider offering appropriate conditions and/or providing a future effective date for the licence to commence.

7.4 What we consider

- 7.4.1 All applicants for premises licences are encouraged to set out how they will promote the licensing objectives, as specified in paragraph 1.2.1 and what measures they intend to employ to ensure compliance with them. This will assist the Authority, responsible authorities and interested parties to consider whether the application accords with the licensing objectives and is therefore more likely to avoid unnecessary hearings. The applicant may ask the Licensing Authority for advice as to the scope of information to be provided which will be proportionate to the scale and nature of the application made.

7.5 Conditions

- 7.5.1 Licensing is about the control of gambling licensed premises within the terms of the Act. The starting point in determining applications will be to grant the application without attaching conditions.
- 7.5.2 Conditions may be attached to licences that will cover matters within the control of individual licensees. Conditions are attached to a premises licence in the following ways:
- automatically under the Act
 - through regulations as mandatory and/or default conditions
 - by the Licensing Authority.
- 7.5.3 For instance, there are mandatory conditions which attach to all licences or licences of a particular class. Specific conditions which attach to an individual licence will only be attached by the Licensing Authority following a hearing or where the applicant has agreed conditions with a responsible authority or interested party.
- 7.5.4 The Licensing Authority can exclude any default conditions from the premises licence. The Licensing Authority will where necessary impose conditions that are:
- in accordance with the Guidance
 - in accordance with the Code of Practice
 - in accordance with the Policy or
 - in a way that is reasonably consistent with the licensing objectives.
- 7.5.5 Conditions imposed by the Licensing Authority will be proportionate to the circumstances and risks which they are seeking to address. In particular, the Licensing Authority will where appropriate apply conditions that are:
- relevant to the need to make the proposed building suitable as a gambling facility
 - directly related to the premises and the type of licence applied for
 - fairly and reasonably related to the scale and type of premises and
 - reasonable in all other respects.
- 7.5.6 The Licensing Authority does not propose to implement standard conditions on licences but may attach conditions as appropriate given the circumstances of each individual case. It will seek to avoid duplication with other systems so far as possible and will not attach conditions unless they are considered necessary having regard to existing regimes. For example, where applicants fail to adequately address the provisions of the relevant GLPs to the satisfaction of the Licensing Authority, it may attach conditions to alleviate concerns triggered by the lack of information provided.
- 7.5.7 There will be a number of measures the Licensing Authority will consider utilising should there be a perceived requirement such as the

use of supervisors, appropriate signage for adult only areas as set out in GLP2 - 7. There are specific comments made in this regard under some of the licence types below. The Licensing Authority will also expect the applicant to offer measures as to ways in which the licensing objectives can be met effectively.

7.5.8 The Licensing Authority will consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the proper segregation of primary gambling activities in addition to matters in GLP1-7. These matters are in accordance with the Guidance.

7.5.9 This Licensing Authority may contact the Gambling Commission or the applicant to obtain a copy of the operating licence to consider any conditions that may cover the way in which the Gambling Commission expect the objectives to be met. It will assess whether the corresponding premises licence requires any specific expansion on these measures by way of conditions based upon the application and information provided.

7.5.10 There are conditions which the Licensing Authority cannot attach to premises licences. These are any conditions:

- on the premises licence which make it impossible to comply with an operating licence condition;
- relating to gaming machine categories, numbers, or method of operation;
- which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- in relation to stakes, fees, winning or prizes.

GLP7

Premises licences

Applicants for a premises licence are encouraged to consider GLP1 to GLP7 depending on the type of permission being sought.

- (1) In addition, applicants for a premises licence are also encouraged to demonstrate:
 - (i) that the appropriate operating and personal licences are in place from the Gambling Commission where relevant and
 - (ii) that they have a right to occupy the premises at the time of making the application
 - (iii) how the applicant will promote the licensing objectives with regard to GLP1 to GLP7.
- (2) The Licensing Authority will exclude default conditions or attach

conditions where appropriate.

- (3) The Licensing Authority may only consider the grant of a licence where it is going to be ready to be used for gambling in the reasonably near future and (where necessary) the Licensing Authority and/or responsible authorities have been allowed to inspect the premises.
- (4) For multiple licences for a building and those relating to a discrete part of a building used for other non-gambling purposes the Licensing Authority will in particular consider:
 - (i) the measures to prevent people “drifting” into a gambling area
 - (ii) the potential for children to gain access
 - (iii) the ability of two or more establishments to comply with the requirements of the Act.
- (5) Applicants are encouraged to provide where relevant detailed plans, to the satisfaction of the Licensing Authority, consisting of:
 - (i) entrances and exits
 - (ii) number and positions of counters,
 - (iii) number and positions of gaming machines
 - (iv) location of lighting inside and outside
 - (v) location of CCTV.

7.6 Adult gaming centres (AGCs)

7.6.1 The Licensing Authority will expect the applicant to provide sufficient measures to ensure that persons under 18 years' old do not have access to the premises.

GLP8

Adult gaming centres

Applicants are encouraged to have regard to GLP1 - GLP8 when making an application for an adult gaming centre.

Applicants should where appropriate offer their own measures to meet the licensing objectives such as:

- (a) proof of age schemes
- (b) CCTV
- (c) physical and/or remote supervision of entrances/machine areas
- (d) physical separation of areas.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

7.7 Licensed family entertainment centres (FECs)

7.7.1 The Licensing Authority will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that those who are under 18 years old do not have access to the adult gaming machines. For example, this could be achieved through the physical segregation and supervision of these gaming machines.

GLP9

Licensed family entertainment centres

Applicants are encouraged to have regard to GLP1 - GLP7 when making an application for an FEC.

Applicants should, where appropriate, offer their own measures to meet the licensing objectives such as:

- (a) CCTV
- (b) supervision of entrances / machine areas
- (c) physical separation of areas
- (d) location of entry
- (e) notices / signage
- (f) specific opening hours
- (g) self-barring schemes
- (h) provision of information leaflets / helpline numbers for organisations such

as GamCare

- (i) measures / training for staff on how to deal with suspected truant school children on the premises
- (j) measures/training by way of a premises log book, covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

7.8 Bingo premises

7.8.1 Applicants are to have regard to GLP 1 - 7. If children are allowed to enter premises licensed for bingo, they are not to participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, the Licensing Authority will expect the applicant to comply with GLP4.

7.8.2 It is noted that door supervisors at bingo premises are exempt from needing to be SIA registered. This is explained in more detail at paragraph 4.3.

7.8.3 Applicants will need to demonstrate that bingo can be played on the proposed bingo premises. 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. Paragraph 7.2 provides detail on the circumstances in which the splitting of a pre-existing premises into two adjacent premises may or may not be permitted.

7.9 Betting premises

7.9.1 Children and young people are not permitted to access betting premises.

7.9.2 For betting machines within a betting premises the Licensing Authority will take into account the following factors:

- the size of premises
- the number of counter positions available for person-to-person transactions
- ability of staff to monitor the use of the machines by children, young and vulnerable persons.

GLP10

Betting premises

Applicants are encouraged to have regard to GLP1 - GLP7 and GLP10 when making an application for a betting premises licence.

The Applicant should where appropriate, offer their own measures to meet the licensing objectives such as:

- (a) CCTV
- (b) supervision of entrances / machine areas
- (c) location of entry
- (d) notices / signage
- (e) specific opening hours
- (f) self-barring schemes
- (g) provision of information leaflets / helpline numbers for organisations such as GamCare.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

7.10 Tracks

7.10.1 Applicants are to have regard to GLP 1-11 where relevant. This Licensing Authority is aware that tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. The Licensing Authority will especially consider the impact upon the protection of children and vulnerable persons from being harmed or exploited by gambling and the need for applicants to demonstrate that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

7.10.2 It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but they are still prevented from

entering areas where gaming machines (other than category D machines) are provided.

7.10.3 The Guidance sets out the considerations for where gaming machines may be located on tracks. Applications for track premises licences will need to demonstrate that where the applicant holds a pool betting operating licence and is going to use their entitlement to four gaming machines, these machines are located in areas where children are excluded.

7.10.4 The Licensing Authority where appropriate will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed on the race-card or made available in leaflet form from the track office.

7.10.5 Separate Guidance has been produced which sets out the specific requirements for these types of applications. The Licensing Authority will expect applicants to provide detailed plans for the racetrack itself and the proposed gambling facilities.

7.10.6 It would be preferable for all self-contained premises operated by off-course betting operators on a track to be the subject of a separate premises licence, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator. For occasional permissions to carry out betting on tracks, please refer to paragraph 14 which deals with occasional use notices.

