



Alcohol and Entertainment Licensing Committee

Monday 26 October 2015 at 7.00 pm

Board Room 3-4 - Brent Civic Centre, Engineers Way,
Wembley HA9 0FJ

Membership:

Members

Councillors:

Chohan (Chair)

Aden

Bradley

Eniola

Harrison

Hector

Hylton

Kansagra

Khan

Long (Vice-Chair)

McLeish

Naheerathan

Shahzad

Ms Shaw

Ketan Sheth

For further information contact: Joe Kwateng, Democratic Services Officer
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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
1 Declarations of interests	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
2 Minutes of the last meeting - 26 May 2015	1 - 2
3 Matters arising	
4 Statement of gambling principles	3 - 104

The London Borough of Brent is a *Licensing Authority* under the Gambling Act 2005 (the Act). Section 349 of the Act requires Licensing Authorities, to prepare and publish every three years a Statement of Principles that sets out their policy for dealing with applications and regulating gambling premises within their borough. The Act also requires licensing authorities to keep the Statement under review from time to time.

I have attached the relevant appendices to the report.

Ward Affected: All Wards **Contact Officer:** Andrew Donald,
Strategic Director, Regeneration and Growth
Tel: 020 8937 1049
andrew.donald@brent.gov.uk

5 New Statement of licensing policy	105-162
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The Licensing Act 2003 ('the Act') requires that the Council determine and publish a Statement of Licensing Policy ('Policy'), at least once every 5 years, setting out its policies with respect to the exercise of its licensing functions. The Council's current Policy came into effect on 7 January 2011 and will expire on 6 January 2016.

I have attached the relevant appendices to the report.

Ward Affected: All Wards **Contact Officer:** Andrew Donald,

Strategic Director, Regeneration and
Growth

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6 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.



- Please remember to set your mobile phone to silent during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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LONDON BOROUGH OF BRENT

MINUTES OF THE ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE

Tuesday 26 May 2015 at 7.00 pm

PRESENT: Councillor Chohan (Chair), Councillor and Councillors Bradley, Hylton, Long and McLeish

Also present: Councillors Davidson and Kansagra

Apologies for absence were received from: Councillors Khan and Ketan Sheth

1. **Declarations of interests**

None declared.

2. **Minutes of the last meeting held on 26 February 2015**

RESOLVED:

that the minutes of the meeting held on 26 February 2015 be approved as an accurate record.

3. **Representation of political groups on sub-committees**

At its meeting on 20 May 2015 the Council reviewed the representation of political groups on main committees. As soon as practicable after such a review, those committees are required to conduct a review of the representation of political groups on any sub-committees they may have. Members had before them a report setting out the rules to be applied during the course of the review.

RESOLVED:

- (i) that the size of the sub-committees be noted; and
- (ii) that the allocation of seats on the sub-committees to each of the political groups as set out in paragraph 3.4 of the report be agreed.

4. **Appointment of Chairs, members and substitutes to sub-committees**

At the Annual meeting of Full Council on 22 May 2015 no appointments had been made to the places on committees allocated to the opposition groups. The Committee was therefore only able to appoint opposition members to the sub-committees subject to their appointment to the Alcohol and Entertainment Licensing Committee by Full Council.

The Chair proposed memberships for the sub-committees and the committee noted Councillor Davidson's concern at the Brent Conservatives group member being an alternate on Sub-Committee (B) where the Conservative group was full member as he felt the two groups were quite separate. Additionally he expressed a preference to be a member of Sub-Committee (A) which, in the past, tended to meet in the evenings. The committee noted that any further changes to the sub-committee membership would have to be agreed by this committee.

RESOLVED:

that the following appointments to the sub-committees be made:

Main members

Substitute members

ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE (A)

**BRADLEY (C)
HECTOR
KHAN**

Aden, Eniola, Hylton, McLeish, Shahzad,
Ketan Sheth

ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE (B)

**KETAN SHETH (C)
HARRISON
KANSAGRA**

Aden, Davidson, Eniola, Khan, Long,
Naheerathan

ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE (C)

**LONG (C)
HYLTON
MCLEISH**


Bradley, Chohan, Harrison, Hector,
Naheerathan and Shahzad

5. Any other urgent business

None.

The meeting closed at 7.35 pm

B CHOCHAN
Chair

 Brent	Alcohol & Entertainment Licensing Committee 26 October 2015 Report from the Director of Regeneration and Growth
For information	Wards Affected: ALL
Statement of Gambling Principles	

1.0 Summary

- 1.1 The London Borough of Brent is a *Licensing Authority* under the Gambling Act 2005 (the Act). Section 349 of the Act requires Licensing Authorities, to prepare and publish every three years a Statement of Principles that sets out their policy for dealing with applications and regulating gambling premises within their borough. The Act also requires licensing authorities to keep the Statement under review from time to time

2.0 Recommendation

- 2.1 That Members note the draft revised Statement of Gambling Principles (31 January 2016 – 31 January 2019) at Appendix 1; and
- 2.2. That Members make any recommendations for change to the draft revised Statement of Gambling Principles prior to consideration by Cabinet on 16 November 2015 and prior to final approval by Full Council on 23 November 2015.

3.0 Detail

Background

- 3.1 The Gambling Act 2005 came into force in 2007, at which point Brent Council, as a *Licensing Authority*, became responsible for the licensing of gambling premises. These premises include betting offices, amusement centres, bingo halls, betting tracks and travelling fairs.
- 3.2 To facilitate this function Licensing Authorities are required to publish a Statement of Principles to apply whilst regulating gambling. This must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act. This is intended to be a high-level statement of principles, rather than about process detail.

- 3.3 When preparing a Statement of Principles, Licensing Authorities are required to adhere to regulations and have regard to the Gambling Commission's Guidance. Any Licensing Authority departing from the guidance should have strong and defensible reasons for doing so as to avoid the potential risks and costs that would arise from any Judicial Review.
- 3.4 The Statement of Principles must have regard to, and be consistent, with the Act's three objectives:
- preventing gambling from being a source of **crime and disorder**;
 - ensuring that gambling is conducted in a **fair and open** way; and
 - **protecting children and other vulnerable persons** from harm or exploitation.
- 3.5 However, Licensing Authorities cannot consider matters relating to:
- **moral objections** to gambling. Gambling is a lawful activity and objections cannot be considered on these grounds alone;
 - **planning status** of premises. A gambling licence application must be considered independently of any requirement for planning consent; and
 - **demand**. The fact that there may already be sufficient gambling premises within an area to meet existing demand cannot of itself be considered when considering a new licence application.
- 3.6 Brent Council published its first Statement of Principles in January 2007, and this was revised in January 2011.

January 2016 – January 2019 draft Statement of Principles

- 3.7 A draft Statement of Principles is attached at Appendix A.
- 3.8 The revised statement has been updated to take account of legislative change or to update terminology as issued in mandatory guidance from the Gambling Commission. Changes include a new name for Bet Receipt Terminals; a requirement to comply with the new Regulators' Code, additional advice notes on what constitutes bingo; and the removal of references to the now defunct horse betting levy board.
- 3.9 The draft Statement of Principles was developed, prepared and consulted upon with due regard to the requirements of the regulations, and guidance from both Local Government Regulation and the Gambling Commission.
- 3.10 There have been six responses to the consultation process on the revised statement of principles. As a result of consultation responses the draft statement of principles was amended prior to counsel's advice.

4.0 Financial implications

- 4.1 None specific.

5.0 Legal implications

5.1 In accordance with section 349 of the Act and regulations made under the Act, the Council must publish its revised Statement for a period of four weeks prior to its coming into effect on the Council's website and make it available for public inspection. The Council must also advertise the fact that the revised Statement is to be published by publishing a notice on its website, and in a local newspaper and/or a public notice board in or near the Council's offices and/or at a public library in the Borough. The Council's revised Statement will come into force on 31 January 2016.