GLP11

Tracks

Applicants are also to have regard to GLP 1 – GLP 11 where relevant.

1. The applicant should where appropriate demonstrate the following measures have been addressed:
 - (a) entrances to each type of premises are distinct
 - (b) children are excluded from gambling areas where they are not permitted to enter
 - (c) children do not have access to adult only gaming facilities
 - (d) track operators 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
 - (e) detailed plans are provided to the Licensing Authority for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (for dog tracks and horse racecourses, show fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities)
 - (f) identify what authorisations are being sought under the track betting

- premises licence along with any other areas that may be subject to a separate application for a different type of premises licence
- (g) where category C or above machines are on offer in premises to which children are admitted, the relevant considerations in GLP4 should be addressed.
2. This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives such as:
- (a) proof of age schemes
 - (b) CCTV
 - (c) supervision of entrances / machine areas
 - (d) physical separation of areas
 - (e) location of entry
 - (f) notices / signage
 - (g) specific opening hours
 - (h) self-barring schemes
 - (i) provision of information leaflets/helpline numbers for organisations such as GamCare.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

7.11 Travelling fairs

7.11.1 Travelling fairs do not require any permit to provide gaming machines but must comply with the legal requirements in how the machine operates in a fair and open way (please refer to GLP3 for more detail). They may provide an unlimited number of Category D gaming machines and the Licensing Authority will expect the applicant to demonstrate that the gambling facilities amount to no more than an ancillary amusement at the fair.

7.11.2 The Licensing Authority will consider whether the statutory definition of a travelling fair applies. The 27 day statutory maximum (per calendar year) for the land being used as a fair applies to the land on which the fairs are held, regardless of whether the same or a different travelling fair occupies the land.

7.11.3 The Licensing Authority will work with neighbouring authorities to ensure that land that crosses shared boundaries is monitored so that the statutory limits are not exceeded.

8. Provisional statements

8.1 An application for a provisional statement can be made where the applicant expects the premises to be constructed, to be altered or to acquire a right to occupy. Such an application is a separate and distinct process to the granting of planning permission or building control.

- 8.2 Following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account in the determination of a premises licence application, unless they concern matters which could not have been addressed at the provisional statement stage, or in the opinion of the Licensing Authority, they reflect a change in the applicant's circumstances.

GLP12

Provisional Statements

Applicants should have regard to GLP1 – GLP 11 where relevant. Applications for provisional statements shall be dealt with in the same way as a premises licence.

9. Unlicensed family entertainment centres (unlicensed FECs) gaming machine permits: Statement of principles on permits

- 9.1 Where category D gaming machines are only to be provided, applicants may apply to the Licensing Authority for an unlicensed FEC gaming machine permit. The applicant must show that the premises will be wholly or mainly used for making gambling available for use. An application for this permit cannot be made where a premises licence has effect on the same premises.
- 9.2 The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions.
- 9.3 The Gambling Commission will not be involved in this process as neither an operating licence nor a personal licence is required. It is therefore essential that the Licensing Authority satisfies itself as to the suitability of the applicant and to the operation being proposed.
- 9.4 The Licensing Authority must be satisfied that:
- a) the applicant has demonstrated that the premises will be used as an unlicensed FEC and
 - b) Hackney Police have been consulted on the application.
- 9.5 The Licensing Authority will look at the suitability of an applicant for a permit. As unlicensed FECs will particularly appeal to children and young persons, the Licensing Authority will expect the applicant to demonstrate their suitability and the measures in place to protect children from harm as well as to prevent crime and disorder by providing the following:
- applicant and staff training/ understanding of the maximum stakes and prizes that is permissible in unlicensed FECs

- applicant's Disclosure and Barring Service check or equivalent, as agreed with the police. This may include a requirement to provide details of residential addresses over the last five years
 - applicant's previous history and experience of running similar premises
 - any policies and procedures in place
 - a scaled plan of the premises
 - a written operating schedule
 - any supporting documentation as to the design and layout of the premises.
- 9.6 Harm in the context of protecting children is not limited to harm from gambling but includes wider child protection considerations. As such, any policies and procedures will each be considered on their overall merits.
- 9.7 The Licensing Authority will have regard to the Policy, the licensing objectives and any relevant Guidance or Code of Practice when considering a permit application. Applicants should in particular have regard to GLP1, GLP2, GLP5, GLP7 and GLP13 when making an application, but need to also consider GLP3, GLP4 and GLP6 where these relate to children and young persons.
- 9.8 This Statement applies to initial applications only and not to renewals. The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.
- 9.9 Where there is such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.
- 9.10 Where the permit has been granted the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with Regulations. The permit will then remain in effect for 10 years unless surrendered or lapsed.
- 9.11 Details of applications for unlicensed FEC permits will be available on the Council's website or by contacting the Licensing Service.
- 9.12 Applicants for unlicensed FEC permits are expected to undertake that they will comply with BACTA's Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This code of practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will

be given to educating children and young persons, thereby minimising the potential for harm.

GLP13

Statement of principles for unlicensed family entertainment centres (unlicensed FECs)

Applicants for an unlicensed family entertainment centre permit are to have regard to GLP1 - GLP7 and GLP9 where relevant.

1. Applicants are required to demonstrate that:
 - (a) they have permission to occupy the premises at the time of making the application
 - (b) the premises will be used as an unlicensed FEC and
 - (c) the Chief Officer of Police for Hackney Borough has been consulted on the application.

2. Applications should normally be accompanied by an assessment of how the applicant will promote the licensing objectives with regard to GLP1 to GLP7 to demonstrate such matters as:
 - (a) numbers of staff employed and on duty at any given time
 - (b) details of opening hours
 - (c) details of Proof of Age schemes
 - (d) adoption of appropriate measures/training for staff as regards suspected truanting school children on the premises
 - (e) evidence of staff training by way of a Premises Log Book, covering how staff will deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises
 - (f) Evidence that the applicant and staff are trained to have a full understanding of the maximum stake and prizes that are permissible.

3. The application must also be accompanied by detailed plans drawn up to the satisfaction of the Licensing Authority and which include:
 - (a) location of entrances and exits
 - (b) number and positions of Category D machines
 - (c) location of lighting inside and outside
 - (d) location of CCTV
 - (e) the amount of space around gaming machines to prevent jostling of players or intimidation
 - (f) location and supervision of Automated Teller Machines
 - (g) the location of appropriate clear and prominent notices and barriers, such notices to state:
 - (i) that no unaccompanied child will be permitted to remain on the premises if that person is required by law to attend school
 - (ii) no smoking on the premises

(iii) the need to play responsibly.

4. The application should normally also be accompanied by:

- (a) evidence that the applicant and staff have no relevant convictions (those that are in Schedule 7 of the Act)
- (b) insurance documents and any other such information the Licensing Authority will from time to time require.

10. Prize gaming permits: Statement of principles

10.1 Prize gaming permits allow the provision of facilities for gaming with prizes on specified premises. Prize gaming refers to gaming where the nature and size of the prize is not determined by the number of people playing or the amount for or raised by the gambling. The Act makes no provision for single site gaming machine permits such as fish and chip shops, minicab offices and cafes.

10.2 In determining the suitability of the applicant for a permit this Licensing Authority will expect the applicant to set out the types of gaming to be offered demonstrating:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law
- that they meet the objective of carrying out gambling openly and fairly as set out at GLP3
- that the premises are mainly or wholly used for gambling purposes.

10.3 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Guidance.

10.4 The Licensing Authority cannot attach conditions to a permit however, the permit holder must comply with the following statutory conditions:

- the limits on participation fees, as set out in Regulations
- 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 a non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

11. Alcohol licensed premises gaming machine permits

- 11.1 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 notify the Licensing Authority of this automatic entitlement. The only exception to this entitlement is where alcohol is provided ancillary to a table meal.
- 11.2 Once notice has been acknowledged, the Licensing Authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises where the following conditions have not been met:
 - written notice has been provided to the Licensing Authority
 - the correct fee has been submitted and
 - any relevant code of practice issued by the Gambling Commission about the location and operation of the gaming machine has been complied with
 - the premises are mainly used for gaming or
 - an offence under the Act has been committed on the premises.
- 11.3 The Licensing Authority shall, before removing this automatic entitlement, give the licence holder 21 days' notice of its intention, consider any representations made by the licence holder and hold a hearing if requested.
- 11.4 If an alcohol licensed premises wishes to have 3 or more category C or D gaming machines, then it needs to apply for an alcohol licensed gaming machine permit specifying the premises in respect of which the permit is sought and the number and category of gaming machines. Where the application requirements are not met it will be deemed that the application has not been made correctly and will be returned to the applicant. The Licensing Authority must consider a valid application based upon the licensing objectives, any Guidance and Codes of Practice, comments from responsible authorities and "such matters as they think relevant."
- 11.5 The Licensing Authority considers "such matters" on a case by case basis and has produced policy considerations when determining such applications. This document entitled "Licensing Authority Policy Considerations for 3 or more Gaming Machines on Alcohol Licensed Premises" is available on request from the Licensing Service.

12 Club gaming and club machine permits

- 12.1 Members clubs and miners' welfare institutes may apply for a club gaming permit or a club machine permit.

- 12.2 Commercial clubs may only apply for a club machine permit.
- 12.3 The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.
- 12.4 A club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 12.5 Members clubs and commercial clubs must:
- have at least 25 members
 - be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations
 - be permanent in nature.
- 12.6 Members clubs must, in addition to the above:
- not be established to make a commercial profit
 - be controlled by its members equally.
- 12.7 Members clubs include bridge and whist clubs, working men’s clubs, branches of Royal British Legion and clubs with political affiliations.
- 12.8 Commercial clubs have the same characteristics as members clubs however, the key difference is that they are established with a view to making profit. An example of this would be a snooker club.
- 12.9 A Licensing Authority may only refuse an application on the grounds that:
- a) the applicant does not fulfil the requirements for a members’ club or miners’ welfare institute or commercial club and therefore is not entitled to receive the type of permit for which it has applied;
 - b) the applicant’s premises are used wholly or mainly by children and/or young persons;
 - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - d) a permit held by the applicant has been cancelled in the previous ten years; or
 - e) an objection has been lodged by the Gambling Commission or the police.
- 12.10 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 upon which an authority can refuse a permit are reduced. The grounds for refusal are:

- a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12 of the Act;
- 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.

12.11 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 Codes of Practice about the location and operation of gaming machines.

13 Temporary use notices (TUNs)

13.1 TUNs allow the holder of an operating licence to temporarily use a set of premises for gambling where there is no premises licence in place. Hotels, conference centres or sporting venues may typically utilise this permission. A set of premises can be subject to TUNs for up to 21 days in any 12 month period.

13.2 The notice must be lodged with the Licensing Authority no less than 3 months and one day from the event, and copies sent to the Gambling Commission, the police and HM Commissioner for Revenue and Customs.

13.3 There are a number of statutory limits regarding temporary use notices.

13.4 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" and applicants will note paragraphs 6.2 which set out the expectations in this regard. In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership, occupation and control of the premises. For example, an exhibition centre may cover one set of premises. This compares to a shopping centre which may cover different sets of premises as it may be occupied and controlled by different people.

13.5 This is a new permission and the Licensing Authority will be ready 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.

GLP14

Temporary use notices (TUNs)

The Licensing Authority will expect the licensee to demonstrate that measures have been taken to promote the licensing objectives having regard to GLP1 - GLP10 where relevant. The Licensing Authority, will require 3 months and one day written notice and copies sent to the Gambling Commission, the police and HM Commissioner for Revenue and Customs prior to the gambling event taking place.

14 Occasional use notices

14.1 This notice allows for betting on a track without the need for a premises licence on 8 days or less in a calendar year. The Licensing Authority has very little discretion regarding these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

15 Small society lotteries

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

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

15.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission.

15.3 Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. Guidance notes on all lotteries, limits placed on small society lotteries and information setting out financial limits is available by contacting the Licensing Service.

15.4 Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.

15.5 Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Guidance.

- 15.6 The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will notify the applicant of their registration. In addition, the Licensing Authority will make available for inspection by the public the financial statements or returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept return information either manually but preferably electronically by emailing licensing@hackney.gov.uk.
- 15.7 The Licensing Authority will refuse applications for registration if in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.
- 15.8 The Licensing Authority may refuse an application for registration if in their opinion:
- the applicant is not a non-commercial society
 - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence or
 - information provided in or with the application for registration is false or misleading.
- 15.9 The Licensing Authority will ask applicants to complete an application form setting out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may seek further information from the Society.
- 5.10 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available its procedures on how it handles representations.
- 15.11 The Licensing Authority may revoke the registered status of a Society if it thinks that they would have had to, or would be entitled to refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the Society of the reasons why it is minded to revoke the

registration in the same manner it would be minded to refuse registration.

- 15.12 Where a Society employs an external lottery manager, they will need to satisfy themselves that they hold an operator's licence issued by the Gambling Commission and the Licensing Authority will expect this to be verified by the Society.

16 Enforcement and inspection

- 16.1 The Licensing Authority will investigate complaints against licensed premises in relation to matters for which it has responsibility. The Licensing Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

- 16.2 Where it is appropriate to follow an inspection and/or enforcement approach, the Licensing Authority's principles are that it will be guided by the Guidance and will endeavour to be:

- proportionate: regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised
- accountable: regulators must be able to justify decisions, and be subject to public scrutiny
- consistent: rules and standards must be joined up and implemented fairly
- transparent: regulators should be open, and keep regulations simple and user friendly and
- targeted: regulation should be focused on the problem, and minimise side effects.

- 16.3 This Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

- 16.4 The Licensing Authority has adopted and implemented a risk based inspection programme based on:

- the licensing objectives
- relevant Codes of Practice
- Guidance
- the Policy.

- 16.5 The main enforcement and compliance role for this Licensing Authority is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences, dealing also

with concerns about manufacture, supply or repair of gaming machines.

- 16.7 Bearing in mind the principle of transparency, this Licensing Authority's enforcement protocol has been developed and is available upon request from the Licensing Service.

GLP15

Enforcement

The Licensing Authority will inspect premises that are the subject of a new premises licence application and reserves the right to inspect premises for which a permit or other permission has been sought from the Licensing Authority under the provisions of the Act.

- (a) Inspections will be undertaken by the Licensing Authority and/or a relevant responsible authority
- (b) Where the applicant has not allowed reasonable access permission will normally be refused.
- (c) The Licensing Authority and/or relevant responsible authority reserve the right to inspect premises at any time following the grant of a licence, permit or other permission, as permitted by the Act.

17 Licensing reviews

- 17.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. The Licensing Authority will then decide whether the review is to be carried out on the basis of whether the request for the review is relevant.

17.2 Due consideration will be given to all representations unless the grounds:

- a) Are frivolous
- b) Are vexatious
- c) Are irrelevant
- d) Will certainly not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence
- e) Are substantially the same as the grounds cited in a previous application relating to the same premises; or the grounds are substantially the same as representations made at the time the application for a premises licence was considered.

17.3 The Authority will also consider whether the request for the review is:

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

- reasonably consistent with the licensing objectives and
 - in accordance with the Statement.
- 17.4 Where a valid application for a licence to be reviewed has been received, the Licensing Authority may initially arrange a conciliation meeting to address and clarify the issues of concern. This process will not override the right of any interested party to ask that the licensing committee consider their valid representations, or for any licence holder to decline to participate in a conciliation meeting.
- 17.5 The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate or of its own volition.
- 17.6 Representations may include issues relating to the following:
- The use of licensed premises for:
- the sale and distribution of class A drugs and/or the laundering of the proceeds of drugs crimes
 - the sale and distribution of illegal firearms
 - prostitution or the sale of unlawful pornography, sexual exploitation and trafficking
 - organised crime activity
 - the organisation of racist, homophobic or sexual abuse or attacks
 - the sale of smuggled tobacco or goods or pirated DVDs
 - the sale of stolen goods
 - for the sale of items which require additional licences which are not in place, for example, for the sale of knives, alcohol and/or fireworks
 - Children and/or vulnerable persons being put at risk.
- 17.7 This is not an exhaustive list and other matters may be considered.

18 Revocation and cancellation

- 18.1 One of the possible outcomes of a review of premises licence is to revoke the licence where justified.
- 18.2 With regard to permits and registrations the Licensing Authority may seek to revoke these or cancel an annual renewal under certain circumstances. Generally this will be where the Licensing Authority thinks that they would have had to, or would be entitled to, refuse an application for a permit or registration if it were being made at that time.
- 18.3 However, no revocations or cancellations will take place unless the licensee or permit holders have been given the opportunity to make representations. The Licensing Authority will state reasons for why it is minded to revoke the authorisation and will provide an outline of the evidence on which it has reached that preliminary conclusion.