6.0 Diversity Implications

6.1 Section 5.7 of the Statement of Principles deals with equality matters.

6.2 From the implementation of the Statement of Principles in January 2007, there have been no complaints based on equalities issues.

6.3 An Equalities Analysis is at appendix 2.

7.0 Staffing/Accommodation Implications

7.1 None specific.

Background papers

- Gambling Act 2005 - <http://www.legislation.gov.uk/ukpga/2005/19/contents>
- Brent Statement of Principles 2011 - <http://bit.ly/1JOqJma>
- Brent Statement of Principles 2007 - <http://bit.ly/1Q0JoAB>
- Gambling Commission Guidance to Licensing Authorities - <http://bit.ly/1iZoVRK>

Contact Officers

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Andy Donald
Director of Regeneration and Growth

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Draft Statement of Principles 2016 - 2019

Under Section 349 Gambling Act 2005

Effective January 2016

Executive summary

The gambling laws in Great Britain were updated and a new regime for the regulation of commercial gambling was established under the Gambling Act 2005 (the Act). The Act came into force on 1 September 2007. The overriding principle of the Act is to permit the use of premises for gambling. The Act puts into place an improved structure of gambling regulation. It included protection for children and vulnerable adults and, in particular, brought the rapidly developing internet gaming sector within UK regulation.

The Act gives local authorities new and extended responsibilities for licensing premises for gambling. In some cases (such as gaming machine arcades or leisure centres), those built on existing responsibilities. In other major areas, including betting, casino gaming and bingo, they transferred to local authorities responsibilities and functions which previously lay with the licensing justices.

The Act created the Gambling Commission as a national regulatory body to enforce stronger gambling regulations. Section 349 of the Act requires the council to publish a statement of the principles that it proposes to apply when exercising its functions.

This Statement of Principles must be published every three years. The statement must be reviewed from time to time and if the council thinks it necessary in the light of a review, revise the statement and publish any revision of it before it comes into effect. The council is required to consult widely on the statement and any revision of it.

The Statement of Principles was last revised in 2011.

Consultees to the Statement of Principles must include:

- the Chief Officer of police; and
- one or more persons representing the interests of persons carrying on gambling businesses in the authority's area; and
- and one or more persons representing the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

This Statement of Principles has been prepared bearing in mind the limitations on the discretion of the Council imposed by the Act. This gives predominance to the Gambling Commission's codes and guidance. Under the provisions of the Act, the Council must aim to permit the use of premises for gambling in so far as it thinks it is:

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

- reasonably consistent with the licensing objectives
- in accordance with the Statement of Principles.

In addition, the Gambling Commission issued statutory guidance in March 2015 outlining some changes that have been made to its previous guidance. These changes include legislative changes or updating of terminology. Changes include a new name for Bet Receipt Terminals; a requirement to comply with the new Regulators' Code, additional advice notes on what constitutes bingo; and the removal of references to the now defunct horse betting levy board. In September 2015 the Commission issued the fifth edition of its guidance to licensing authorities. References in this document to guidance are to that publication.

The Council recognises that many people enjoy gambling as part of their entertainment, leisure and sporting activities from which economic and social benefits arise for businesses. Appropriately licensed and regulated gambling should help to exclude illegal gambling. Gambling creates employment in the borough, but it also presents risks to children, vulnerable people, existing problem gamblers, and can in certain circumstances being the cause or be associated with ~~of~~ crime and disorder.

The Council in its role as Licensing Authority recognises the importance of its decision making process, the input of all stakeholders, and the application of this Statement of Principles to deal with the competing interests of business and local communities. The Council will therefore seek to strike a balance between the different aspirations and requirements of businesses, local residents and the many visitors to the borough.

Statement of Principles for Gambling 2016-2019

1. Roles and responsibilities

1.1 The London Borough of Brent is a Licensing Authority under the Gambling Act 2005 (the Act) which came into force in 2007 and established a new regime for the regulation of commercial gambling whilst repealing a number of pieces of older law. The overall approach of the Act is to permit the use of premises for gambling in so far as it satisfies the criteria listed below. However, gambling is unlawful in Great Britain unless permitted by the measures contained in the Act in relation to most commercial gambling. The criteria ~~to be satisfied are that gambling must be~~ that the proposed gambling is:

- (a) in accordance with any relevant code of practice and guidance issued by the Gambling Commission;
- (b) reasonably consistent with the licensing objectives; and
- (c) in accordance with the authority's statement of licensing principles

1.2 The Act requires all licensing authorities to publish a Statement of Principles which it proposes to apply when exercising its functions under the Act. The form of the statement of principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006¹. The Gambling Commission's gGuidance to licensing authorities contains further detail on the form of the council's statement of principles.

1.3 The council's statement of principles is intended to promote the three licensing objectives set out in the Act. These objectives are:

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

1.4 Section 153 of the Act gives Licensing Authorities broad discretionary powers to regulate gambling in their areas. Those include the power to:

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

¹ <http://www.legislation.gov.uk/ukxi/2006/636/contents/made>

- 1.5 ~~However, the Act imposes limits on the licensing authority's discretion. For example, a licensing authority has no discretion to grant a premises licence where that would mean taking a course which it did not think accorded with the guidance issued by the Gambling Commission (the Commission), the licensing objectives or the licensing authority's own policy statement.~~
- 1.6 This ~~document refers to the~~ Commission, ~~which~~ has wider functions under the Act, and ~~with which~~ the Council works in partnership with the Commission as dual regulators. This document does not discuss the role and responsibilities of the Commission and any references in this policy will only be insofar as it impacts on, or clarifies, this Council's functions. For example, the Commission is exclusively responsible for issuing operating~~ing~~ and personal licences, the former of which is a necessity before the Council can determine ~~consider~~ an application for a premises licence.
- 1.7 The Commission is also mentioned in this document as being responsible for issuing Codes of Practice and guidance to licensing authorities regarding the manner in which they are to exercise their functions. This Statement of Gambling Policy endorses the principles set out in the Commission's Guidance and key licensing objectives, and confirms that the Council will take account of all such guidance.

2. The licensing framework

2.1 The Act creates three types of licence:

- (a) operating licences, which are required by businesses in order to provide gambling facilities lawfully
- (b) personal licences, which are required by some people working in the gambling industry
- (c) premises licences, which are required to authorise premises to provide gambling facilities

2.2 Operating licences

These are linked to different types of gambling activity and include:

- Casino operating licence;
- Bingo operating licence;
- General betting operating licence;
- Gaming machine general operating licence for adult gaming centre or for family entertaining centre.

2.3 Personal licences

The purpose of a personal licence is to ensure that people who control facilities for gambling or are able to influence the outcome of gambling are directly accountable to the Commission. The Commission can impose licence conditions on personal licences. These licences are usually held by people in key management positions such as strategy, marketing, finance and compliance.

2.4 Premises Licences

Premises licences are issued by the licensing authority to enable premises to be used for gambling. These include:

- casinos premises
- bingo premises
- betting premises, including tracks
- [adult gaming centres](#)
- [licensed family entertainment centres](#)

3. The Gambling Commission

3.1 The Commission is a [statutory Non-Departmental Public Body](#) and [the national regulator of gambling](#), with the following statutory functions:

- issuing operating and personal licences to gambling businesses and individuals occupying certain positions in the gambling industry, with appropriate conditions and ensuring that holders of licences adhere to their terms;
- publishing codes of practice; and
- publishing statutory guidance to licensing authorities.

Gambling Commission
Victoria Square House
Victoria Square
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B2 4BP

(0121) 230 6666

www.gamblingcommission.gov.uk

4 Licensing Authority functions

4.1 Licensing Authorities are responsible for local gambling regulation and the Act gives them responsibility for a number of regulatory functions in relation to gambling activities. These include:

- the licensing of premises where gambling activities are to take place by issuing premises licences;
- [issuing](#) provisional statements;

- regulatinge members' clubs and miners' welfare institutes whiche wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits;
- issuinge club machine permits to commercial clubs;
- granting permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- receivinge notifications from alcohol licensed premises for the use of two or fewer gaming machines;
- issuinge licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, where there are more than two machines;
- registering small society lotteries below prescribed thresholds;
- issuinge prize gaming permits;
- receivinge and endorse temporary use notices;
- receivinge occasional use notices;
- providinge information to the gambling commission regarding details of licences issued (see section above on 'information exchange');
- maintaining registers of the permits and licences that are issued under these functions; and
- ~~the~~-exercisinge of its powers of compliance and enforcement under the 2005 act in partnership with the gambling commission and other relevant responsible authorities.

- 4.2 The National Lottery ~~and is regulated by the National Lottery Commission,~~ Remote Gambling ~~are~~is dealt with by the Gambling Commission and Spread Betting is regulated by the Financial Services Authority.

Statutory framework

- 4.3 As a licensing authority, this Council has a broad range of discretionary powers in regulating gambling. These include granting, reviewing, refusing and attaching conditions to premises licences or revoking them as a result.
- 4.4 In addition to the Act, this licensing authority has responsibilities under the Licensing Act 2003. There are some inter-dependencies between the two Acts in terms of the framework for decision making and the procedures that must be followed. However, the licensing objectives under the two Acts are not identical. The Council will only take into account considerations which are relevant to the Act being dealt with. The Council will follow the procedures and only take into account issues that are relevant to the Act when dealing with applications under the Act. The Council will make a distinction between considerations made under the Act from those relevant to alcohol licensing, public entertainment or late night refreshments.

4.5 Licensing Authority decisions

- 4.5.1 Brent Council's Alcohol and Entertainments Licensing Committee is established to administer functions under the Licensing Act 2003 and is delegated with the powers under the Act to make all decisions relating to premises licences.
- 4.5.2 To provide a speedy, efficient and cost-effective service the committee has established a number of sub-committees and delegated certain functions and decisions to those sub-committees.
- 4.5.3 Many of the decision are largely administrative in nature such as, the grant of non-contentious applications, including for example, those licences, permits and notices where no representations have been made. These will be delegated to council officers by the licensing committee.
- 4.5.4 Applications where there are relevant representations will be dealt with by the licensing committee/sub-committees unless such representations are considered irrelevant, frivolous or vexatious or unless the council, the applicant and all those persons who have made representations agree that a hearing is not necessary.
- 4.5.5 The table at Appendix G sets out the delegation of functions under the Act to the licensing committee, sub-committees and officers. Where appropriate, officers may refer any matter to a sub- committee or a sub-committee to Full Committee.

5. Principles to be applied by Licensing Authorities

5.1 Licensing objectives

- 5.1.1 In exercising its functions under the Act, this Council, and indeed all licensing authorities, must have regard to the licensing objectives which are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.1.2 The Commission has stated: "*The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.*".
- 5.2 Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

5.2.1 Gambling venues have an impact on crime and disorder in the borough. In the 2015 Brent Community Safety Strategic Assessment, gambling premises were an identified contributor to 11 out of the 23 Anti-Social Behaviour (ASB) hotspots in the borough. The top five gambling premises made 105 ASB nuisance calls alone in the 12 month period from the 1 February 2014 to 31 January 2015. Between 1 April 2010 and 1 September 2014, the top five gambling premises for crime volume accounted for 116 recorded crimes, including 33 violent crimes

5.2.2 The authority considers that serious nuisance and anti-social behaviour can sometimes amount to disorder, which is intended to mean activity that is more serious and disruptive than mere nuisance. The authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it, in determining whether the line has been crossed.

5.3 Objective 2: Ensuring that gambling is conducted in a fair and open way:

5.3.1 The Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is, however, more of a role for licensing authorities with regard to tracks which is explained in more detail below.

5.4 Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling:

5.4.1 This objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The Council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas, restrictions on signage etc.

5.4.2 The Licensing Conditions and Codes of Practice (LCCP) set out the Commission's general licence conditions and associated codes of practice. These codes specify a number of requirements, many of which relate to social responsibility issues and which the Council may take into consideration if it has concerns about protecting the young and vulnerable.

5.4.3 ~~The Council shall aim to permit the use of premises for gambling in so far that it thinks it is in accordance with any relevant code of practice or guidance issued by the Commission, or is reasonably consistent with the licensing objectives, or the Council's own policy statement. This~~ The licensing authority is aware that, in accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks is:

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

5.5 Good practice in regulation

5.5.1 The Council has a duty to have regard to the statutory principles of good regulation as set out in the Regulators' Code. These provide that regulation should be carried out in a way that is:

(a) **Proportionate**: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

(b) **Accountable**: regulators must be able to justify decisions, and be subject to public scrutiny;

(a) **Consistent**: rules and standards must be joined up and implemented fairly;

(b) **Transparent**: regulators should be open and keep regulations simple and user friendly; and

(c) **Targeted**: regulation should be targeted only at cases in which action is needed; it should focus on the problem and minimise side effects.

5.5.2 The Regulator's Code is enshrined in the Council's own Enforcement Policy with which every enforcement officer is required to adhere. As per the Commission's Guidance for licensing authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

5.5.3 This licensing authority has adopted and implemented a risk-based inspection programme based on:

- the licensing objectives;
- relevant codes of practice;
- guidance issued by the gambling commission, in particular at part 36; and
- the principles set out in this statement of licensing policy.

- 5.5.4 The main enforcement and compliance role for this licensing authority in terms of the Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Commission will be the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Commission.
- 5.5.5 This Licensing Authority recognises that certain bookmakers and other licensed premises operators 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 within the organisation/company, and whom the authority may contact first should any compliance queries or issues arise.
- 5.5.6 This licensing authority will also keep itself informed of the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities. To comply with the principle of transparency, this licensing authority's enforcement policy will be published on our website.

5.6 Human Rights Act 1998

- 5.6.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. Brent Council will have particular regard to its rights and responsibilities under the Human Rights Act 1998 when determining applications, considering enforcement and reviewing this policy.
- 5.6.2 The council will have particular regard to:
- (a) Article 6 – that in determination of civil rights everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - (b) Article 8 – that everyone has the right to respect for his home and private life (removal or restriction of a licence may effect a persons private life); and
 - (c) Article 1 of the First Protocol – that every person is entitled to peaceful enjoyment of his or her possessions (a licence is considered a possession in law).

5.6 Other considerations

- 5.6.1 The Council will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions. The Council may request as much information as it requires to satisfy itself that all the requirements as set out in the principles that it applies are met.

5.7 Diversity and equality

- 5.7.1 Subject to the general requirements of the Act, this Licensing Authority will promote equality of opportunity. In such respects, nothing within this statement of licensing principles shall undermine the right of any individual to apply for any of the licences and/or authorisations provided under the terms of the Act.
- 5.7.2 Brent is a diverse borough. The Council is aware that some applications may have greater impact on groups, organisations or associations in respect of their race, gender, age, disability, sexuality or religious beliefs. With a view to eliminating unlawful discrimination, applicants will be expected (where appropriate) to address these concerns.
- 5.7.3 Where applications made by these groups or organisations representing them highlight special needs or customs that may affect their application, the Council, in recognising its duty to promote good relations between persons of different racial groups, will give consideration to supporting those needs or customs whilst seeking to promote the three licensing objectives.