- 18.4 For FECs the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

19 Appeals

- 19.1 In relation to premises licences, club gaming permits, club machine permits, and alcohol licensed premises gaming machines, any party to a Licensing Authority decision who is aggrieved by that decision may lodge an appeal to the magistrates' court within 21 days of receiving notice of the Authority's decision.
- 19.2 In relation to decisions on FEC gaming machine permits and travelling fairs, the applicant can lodge an appeal against the Authority's decision with the magistrates' court within 21 days of receiving notice of the Authority's decision.
- 19.3 A person giving notice of a TUN or those entitled to receive a copy of a TUN may lodge an appeal within 14 days from receipt of decision to the magistrates' court.

20 Further information

- 20.1 Further information about the Gambling Act 2005, this Policy or the application process can be obtained from:

Licensing Service
Hackney Service Centre
1 Hillman Street
London
E8 1DY
Tel: 020 8356 2431
licensing@hackney.gov.uk
www.hackney.gov.uk/gambling

- 20.2 Information is also available from:
Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP.
Tel: 0121 230 6500
Fax: 0121 237 2236
info@gamblingcommission.gov.uk
www.gamblingcommission.gov.uk

Appendix A: Glossary of useful terms

Applications	Applications for licences and permits
Authorisations	As defined in paragraph 1.3.3
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Authorised Person	A Licensing Officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons: <ul style="list-style-type: none"> • Inspectors appointed under the Fire Precautions Act 1971; • Inspectors appointed under the Health and Safety at Work, etc. Act 1974 • Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995; • A person in a class prescribed in regulations by the secretary of State.
Automated Roulette Equipment	2 types: a) Linked to a live game of chance, e.g. Roulette b) Plays live automated game, i.e. operates without human intervention
Automatic Conditions	Conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.
AWP machines	Amusement with Prizes Machines e.g. certain fruit machines
BACTA	British Amusement Catering Trade Association
Betting Intermediary	Offers services via remote communication, such as the internet.
Betting Ring Betting Machines Bingo Casino	An area that is used for temporary 'on course' betting facilities. A machine designed or adapted for use to bet on future real events (not a Gaming Machine) where a bet can be placed on the shop floor without the need to visit the counter. A game of equal chance. An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Games	Games of chance that are not equal chance gaming.
Casino Premises Licence Categories	a) Regional Casino Premises Licence b) Large Casino Premises Licence c) Small Casino Premises Licence d) Casinos permitted under transitional arrangements
Casino Resolution	Resolution not to issue casino premises licences

Child	Individual who is less than 16 years' old.
Club Gaming Permit	Enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.
Club Machine Permit	Permit to enable the premises to provide gaming machines (3 machines of Categories B, C or D)
Code of Practice	Means any relevant code of practice under section 24 of the Gambling Act 2005
Complex Lottery	An arrangement where: <ul style="list-style-type: none"> • Persons are required to pay to participate in the arrangement; • In the course of the arrangement, one or more prizes are allocated to one or more members of a class; • The prizes are allocated by a series of processes; and • The first of those processes relies wholly on chance.
Council	Hackney Council
Customer Lotteries	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
Default Conditions	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Domestic Computer	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
EBT	Electronic Bingo Ticket Minders. Electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.
Exempt Lotteries	Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types: <ul style="list-style-type: none"> • Small Society Lottery (required to register with Licensing Authorities.

	<ul style="list-style-type: none"> • Incidental Non Commercial Lotteries e.g. Raffle at a dance/church fair • Private Lotteries e.g. Raffle at a student hall of residence • Customer Lotteries e.g. Supermarket holding a hamper raffle 																										
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.																										
Fixed Odds Betting	General betting on tracks.																										
Fixed Odds Betting Terminal	A category B2 gaming machine																										
Game of chance	A game of chance can include an element of chance and an element of skill. This does not include a sport.																										
Gaming	Playing a game of chance for a prize.																										
Gaming Machine	<p>Machine covering all types of gambling activity, including AWP machines and betting on virtual events</p> <p>Categories</p> <table border="1"> <thead> <tr> <th>Max. Stake</th> <th>Max Prize</th> </tr> </thead> <tbody> <tr> <td>A Unlimited</td> <td>Unlimited</td> </tr> <tr> <td>B1 £5</td> <td>£10,000</td> </tr> <tr> <td>B2 £100 (in multiples of £10)</td> <td>£500</td> </tr> <tr> <td>B3A £2</td> <td>£500</td> </tr> <tr> <td>B3 £2</td> <td>£500</td> </tr> <tr> <td>B4 £2</td> <td>£400</td> </tr> <tr> <td>C £1</td> <td>£100</td> </tr> <tr> <td>D (money prize) 10p</td> <td>£5</td> </tr> <tr> <td>D (non-money prize (other than a crane grab machine)) 30p</td> <td>£8</td> </tr> <tr> <td>D (- non-money prize (crane grab machine)</td> <td>£50</td> </tr> <tr> <td>D (money prize) £1</td> <td></td> </tr> <tr> <td>D - combined money and non-money prize (other than a coin pusher or penny falls machine) 10p</td> <td>£8 (of which no more than £5 may be a money prize)</td> </tr> </tbody> </table>	Max. Stake	Max Prize	A Unlimited	Unlimited	B1 £5	£10,000	B2 £100 (in multiples of £10)	£500	B3A £2	£500	B3 £2	£500	B4 £2	£400	C £1	£100	D (money prize) 10p	£5	D (non-money prize (other than a crane grab machine)) 30p	£8	D (- non-money prize (crane grab machine)	£50	D (money prize) £1		D - combined money and non-money prize (other than a coin pusher or penny falls machine) 10p	£8 (of which no more than £5 may be a money prize)
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	D - combined money and non-money prize (coin pusher or penny falls machine) 20p	£20 (of which no more than £10 may be a money prize)
Guidance	Guidance issued by the Gambling Commission.	
Human Rights Act 1998 Articles: 1, 6, 8 and 10	Article 1: Protocol 1 – the right to peaceful enjoyment of possessions Article 6: - the right to a fair hearing Article 8: - the right of respect for private and family life Article 10: - the right to freedom of expression	
Incidental Non-Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events, for example commonly charity fund raising events, lottery held at a school fete or at a social event such as a dinner dance.	
Information Exchange	Exchanging of information with other regulatory bodies under the Gambling Act.	
Interested Party	Interested parties can make representations about licence applications, or apply for a review of an existing licence. A person who: • Lives sufficiently close to the premises to be likely affected by the authorised activities • Has business interests that might be affected by the authorised activities • Represents persons in either of the above groups	
Irrelevant Representations	• Where other legislation can cover the representation • Demand in premises licensing	
Large Lottery	Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.	
Licences	As detailed in paragraph 6	
Licensed Lottery	Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission. Operating Licences will be required.	
Licensing Authority	The London Borough of Hackney	
Licensing Committee	A committee of 10 to 15 Councillors appointed by the Council to represent the Licensing Authority.	
Licensing Objectives	As defined in paragraph 1.2	