6. Profile of Brent

- 6.1 Brent is located in north west London and covers an area of approximately 4,325 hectares. It is crossed by two of the main arterial routes into London and is divided by the North Circular Road. Brent is an outer London Borough with many 'inner' London characteristics. Its boundaries adjoin four of the capital's 14 Inner Boroughs.
- 6.2 Brent has a population of 319,000 which is an increase of 19% on the 2001 census. The borough can be broadly characterised as more affluent in the north and generally more deprived in the south, reflecting its origins as the former boroughs of Willesden and Wembley, which were combined to become the London Borough of Brent. A map of the borough showing the main transport routes can be found in Figure 1 below.
- 6.3 Dynamic population movements and recent growth have resulted in the borough becoming the second most ethnically diverse in the country, with an ethnic majority population (62% of residents are from black and minority ethnic communities) - and the diversity within the minority communities itself is second to none, generating a series of distinct local communities.

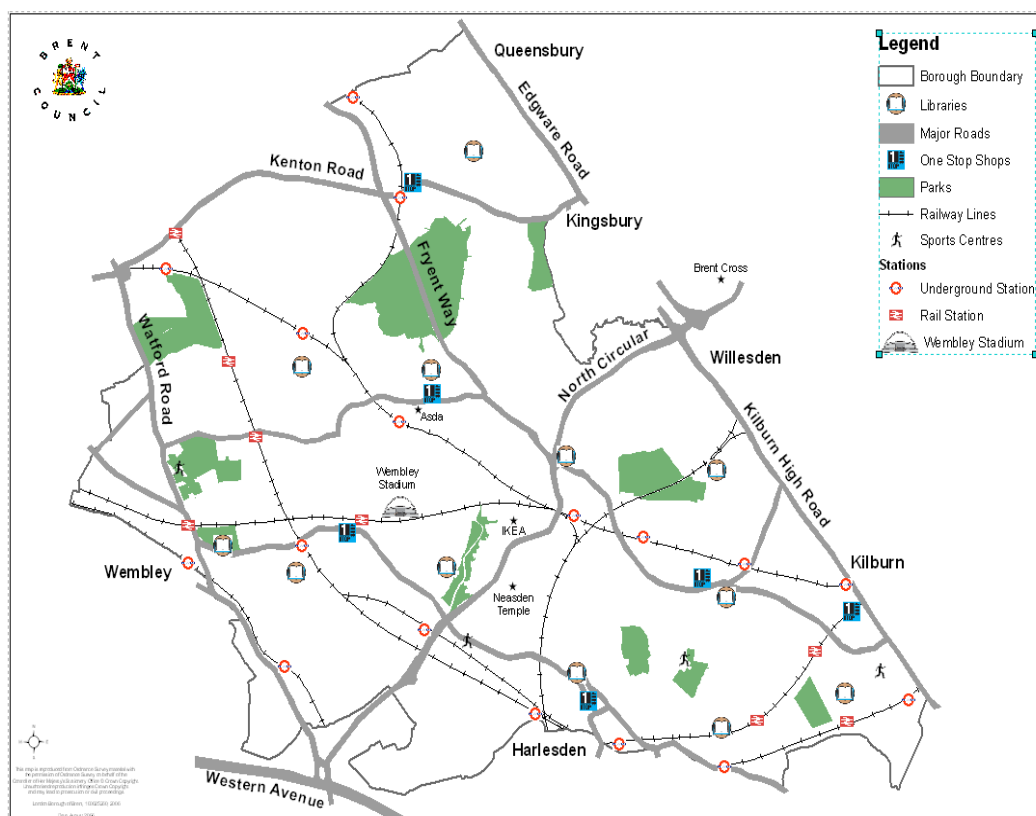
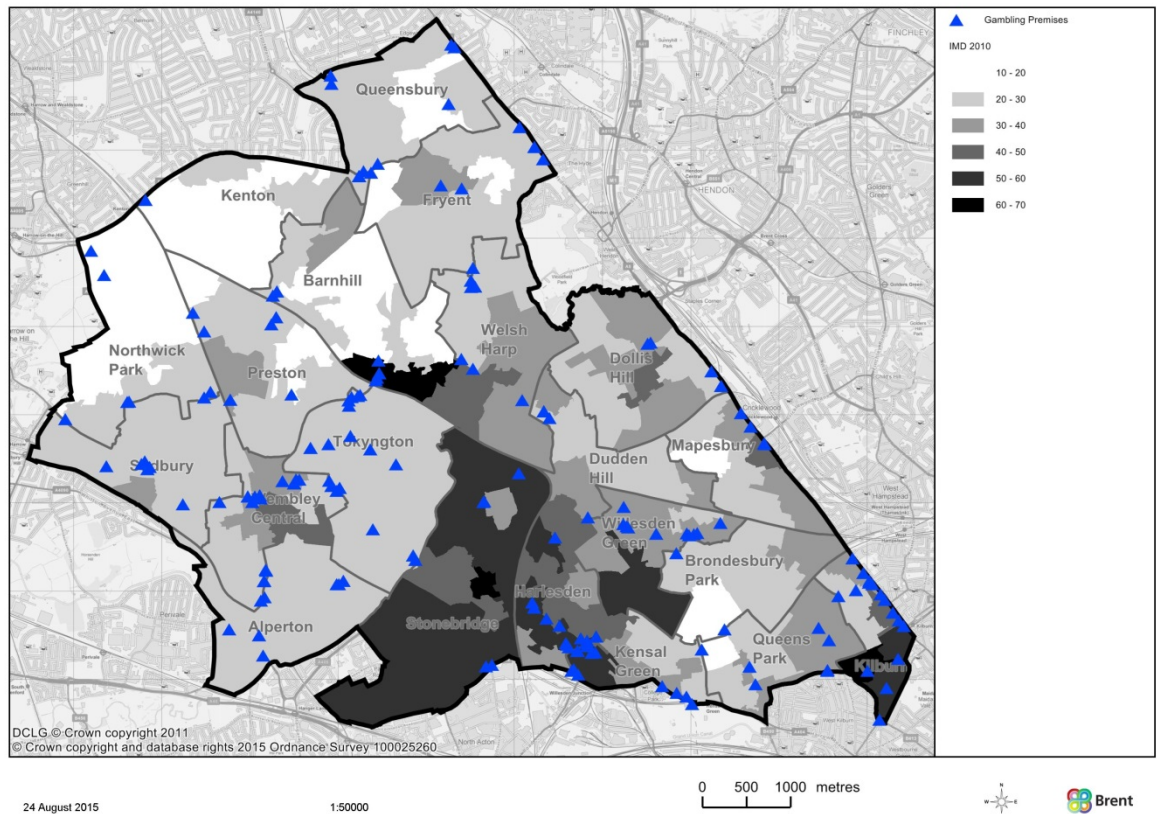


Figure 1: Map of Brent showing major transport routes and open spaces

- 6.4 Brent's population is also a young one with 40% of residents being under the age of 30 and 25% under 19 years of age. There are significant regeneration projects underway in Brent: in Park Royal - Europe's largest industrial estate - situated in the southwest of the borough, and Wembley, home of the National Stadium with its magnificent arch. The land surrounding the stadium is the subject of ambitious development plans and is increasingly an exciting destination for living and entertainment, with new restaurants, bars, cinemas, shops and the Wembley Arena with Public Square.
- 6.5 However, there are still significant parts of southern Brent that remain chronically deprived with many people effectively excluded from the more affluent mainstream. Even the traditionally more wealthy areas of north Brent have pockets of disadvantage and may be at risk of decline.