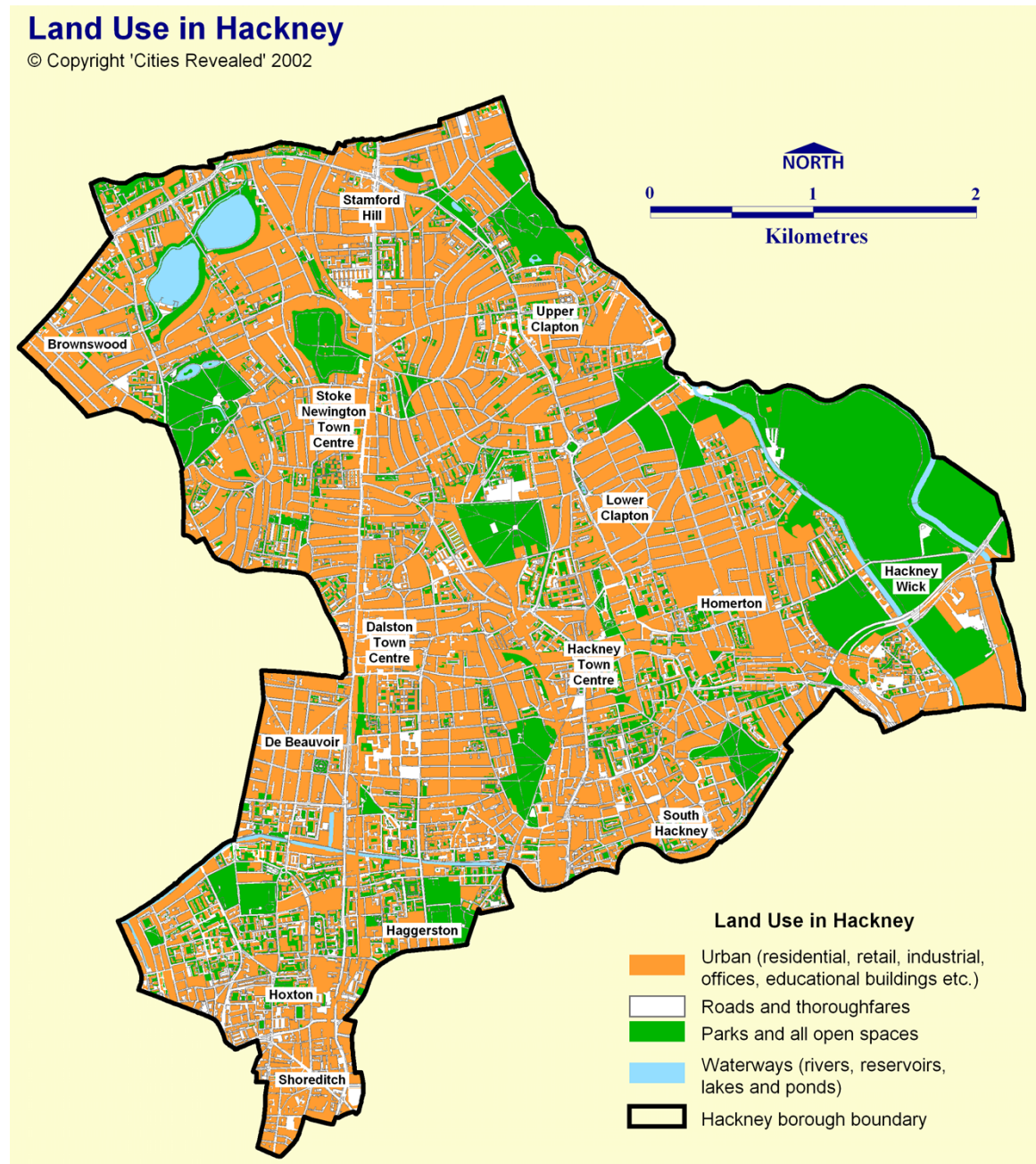
Licensing Sub Committee	A sub-committee of elected Council members appointed from the Licensing Committee to whom the functions of the Licensing Committee can be delegated under the Act to determine applications.
Live Gaming	Gambling on a live game as it happens.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	Tickets that must: <ul style="list-style-type: none"> • Identify the promoting society • State the price of the ticket, which must be the same for all tickets • State the name and address of the member of the Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and • State the date of the draw, or enable the date of the draw to be determined.
Mandatory Conditions	Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.
Members' Club	A club that must <ul style="list-style-type: none"> • have at least 25 members • be established and conducted 'wholly or mainly' for purposes other than gaming • be permanent in nature • not established to make commercial profit • controlled by its members equally.
Notifications	Notifications of temporary and occasional use notices
Non Commercial Event	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.
Non Commercial Society/ Small Society Lotteries	A society established and conducted: <ul style="list-style-type: none"> •for charitable purposes • for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or • for any other non-commercial purpose other than that of private gain
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting – Tracks	Betting that takes place in self-contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate

	only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place
Operating Licences	Licence to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non-remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
Pool Betting – Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track
Premises	Defined as ‘any place’. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres
Private Lotteries (For example, sweepstakes)	3 Types of Private Lotteries: <ul style="list-style-type: none"> • Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society • Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises • Residents’ Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises;
Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he: <ul style="list-style-type: none"> • Expects to be constructed • Expects to be altered • Expects to acquire a right to occupy.
Racino	Casino located at a racecourse.
Regulations	Regulations made under the Gambling Act 2005

Relevant Representations	Representations that relate to the Licensing Objectives, or that raise issues under the Licensing Policy Statement or the Gambling Commission's Guidance or Codes of Practice.
Responsible Authorities	<p>Responsible authorities can make representations about licence applications, or apply for a review of an existing licence.</p> <p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> 1. The Council's Licensing Authority whose area the premises must wholly or mainly be situated; 2. The Gambling Commission; 3. Hackney Police; 4. London Fire Brigade; 5. Planning Authority, Hackney Council; 6. Environmental Health and Enforcement, Hackney Council; 7. City and Hackney Safeguarding Children's Board ; 8. HM Customs and Excise. <p>N.B. In accordance with the Gambling Commission's guidance for local authorities this authority designates the City and Hackney Safeguarding Children's Board for this purpose. The contact details for all responsible authorities under the Gambling Act 2005 will be available via the Council's website at www.hackney.gov.uk/licensing</p>
SIA	Security Industry Authority
Simple Lottery	<p>An arrangement where:</p> <ul style="list-style-type: none"> • Persons are required to pay to participate in the arrangement • In the course of the arrangement, one or more prizes are allocated to one or more members of a class; and • The prizes are allocated by a process which relies wholly on chance. <p>For example, a raffle.</p>
Skills with Prizes	A machine on which the winning of a prize is determined only by the player's skill and there is no element of chance, e.g. trivia game machine, Formula 1 simulators, shooting game. Skills Machines are unregulated.
Small Lottery	Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

Small Operations	Independent on course betting operators with only one or two employees or a bookmaker running just one shop.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Statement of Principles	Matters taken into account when considering an applicant's suitability for applications for FEC Permits.
Temporary Use Notice	To 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.
Totalisator or Tote	Pool betting on tracks.
Touch Bet Roulette	Where a player gambles on a live game of chance without actually being seated.
Track	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined as trains, road vehicles, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted
Vessel	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.
Vessel and Relevant Licensing Authority	The Licensing Authority for the area in which the vessel is usually moored or berthed.
Virtual Betting	Machine that takes bets on virtual races, i.e. images generated by computer to resemble races or other events.
Vulnerable Persons	Include people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs. For example, this may include those persons who are under the influence of alcohol and/or are drunk.
Young Person	An individual who is not a child but who is less than 18 years old.

Appendix B: Hackney land use map



Appendix C: List of consultees

Local Authorities are required by law to consult on their policies. Broadly, consultation included the following groups:

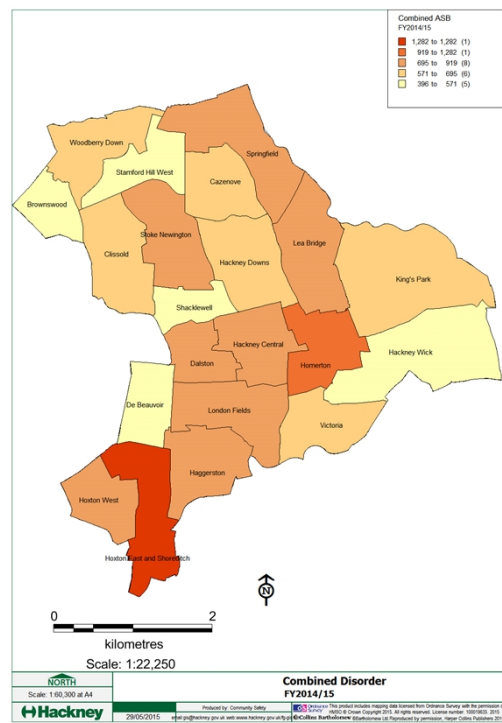
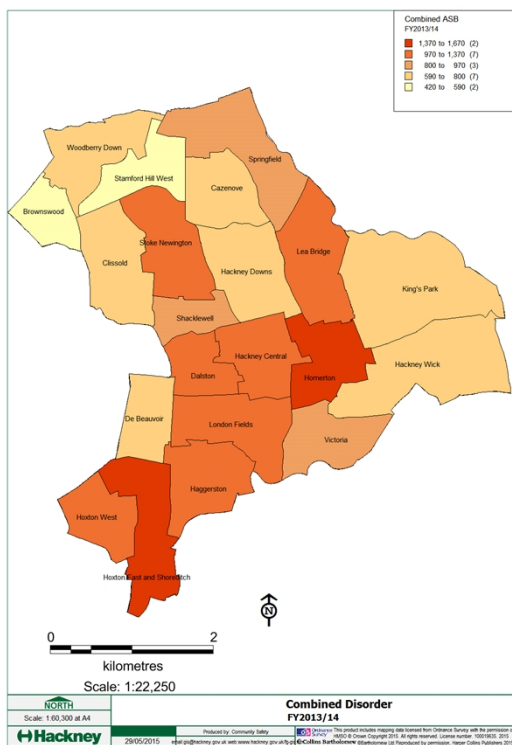
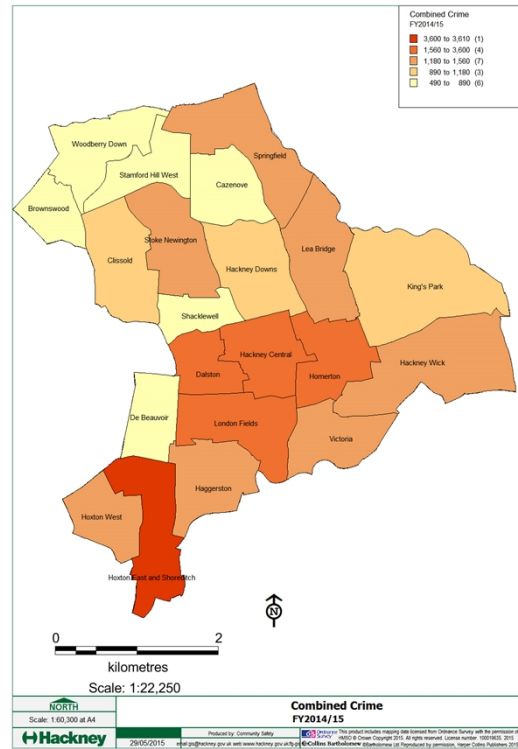
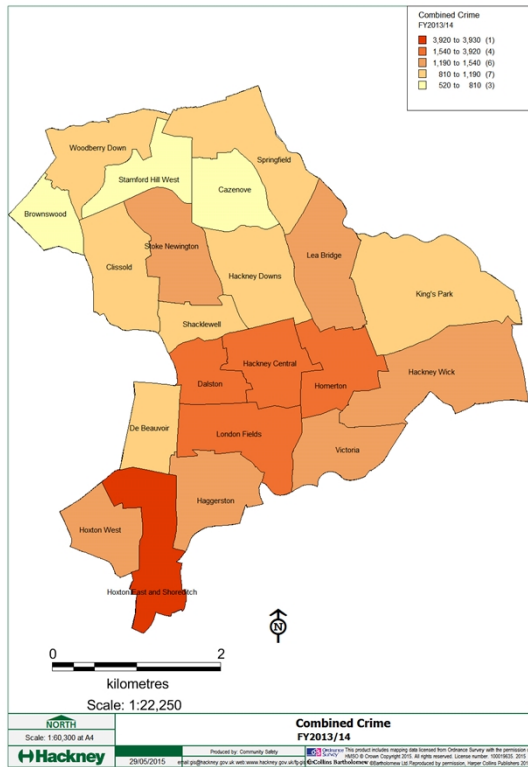
- The Chief Officer of Police
- City and Hackney Safeguarding Children Board
- Local residents, Resident Associations and Councillors
- Trade associations and businesses who hold premises licences
- Responsible Authorities
- Community and faith organisations and those working with problem gamblers and young people; and
- Neighbouring licensing authorities.

The summary of comments made on the Gambling Statement of Principles and their consideration by the Licensing Authority is available on request by contacting the Licensing Service.

Appendix D: Table of delegations of licensing functions

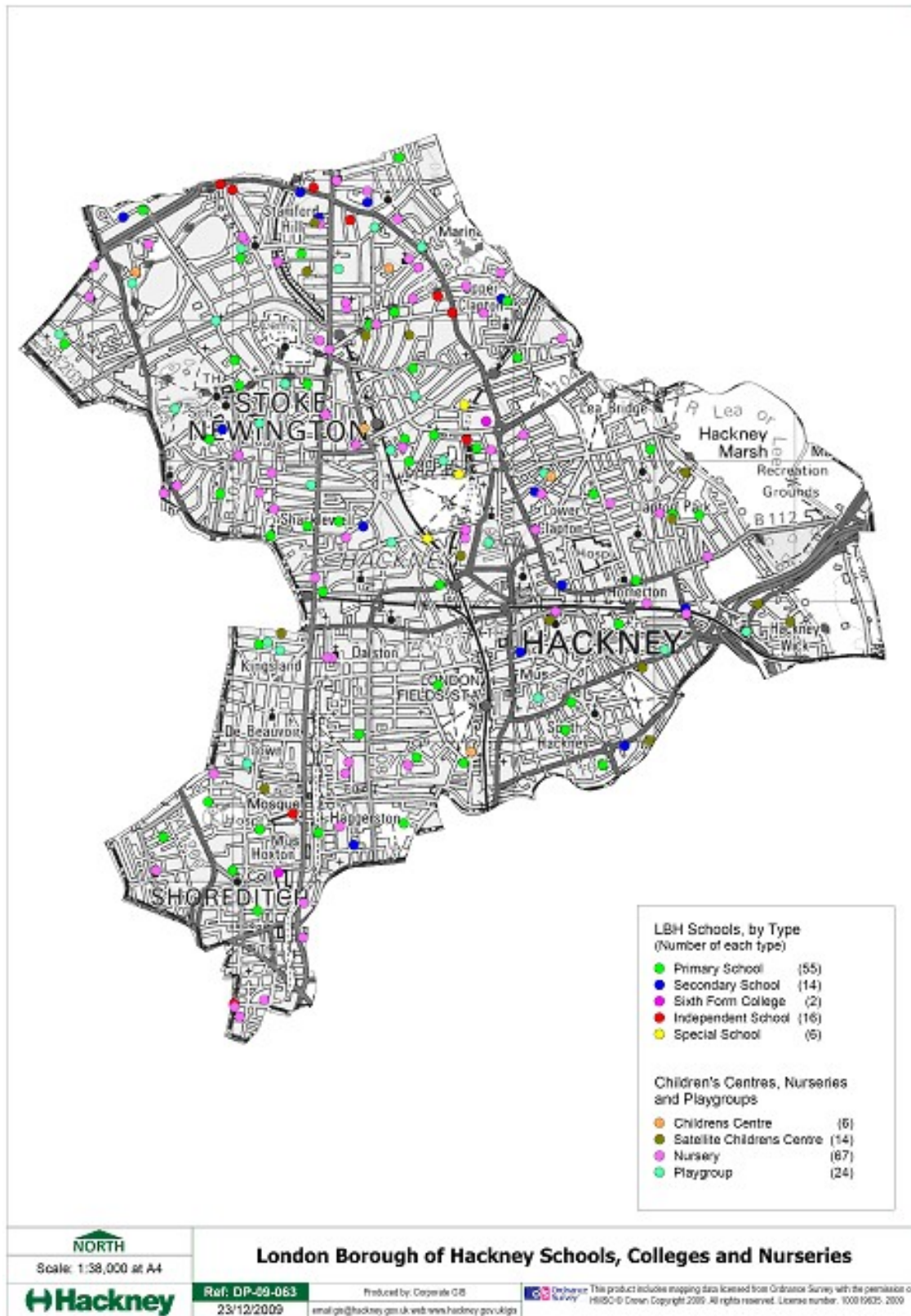
Matter to be dealt with	Full Council	Licensing Committee	Sub-committee	Officers
Three year licensing statement	X			
Resolution not to permit casinos	X			
Fee Setting - when appropriate		X		
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence			X	
Application for club gaming / club machine permits			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits			Where representations have been received and no hearing is requested	Where no request for a hearing is received
Application for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	

Appendix E: Crime and Disorder Maps



- **Crime** = MPS total notifiable crimes, BTP crime, TfL crime (where there is not a police reference), and Homerton Hospital A&E assault injuries. - **Disorder** = All Police Disorder (CAD calls), Ambulance Alcohol Related, BTP (disorder), TFL (Disturbance), and LBH Noise cases - April 2011/12 to March 2015