6.6 Health in Brent

- 6.6.1 The health of people in Brent is varied compared with the England average. Deprivation is higher than average, and 24.8% (16,200) children live in poverty. Life expectancy for both men and women is higher than the England average. Life expectancy is 4.7 years lower for men in the most deprived areas of Brent than in the least deprived areas.
- 6.6.2 In Year 6, 24.4% (811) of children are classified as obese, worse than the average for England. The rate of alcohol-specific hospital stays among those under 18 was 16.8, better than the average for England. This represents 12 stays per year. Levels of teenage pregnancy, GCSE attainment, breastfeeding and smoking at time of delivery are better than the England average.
- 6.6.3 In 2012, 19.5% of adults were classified as obese. The rate of alcohol related harm hospital stays was 562, better than the England average. This represents 1,494 stays per year. The rate of self-harm hospital stays was 60.9, better than the average for England. This represents 204 stays per year.

6.6.4 The rate of smoking related deaths was 229, better than the average for England. This represents 248 deaths per year. Estimated levels of adult physical activity are worse than the England average. Estimated levels of adult excess weight are better than the England average. Rates of sexually transmitted infections and tuberculosis are worse than average. Rates of hip fractures and people killed and seriously injured on roads are better than average. Priorities in Brent include giving every child the best start in life, empowering communities to take better care of themselves, and improving mental wellbeing.

6.7 Social deprivation in Brent

6.7.1 The map at Figure 2 below shows the juxtaposition of gambling establishments with areas of social deprivation in Brent. The darkest coloured areas are some of the most deprived neighbourhoods in England. Gambling premises are distributed fairly evenly throughout the borough, but there are slightly higher concentrations in Wembley Central, Kilburn, Harlesden and Barnhill wards. Interestingly, there are few gambling premises in Stonebridge ward.

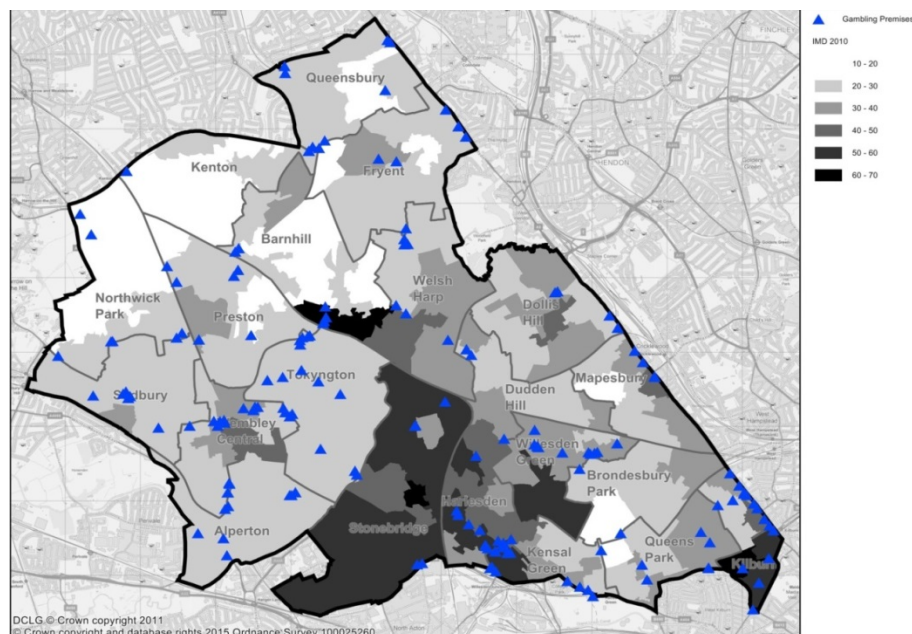


Fig 2: Social deprivation viz-a-viz location of gambling establishments in Brent

6.7.2 The map at Figure 3 below shows those licensed gambling premises such as betting shops, bingo halls, amusement centres and a betting track that are located within 200 metres of establishments occupied or attended by vulnerable persons. These premises include schools, youth centres, children centres and hostels. When considering applications for gambling licences in these locations, the Licensing Committee may wish to attach additional conditions to require licencees to ensure the licensing objectives are fully complied with.

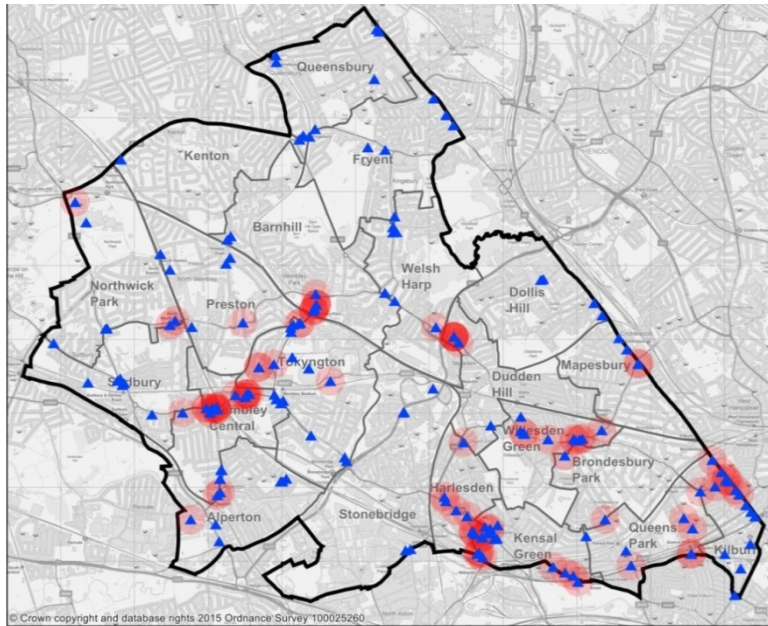
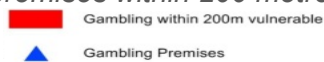


Figure 3: Gambling premises within 200 metres of vulnerable people



6.8 Crime in Brent

6.8.1 The hotspots for crime and anti-social behaviour in Brent are generally the main town centres and high roads such as Wembley, Harlesden, Kingsbury, Willesden, Kilburn and Neasden. These hotspot areas are also where the majority of gambling premises are located. Between 1 April 2010 to 1 September 2014, the top five gambling premises for crime volume, accounted for 116 recorded crimes, including 33 violent crimes.

6.8.2 One identified issue related to gambling premises is criminal damage, particularly to gaming machines. To tackle this and other issues at gambling venues a partnership, a BetWatch scheme has been set up in Brent. Other crime prevention measure being trialled in the borough includes the introduction of bolted down furniture to reduce criminal damage, and regular uniformed police visits to gambling venues under 'Operation Gamer'.

6.9 Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

6.10 Consultation

6.10.1 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re- published.

6.10.2 Brent Council has endeavoured to consult as widely as possible on this statement before finalising and publishing. A list of those persons and/or bodies consulted is attached in Appendix F.

6.10.3 The Gambling Act requires that licensing authorities consult the following parties about the statement:

- (a) the Chief Officer of Police for the borough;
- (b) 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
- (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

6.10.4 In addition to the consultees mentioned above, the Licensing Authority may also consult the following:

- Responsible Authorities such as the Fire Authority, child protection;
- Gambling Commission;
- interested parties such as trade associations;
- interested parties such as residents associations.

6.10.5 The consultation on this revised statement of principles took place between 29 August 2015 and 28 September 2015 and has had regard to the HM Government Code of Practice on Consultation published July 2008. The full list of comments made and the consideration by the Council of those comments will be made available by request.

6.11 Reviewing and updating the policy statement

6.11.1 This Statement of Gambling Policy will be effective for a maximum of three years and will be reviewed thereafter. However, it may be reviewed earlier in the event of a change of policy, for example a change in local planning policy. The Council is required by law to consult on any changes to the policy.