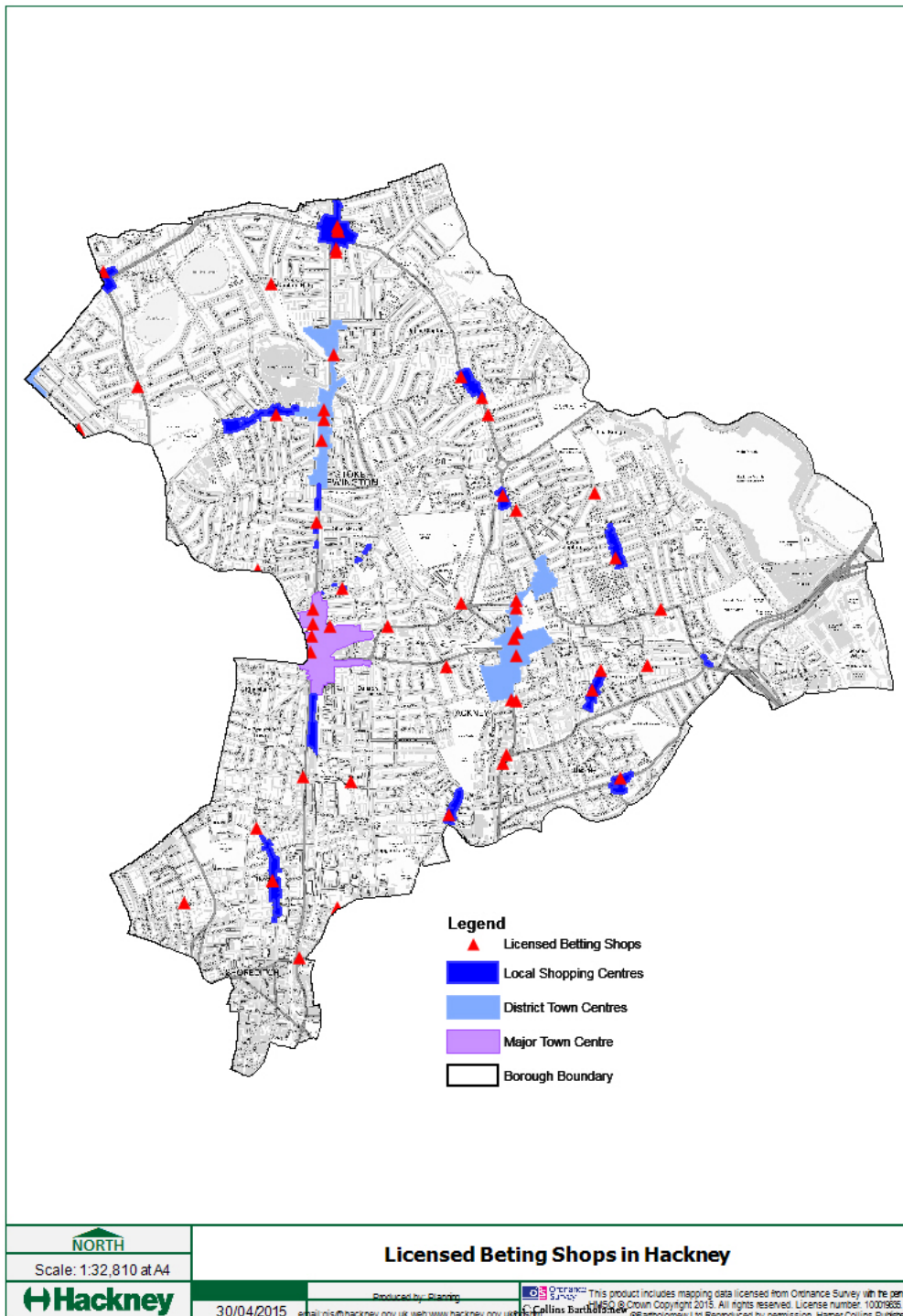
Appendix F: Schools, colleges and nurseries map



Appendix G: Table of exemptions

Exemptions from	Types of gambling and permissions
Operating Licence	<ul style="list-style-type: none"> • Small society lotteries • Incidental non-commercial lottery • Private lottery • Customer lottery
Premises Licence	<ul style="list-style-type: none"> • Occasional use notice • Football pools • Temporary use notice
Operating Licence and Premises Licence	<ul style="list-style-type: none"> • Family entertainment centre gaming machine permit • Club/miners' welfare institute: equal chance gaming • Club gaming permit • Club machine permit • Equal chance gaming, on licensed premises • Gaming machines: automatic entitlement, on licensed premises • Licensed premises gaming machine permit • Travelling fair gaming machine • Prize gaming permit • Other prize gaming • Ancillary equal chance gaming at travelling fairs • Private gaming and betting • Non-commercial prize gaming • Non-commercial equal chance gaming

Appendix H: Hackney map of the locations of betting premises licences



Gambling Statement of Principles

Consultation Summary Report

September 2018

Report prepared by:

David Besbrode
Research Analyst
Communications and Consultation

Contact

Hackney Consultation Team
on 020 8356 3343 or
consultation@Hackney.gov.uk



Introduction

Hackney Council consulted on the Draft Gambling Statement of Principles for 8 weeks from 23 July until 14 September 2018. 13 responses were received from Hackney residents, and 2 responses from stakeholders.

Background

Hackney Council is the Licensing Authority under the Gambling Act 2005. This gives the Council responsibility for issuing gambling premises licences and a range of permits to local authorities.

Since 2007 the Council's Licensing Committee has been responsible for granting premises licences for:

- Bingo premises
- Betting premises, including tracks (for e.g. horse or dog racing)
- Amusement arcades
- As well as issuing a range of permits and notices for gambling activities.

The Act makes clear that when Licensing Authorities are carrying out their duties to licence premises and issue permits, they have to bear the following licensing objectives in mind:

- To prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- To ensure that gambling is carried out in a fair and open way;
- To protect children and other vulnerable persons from being harmed or exploited by gambling.

About Hackney's draft revised gambling Statement of Principles

In January 2007, the Council produced and published its gambling statement setting out the principles it would apply in deciding whether to grant or refuse applications. The gambling Statement of Principles seeks to promote the licensing objectives and guidance from the Gambling Commission, an independent co-regulator of gambling operators. This sets out how the Council has built on these core objectives, developing an approach to licensing premises for gambling that reflect local circumstances in the Borough.

The Council is required to review the Statement at least once every three years and to consult upon the draft before it is adopted.

Making sure the draft Statement is relevant to our local circumstances

In drafting this Statement, the Council have been mindful of the demographics of the

borough and how that links to the licensing objectives set out in the Gambling Act 2005.

There are currently 55 licensed gambling premises in the borough: 52 betting shops and 3 adult gaming centres. This has reduced since 2007 when there were 72 premises in total.

At present there are no casinos in Hackney and the Council has previously passed a 'no casino' resolution and will consider this step again will consider this step again shortly in the future.

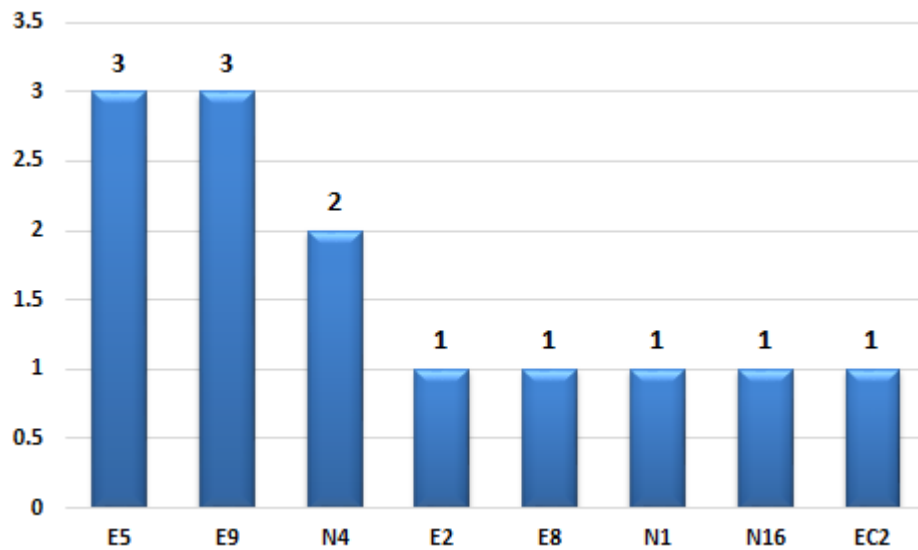
The Council welcomes the opportunity to receive views on this draft Statement and the feedback on the impact it is having on managing gambling activity for the benefit of the economy and the community in Hackney.

Consultation approach

The consultation was created on Citizen Space and was available on the consultation website.

Summary of responses

All respondents who took part in the consultation were Hackney residents from varied postcode areas.



All respondents stated that they had not visited a gambling premises in the last 12 months.

Respondents were asked to give their views on the importance of risks which needed to be assessed by licensees. The following gives the key themes for each risk:

Crime and Disorder - Anti-social behaviour

- Opening hours are too long and offer no service to the public
- Youths congregate by slot machines
- Increased likelihood of anger and violent behaviour on a major win or major loss
- One of the most important factors in assessing the risks of licences
- Drinking and smoking outside premises, along with urinating and littering.