6.11.2 Before the statement or revision comes into effect, the Council is obliged to publish a notice of its intention to publish a statement or revision. Such notice will ensure that applicants and persons wishing to make representations have the necessary information to do so. The Council will make available all necessary information on its website. Such information will:

- include a register of the premises licences that have been issued, where and at what times the register may be inspected;
- specify the date on which the statement or revision is to be published;
- specify the date on which the statement or revision will come into effect;
- specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected;
- be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect: be published in a local newspaper circulating in the area covered by the statement; in a local newsletter, circular, or similar document circulating in the area covered by the statement; on a public notice board in or near the principal office of the authority; on a public notice board on the premises of public libraries in the area covered by the statement.

6.11.3 A database of premises licences is also available on the Commission's website at www.gamblingcommission.gov.uk.

6.12 Additional information to be made available

6.12.1 In order to ensure that applicants and persons wishing to make representations have the necessary information to do so, the Council will make available all necessary information on its website. Such information will include a register of the premises licences that have been issued, where and at what times the register may be inspected. A database of premises licences is also available on the Commission's website at www.gamblingcommission.gov.uk.

7. Premises licences

7.1 General principles

7.1.1 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

The licensing authority expects applicants for new licences or variations to assess the local risks to the licensing objectives posed by the provision of gambling facilities at the premises, and have policies, procedures and control measures to mitigate those risks. The licensing authority may request sight of the risk assessment as part of the application process, and will consider both the adequacy of the risk assessment and the control measures, and whether it is proportionate to incorporate the control measures as conditions on the licence.

- 7.1.3 The Commission's Guidance to local authorities states that moral objections to gambling are not a valid reason to reject applications for premises licences (except as regards any 'no casino resolution' (see below regarding Casinos), and also that unmet demand is not a criterion.
- 7.1.4 The Council will issue premises licences, if appropriate, for the provision of facilities on:
- casino premises
 - bingo premises
 - betting premises, including tracks and premises used by betting intermediaries
 - adult gaming centre (AGC) premises (for category B3, B4, C and D machines)
 - family entertainment centre (FEC) premises (for category C and D machines).
- 7.1.5 The Council may also issue a FEC gaming machine permit, which authorizes the use of category D machines only.
- 7.1.6 The gambling activity of the premises should be linked to the premises described. For example, in a bingo premises, the gambling activity will be bingo, with gaming machines as an ancillary offer on the premises.

7.2 Definition of premises

- 7.2.1 The Act defines 'premises' as including any 'place'. Section 152 of the Act prohibits more than one premises licence applying to any place. But a single building could be subject to more than one premises licence providing they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.
- 7.2.2 Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, this Licensing Authority does not consider that areas of a building that:

- are not clearly distinct and identifiable from each other (including their external and internal appearance and décor); or
- are artificially separated (e.g. by low and/or transparent partitions or barriers); or
- are temporarily separated and can be properly regarded as different premises.

When deciding if parts of a building/place constitute premises in their own right, the Licensing Authority also will take into account the definition of “premises” in the Act.

7.2.3 In considering licensing applications, the Licensing Authority will particularly take into account:

- the design and layout of the premises;
- the training given to staff in crime prevention measures appropriate to those premises;
- physical security features installed in the premises. this may include matters such as the positioning of cash registers and the standard of any CCTV system.
- where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- the likelihood of any crime, public order and anti-social behaviour issues if the licence is granted.
- the steps proposed by an applicant with regard to the licensing objectives and any licence conditions proposed by the applicant.

7.3 Access to premises

7.3.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out the access provision for each type of premises. The broad principle is that there can be no access from one licensed gambling premises to another, except between premises which allow access to those under the age of 18, and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18 can go into FECs, tracks, pubs and some bingo clubs, so access is allowed between these types of premises.

7.3.2 The relevant access provisions for each premises type is as follows:

Premises	Access provision
Casinos	<ul style="list-style-type: none"> • the principal entrance to the premises must be from a ‘street’ • no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons • no customer must be able to enter a casino directly from any other • premises which holds a gambling premises licence.
AGCs	<ul style="list-style-type: none"> • no customer must be able to access the premises directly

	from any other licensed gambling premises.
Betting shops	<ul style="list-style-type: none"> • access must be from a 'street' or from other premises with a betting premises licence • no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.
Tracks	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino or AGC
Bingo premises	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track
FECs	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track

7.4 Access to gambling by children and young people

7.4.1 One of the objectives of the Act is protecting children and other vulnerable persons from being harmed or exploited by gambling. It is an offence to invite, cause or permit a child or young person to gamble or to enter certain gambling premises. Children are defined under the Act as under 16s and young persons as 16-17 year olds. An adult is defined as 18 and over.

7.4.2 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- casinos are not permitted to admit anyone under 18 ;betting shops are not permitted to admit anyone under 18;
- bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
- AGCs are not permitted to admit those under 18 ;
- FECs and premises with a liquor licence (for example pubs) can admit under-18s, but they must not play category C machines which are restricted to those over 18 years of age.;
- clubs with a club premises certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
- all tracks can admit under-18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place.

7.4.3 This was extended to other sporting venues under the Gambling Act 2005 (Exclusion of Children from Track Areas) Order 2007. Tracks will be required to have policies to ensure that under-18s do not participate in gambling other than on category D machines.

- 7.4.5 This Council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, the Council is aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The plan of the premises should clearly denote entrances and exits.
- 7.4.6 The under-18s must not have access to areas where category B and C gaming machines are located, and this is achieved through default conditions that require the area to be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose supervised at all times to ensure that under-18s do not enter the area, and supervised by either:
- one or more persons whose responsibilities include ensuring that under-18s do not enter the areas;
 - CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas;
 - arranged in a way that ensures that all parts of the area can be observed.
- 7.4.7 A notice must be displayed in a prominent place at the entrance to the area stating that no person under the age of 18 is permitted to enter the area.
- 7.4.8 There are other conditions which attach to each type of premises which are set out in Part 9 of the Commission's Guidance and other Parts relating to each type of premises.

7.5 Multiple activity premises – layout and access

- 7.5.1 With the exception of bingo clubs, tracks on race days and licensed FECs, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.
- 7.5.2 The third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling. In considering applications for such premises, this Council will have regard to the following along with other criteria outlined in Guidance from the Commission:
- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area; and

- in this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit customers should be able to participate in the activity named on the premises licence.

7.6 Single and combined licences

- 7.6.1 Only one premises licence may be issued for any particular premises at any time although, in some circumstances, the licence may authorise more than one type of gambling. For example, a bingo licence will also authorise the provision of gaming machines.
- 7.6.2 The exception to this relates to tracks, that is a horse racing course, dog track or other premises where races or sporting events take place, which may be subject to more than one premises licence, provided each licence relates to a specified area of the track.

7.7 Applications

- 7.7.1 A summary of the application forms and statutory notices is provided at Appendix G of the Commission's guidance and the forms can be downloaded from the Commission's [website](#).

An application for a premises licence may only be made by persons (which includes companies or partnerships):

- who are aged 18 or over;
- who have the right to occupy the premises;
- who have an operating licence which allows them to carry out the proposed activity;
- who have applied for an operating licence to allow them to carry out the proposed activity.

The premises licence cannot be determined until an operating licence has been issued.

- 7.7.2 An application must be made to the relevant licensing authority in the form prescribed in regulations laid down by the Secretary of State and must be accompanied by:
- the prescribed fee
 - the prescribed documents namely a plan of the premises - the plan needs to be to scale, however, a specific scale has not been prescribed.