Security at all gambling premises

- There should be security at each premises
- This is the choice of the licensee and is not of importance to the general public

Protection of children and vulnerable persons

- Issue of young people attracted by slot machines in betting shops
- Betting shops should not pose any risk of encouragement to young people
- Too many betting shops in Hackney. Should take pride in not allowing any more places
- Gambling premises have a responsibility to protect
- Age of entry should be raised to 21
- This is the responsibility of the Council

- Haggerston Square betting shop in the middle of 3 schools where kids come after school to buy food and drink

Location of gambling premises and gambling machines

- Volume of betting shops detracts from the high street
- No more than one per area
- Gambling machines not visible from the open door
- Should not be near schools
- Not accessible on the high street
- Should be limited to within ½ mile of another gambling premises
- Should not be positioned near places that sell alcohol
- Statistics show addictions between gambling, alcohol and drugs

Hours of operation

- Hours that match fixtures are reasonable. Out of hours virtual race cards are not
- Nothing after 9pm
- Should follow alcohol licencing rules
- Normal business hours of 9am to 5pm

10 respondents stated that they do live in close proximity to a gambling premises.

5 respondents stated that they think anti-social behaviour is an issue at these premises.

What steps (if any) do you think operators should take to prevent or reduced anti-social behaviour?

- Reduce opening hours
- Pay a contribution towards local crime enforcement
- Provide a suitable place to smoke so that staff and customers are not all standing by the entrance
- Hire security by the door
- Ask staff to clean outside the premises to pick up litter, bottles, cigarette butts, etc.
- Educate their customers

Any other comments

- There is a general problem with the number of gambling establishments
- Introduce a cap which would limit the amount of betting shops allowed in each area
- There are 'laws' which prevent councils to prevent more establishments (converting license from say a pub to gambling, bank to gambling) but this does not seem to be working. Implement the same principles as the Alcohol Statement of Principles as this does work

- FOBT machines should be made illegal
- Gambling and the encouragement of gambling premises needs to be included in curtailing its activities and the number of premises. This would help with poor people who have a gambling addiction problem to make it harder for them, which is a good thing
- Gambling premises should not be sited in residential areas, for example Green Lanes near Newington Green
- Betting shops and casinos prey on the poor and the young, and have no place in the society
- The poorest and most vulnerable are the least likely to recover from losses - and the most likely to have them.
- A ban on television and online gambling advertisements would be a good thing
- Local tax collected for betting so the local authority can use the money raised to combat problems of betting
- These shops ruin people and places.
- They do not bring any value to anyone other than money to the council (who rents out the premises) and the betting companies

APPENDIX

Two responses were received from the Gambling Commission and GamCare. The section below provides a summary of the comments received.

The detailed responses have been passed on to the Licensing Team.

Gambling Commission

- References were made to the draft Statement of Principles report for a few amendments regarding stakes and prizes, and the local risk assessment. These have been passed on to the Licensing Team to take into account before finalising the report.

GamCare

- The Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice.
- To develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues.
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

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PROPOSED PRE-APPLICATION ADVICE SERVICE – PILOT SCHEME	
LICENSING COMMITTEE 17 OCTOBER 2018	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING KIM WRIGHT	

1. INTRODUCTION

- 1.1 This report has been prepared to provide the Licensing Committee with information on the proposed pilot pre-application advice service for persons/businesses engaging with the Licensing Service on some key licence application/notice types.

2. RECOMMENDATION(S)

2.1 The Licensing Committee is asked:

- (i) to note the contents of the report**
- (ii) to comment on the proposed pilot pre-application advice service**

3. BACKGROUND

- 3.1 Officers in the Council's Licensing Service have been working with colleagues in the Chief Executive's Directorate for a number of months to develop a licensing pre-application advice facility. This is one part of a series of Council-wide activities aimed at improving the experience of new and existing businesses, allowing much more streamlined and straightforward interaction.

4. PROPOSED PRE-APPLICATION ADVICE SERVICE

- 4.1 The Service plans to offer a paid pre-application advice service for certain types of licence applications. Similar to pre-application advice for Planning, this would see an applicant or agent meet with an administrative support officer or licensing officer (dependent on the application type) to go through the process, application form and prepare documents for submission.
- 4.2 Applicants would benefit from the service as officers will be able to ensure the application is submitted correctly. They may also save money in the long run by reducing the need for costly agents or by avoiding issues that may arise where their proposed activity may cause concern in a given area.
- 4.3 The Licensing Service would likely benefit from reduced administration as a result of invalid applications, whilst also enabling some cost recovery. Other benefits may include service areas, such as Environmental Health officers, being able to discuss policy implications as well as suggest conditions that may satisfy the responsible authorities where relevant.
- 4.4 Officers will initially operate an unpaid pilot to test the workings of the service and gather feedback from applicants as well as other

stakeholders for assessment. It would be made clear to applicants that the use of the service does not guarantee an application will be granted. It will also be made clear that the advice and guidance will end once the application is formally submitted for consideration.

- 4.5 Officers would also maintain a line of separation by ensuring that the officer who gave pre-application advice would not be the officer that is responsible for making any representation.

5. HOW WOULD THE SERVICE WORK?

- 5.1 An applicant would contact the Licensing Service and agree the level of service that they require to proceed dependent on the type of application they wish to make. The table below details the levels of service that will be available:

Type	Details	Relevant application type(s)
Check and Send (A)	Up to 15 minutes officer time to confirm validity of application before submission.	Licensing Act 2003 <ul style="list-style-type: none"> • Personal licence • Transfer premises licence • Vary licence to specify DPS • Temporary Event Notice • Interim Authority Notice London Local Authorities Act 1991 <ul style="list-style-type: none"> • MST Practitioner registration • Modify licence to specify new MST practitioner
Check and Send (B)	Up to 30 minutes officer time to confirm validity of application before submission.	Licensing Act 2003 <ul style="list-style-type: none"> • New premises licence • Full variation of existing premises licence • Minor variation of premises licence London Local Authorities Act 1991 <ul style="list-style-type: none"> • New MST premises licence • Variation of MST premises licence
Pre-application advice given at Hackney Service Centre	Up to 2 hours officer time. Structured discussion around proposed application and policy implications, conditions	Licensing Act 2003 <ul style="list-style-type: none"> • New premises licence • Full variation of existing premises licence

Type	Details	Relevant application type(s)
	suggested, signposting to other relevant considerations, confirm validity of application before submission.	
Pre-application advice given on applicant site	Up to 4.5 hours officer time. Structured discussion around proposed application and policy implications, conditions suggested based on characteristics of the site, signposting to other relevant considerations, confirm validity of application before submission.	Licensing Act 2003 <ul style="list-style-type: none"> • New premises licence • Full variation of existing premises licence

6. NEXT STEPS

- 6.1 Officers intend to run the pilot from the beginning of November 2018 to early December 2018. The findings of the pilot will then be assessed and reported to the Licensing Committee in January 2019. This would also allow fee levels to be finalised.
- 6.2 If the feedback from the pilot is positive and the service is formally introduced, it would commence from 1 April 2019.

7 COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 7.1 This report seeks the Licensing Committee to note the plan to run a pilot pre-application advice service for certain types of licence applications.
- 7.2 Officers will initially operate an unpaid pilot to test the workings of the service and gather feedback from applicants and other stakeholders. The cost of operating the pilot will be met from the Licensing service revenue budget.

- 7.3 Fees for the pre-application advice, once fully operational will be determined by the level of service offered. Fees will also be benchmarked against charges for similar services are offered in other local authority areas.
- 7.4 The Licensing service will ensure that fees are at proposed at a level that fully recovers the cost of officer time and other support services utilised in delivering pre-application advice.
- 7.5 The total income generated from pre-application advice will depend on the fee level and the volume of pre-application advice requests.

8. COMMENTS OF THE DIRECTOR OF LEGAL SERVICES

- 8.1 There is nothing in either the Licensing Act 2003 or London Local Authorities Act 1991 that prohibits such a service being provided. There is also no conflict of interest for the Council as this pre-application assistance/guidance takes place before the application is submitted.
- 8.2 There are no other legal or propriety issues that require consideration at this stage, particularly as no fee is being charged during this pilot stage.

APPENDICES

None.

EXEMPT

Not applicable.

BACKGROUND PAPERS

None.

Report Author	David Tuitt Business Regulation Team Leader (Licensing and Technical Support) david.tuitt@hackney.gov.uk ☎ 020 8356 4942
Comments of the Group Director of Finance and Corporate Resources	Deirdre Worrell Director – Neighbourhoods and Housing Finance deirdre.worrell@hackney.gov.uk ☎ 020 8356 7350
Comments of the Director of Legal Services	Butta Singh Senior Lawyer – Licensing butta.singh@hackney.gov.uk ☎ 020 8356 6295