7.8 Planning and Building Control

- 7.8.1 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) states that a plan must show:
- the extent of the boundary or perimeter of the premises;

- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building;
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises ;
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises;
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

7.8.2 The Regulation states (other than in respect of a track) ‘...*the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence*’. However, this minimum requirement is not sufficient to satisfy the licensing objectives, in particular the social responsibility codes, and the Licensing Authority’s policy statement. In such a case, this Council will request more information from the applicant.

7.8.3 The applicant must publish notice of their application and to notify responsible authorities and other persons about the application. Notice must be given in three ways:

- a notice placed outside the premises for 28 consecutive days in a place where it can be read conveniently; and
- in a newspaper or newsletter of local relevance, on at least one occasion within ten days of the application being made; and
- to all responsible authorities, which include the commission, within seven days of the application being made.

7.8.4 A licence application, and any licence subsequently issued, is not valid if the relevant notifications have not been made.

7.9 Application for premises variation (s.182(b)): ‘material change’

When considering an application for variations, this Council will have regard to the principles to be applied as set out in s.153 of the Act.

7.10 Representations

In dealing with an application, the Council is obliged to consider representations from two categories of person, referred to in the Act as *Responsible Authorities* and *Interested Parties*.

Representations from other parties are inadmissible. Having determined that the representation is admissible, this Council will must consider its relevance.

Only representations that relate to the licensing objectives, or that raise issues under the licensing authority's policy statement, or the Commission's Guidance or Codes of Practice, are likely to be relevant.

7.11 Premises ready for gambling

7.11.1 The Guidance states that a licence to use 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.

7.11.2 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 should be made instead.

7.11.3 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 individual merits, applying a two stage consideration process as follows:

- first, whether the premises ought to be permitted to be used for gambling; and
- second, whether 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.

7.11.4 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

7.12 Location

7.12.1 This Licensing Authority will take into account, for the protection of children and vulnerable persons, the following when determining whether a premises location is suitable for a grant of a licence:

- the proximity of the premises to any recognised schools, centres or establishments for the education, training or care of young persons and/or vulnerable persons;
- the proximity of the premises to leisure centres used for sporting and similar activities by young persons and/or vulnerable persons;
- the proximity of the premises to any youth club or similar establishment; and
- the proximity of the premises to recognised community, welfare, health and similar establishments used specifically or to a large extent by young persons and/or vulnerable persons.

7.12.2 Where an area has, or is perceived to have, unacceptable levels of crime and/or disorder, this Licensing Authority will consider carefully whether such an area is suitable for gambling premises and whether licence conditions may be appropriate or successful.

7.13 Planning

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should instead be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. In any event section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

7.14 Duplication with other regulatory regimes:

7.14.1 This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. When considering an application for a premises license, this authority will disregard the likelihood of planning or building regulations being awarded. It will listen to and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

7.14.2 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

8. Responsible Authorities and interested parties

8.1 Responsible Authorities

8.1.1 The Licensing Authority is required to notify all *Responsible Authorities* of applications and they are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences. All representations made by *Responsible Authorities* are likely to be relevant representations if they relate to the three licensing objectives.

8.1.2 The *Responsible Authorities* are defined in the Glossary at Appendix G. The *Licensing Authority* is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

8.1.3 The principles are:

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

8.1.4 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

8.2 Interested Parties

8.2.1 Interested Parties can make representations about licence applications, or apply for a review of an existing licence.

The Act states that: *"For the purposes of this Part 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 which issues the licence or to which the applications is made, the person:*

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;*
- (b) has business interests that might be affected by the authorised activities, or represents persons who satisfy paragraph (I) or (II)"*

8.2.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act 2005 to determine whether a person is an interested party.

8.2.3 The principles are:

- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will take account of the examples of considerations provided in the Commission's Guidance to Licensing Authorities.
- It will however take into account the size of the premises and the nature of the activity that will be taking place in it. Larger premises are likely to affect people over a wider area than smaller premises.
- the widest lawful interpretation will be given to the Gambling Commission's guidance phrase *"has business interests"* to include partnerships, charities, faith groups and medical practices.

8.2.4 Interested Parties can be persons who are democratically elected such as Councillors and Members of Parliament (provided they satisfy 8.2.3(c) above). No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Other than these, this authority will generally require written evidence that a person/body (e.g. an advocate/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.

- 8.2.5 If individuals wish to approach councillors to ask them to represent their views then care should be taken to ensure that such councillors are not part of the Licensing Sub-Committee dealing with the licence application.

9. Premises Licence Conditions

- 9.1 Any conditions attached by the Licensing Authority to any particular licence will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fair and reasonable in relation to the scale and the type of premises, and
 - in the Licensing Authority's consideration be reasonable in all other respects.
- 9.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this Policy for each of the different licence types.
- 9.3 The Licensing Authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Commission's current guidance.
- 9.4 The Licensing Authority will also ensure that where category A to C gaming machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

- 9.5 The above considerations will apply to premises including buildings where multiple premises licences are applicable.
- 9.6 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, with each licence relating to a specified area of the track. The Licensing Authority will consider the impact upon the licensing objective that refers to the protection of children. It will require that the entrances to each part of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter. The Licensing Authority will take into consideration any guidance issued by the Commission in this respect.
- 9.7 It is noted that there are conditions that the Licensing Authority cannot attach to premises licences, and these are stipulated in the Act or its statutory regulations.
- 9.8 Applicants may offer licence conditions to the Licensing Authority as a part of their application. Examples of such conditions are:
- the premises shall be fitted out and operational within 6 months of the issue of the licence;
 - the Licensee shall notify the Licensing Authority when the premises have been fitted out and are ready for operation, so that the Licensing Authority can inspect the premises. Such notification to the Licensing Authority shall be given no less than 10 days prior to the premises opening under the licence.
 - there shall be a minimum of 2 staff (excluding back room staff) on duty at the premises at all times that it is open, whose duties are to include the age verification of persons entering the premises who appear to be under the age of 21 years.

- **Challenge 21**

- (a) The Licensee shall have a "Challenge 21" policy whereby all customers who appear to be under the age of 21 are asked for proof of their age.
- (b) The Licensee shall prominently display notices advising customers of the "Challenge 21" policy.
- (c) The following proofs of age are the only ones to be accepted :
 - (i) Proof of age cards bearing the "Pass" hologram symbol
 - (ii) UK Photo Driving licence
 - (iii) Passport

Alternatively, applicants may wish to consider and have a "Challenge 25" Policy.

9.9. Staff competency and training

9.9.1 The Licensee shall keep a written record of all staff authorised to verify the age of customers, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Environmental Health, Trading Standards or the Police.

9.9.2 The Licensee shall ensure that each member of staff authorised to verify the age of customers has received adequate training on the law with regard to under age gambling and the procedure if an underage person enters the premises, and that this **is** properly documented and training records kept. The training records to be kept on the licensed premises and made available for inspection by the Licensing Officer, Environmental Health, Trading Standards or the Police.

9.9.3 The licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.

9.10 Refusals Book

9.10.1 The licensee to keep a register (Refusals Book) to contain details of time and date, description of under age persons entering the premises, and the name/signature of the sales person who verified that the person was under age.

9.10.2 The Refusals **BookBOOK** to be examined on a regular basis by the Licensee and date and time of each examination to be endorsed in the book.

9.10.3 The Refusals Book to be kept on the licensed premises and made available for inspection by the Licensing Officer, Environmental Health, Trading Standards or the Police.

9.11 CCTV

9.11.1 The CCTV system shall be maintained in a good working order and fully operational covering both internal and external areas when the premises are open to the public.

9.11.2 The medium on which CCTV images are recorded will be clearly identifiable, stored securely and shall be retained for a period of 31 days and shall be made available for inspection by the Police or an officer of the Licensing Authority, upon request.

9.12 Numbers of staff and door supervisors

9.12.1 The Licensing Authority will consider on a case by case basis whether the numbers of staff proposed to be on duty at a premises at any one time are adequate in relation to the control of the premises and especially with regard to the monitoring of persons using the premises, age verification, the ejection of or refusal to serve persons, and the maintenance of good order on the premises.

9.12.2 When making an application for a licence, applicants are recommended to inform the Licensing Authority of the numbers of staff that will be on duty at the premises at any one time and the times that such numbers will be on duty.

9.12.3 The Licensing Authority will consider on a case by case basis whether there is a need for door supervisors to meet the licensing objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, and preventing the premises becoming a source of crime.

9.12.4 It is noted that door supervisors at casinos or bingo premises, who are directly employed by the casino or bingo premises operator, are not required to be licensed by the Security Industry Authority. The Licensing Authority's policy expectations for such door supervisors working at casinos or bingo premises are that the Licensing Authority will expect the door supervisors to have:

- a competency qualification of Level 2 for Door Supervision in the National Qualification Framework (NQF), or
- an equivalent qualification or training which would meet the criteria of the Security Industry Authority for the licensing of that person as a Door Supervisor by that Authority.

9.12.5 The above expectations are in recognition of the nature of the door supervisors' work in terms of searching individuals, dealing with potentially aggressive persons, young and vulnerable persons etc.

9.12.6 A book shall be kept at the premises, which is maintained with the following records:

- the full name and address of the door supervisor deployed;
- the time they commenced and finished duty; and
- all incidents that the door supervisors dealt with.

9.12.7 If there are any future changes in the licensing or approval/registration regime administered by the Security Industry Authority that affect door supervisors these will be taken into account by the Licensing Authority.

9.12.8 The term 'door supervisor' means any person:

- guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage; or

- guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.

9.12.9 For premises other than casinos and bingo premises, the Licensing Authority may decide that supervision of entrances/exits/machines is appropriate for particular cases

10. Protection of children and vulnerable persons - premises other than betting premises

10.1 Adult gaming centres

10.1.1 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures/licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

10.2 (Licensed) Family Entertainment Centres

10.2.1 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate measures/ licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;

- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

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

10.2.3 This Licensing Authority will refer to any operating licence conditions, current Guidance or Codes of Practice by the Gambling Commission as to the way in the area's containing category C or higher machines should be delineated and/or separated.

10.3 Casinos

10.3.1 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures / licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

10.4 Bingo Premises

10.4.1 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will require that:

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

10.4.2 Appropriate measures/licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

10.4.4 This Licensing Authority will take account of any current guidance from the Commission as to the suitability and layout of bingo premises.

10.5 Betting Premises

10.5.1 There are two different types of premises that require a betting licence. The licences for these premises are named “Betting Premises Licence (In Respect Of Premises Other Than A Track)” and ‘Betting Premises Licence (In Respect Of a Track)’.

10.5.2 Betting Premises Licence (In Respect Of Premises Other Than A Track)

- (a) This type of licence allows premises (i.e. betting offices) to provide 'off course' betting i.e. betting that takes place other than at a track. There are also betting offices at tracks that have a separate premises licence from the track licence. Tracks and betting offices at tracks are discussed in the following section.
- (b) This Licensing Authority may, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at betting premises by imposing a licence condition. When considering whether such a condition should be imposed, the Licensing Authority will take into account:
- the size of the premises;
 - the number and location of the machines;
 - the number of counter positions available for person-to-person transactions, and
 - the numbers of, and ability of staff to monitor the licensed premises and prevent persons under the age of 18 from entering the premises.
- (c) The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. However appropriate measures / licence conditions may cover issues such as:
- proof of age schemes;
 - CCTV;
 - the numbers of staff on duty at any one time;
 - door supervisors;
 - supervision of entrances/machine areas;
 - physical separation of areas;
 - location of entry;
 - notices / signage;
 - specific opening hours;
 - self-barring schemes;
 - provision of information leaflets/helpline numbers for organisations such as GamCare.

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

10.5.3 Betting Premises Licence (In Respect Of a Track)

(a) General

- (i) Tracks are sites (including football stadium, horse racecourses and dogtracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalisator” or “tote”), and also general betting, often known as “fixed-odds” betting.
- (ii) The holders of a track premises licence do not need to have an operating licence issued by the Gambling Commission unless they themselves wish to offer betting facilities at the track. Under the legislation the licence allows anyone with an operating licence to offer ‘on course’ betting facilities at a licensed track.
- (iii) Tracks are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specified area of the track. There can be a ‘main’ premises licence and, in addition, ‘subsidiary’ premises licences for the parts of the track not covered by the main licence.

10.5.4 Children and Young Persons

- (a) Children and young persons are allowed to be present on a track licensed premises whilst betting is taking place, although they not allowed to enter areas of the track where gaming machines (other than category D machines) are provided. Therefore the Licensing Authority will carefully consider the impact of the licensing objective of the protection of children and vulnerable persons in relation to each application for premises licences at a track.
- (b) We will expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gambling/gaming facilities.
- (c) Appropriate measures/ licence conditions may cover issues such as:
 - proof of age schemes;
 - CCTV;
 - the numbers of staff on duty;
 - door supervisors;
 - supervision of entrances/machine areas;
 - the physical separation of, and clear distinction of areas;
 - location of entry;
 - notices/signage.

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

10.5.5 Betting machines (also known as Bet Receipt Terminals) at tracks

- (a) The potential space for betting machines at a track may be considerable, bringing with it significant problems in relation to:
- the proliferation of such machines;
 - the ability of track staff to supervise the machines if they are scattered around the track; and
 - preventing persons under the age of 18 from being able to use the machines.

10.5.6 This Licensing Authority will, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at a betting premises by attaching a licence condition to a betting premises licence. When considering whether such a condition should be imposed, the Licensing Authority will take into account the:

- size of the premises;
- number and location of the machines;
- number of counter positions available for person-to-person transactions; and
- ability of staff to monitor the licensed premises and prevent persons under the age of 18 from using the machines.

10.5.7 Condition on rules being displayed at tracks

- (a) The Licensing Authority 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 in the race-card or made available in leaflet form from the track office.

10.5.8 Applications and plans for tracks

- (a) Applicants must comply with any relevant regulations or guidance issued by the Gambling Commission in relation to applications for tracks. Applicants must ensure that the Licensing Authority is made completely aware of what it is being asked to licence.
- (b) The information submitted with the application must include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). In the case of:
- dog tracks and horse racecourses

- fixed and mobile pool betting facilities operated by the Tote or track operator; and
- other proposed gambling facilities,

the plans should make clear what is being sought for authorisation under the track betting premises licence. It must also be made clear what, if any, other areas are to be subject to a separate application for a different type of premises licence.

- (c) Unless there is a compelling reason to not do so, the Licensing Authority will require all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This will ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

10.6 Travelling Fairs

10.6.1 Travelling fairs (as defined in the Act) may provide an unlimited number of Category D gaming machines and equal chance prize gaming without the need for any authorisation from the Licensing Authority, provided that such facilities amount to no more than an ancillary amusement at the fair.

10.6.2 There is a 27-day per calendar year statutory limit for a piece of land being used as a fair, and this regardless of whether it is the same or different travelling fairs using the land. The Licensing Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries are monitored so that the statutory limits are not exceeded.

10.7 Provisional Statements

10.7.1 Application for a provisional statement can be made for premises that an applicant expects to be constructed or to be altered, or expects to acquire the right to occupy. Representations can be made against an application for a provisional statement in the same manner as for a premises licence. The process for considering an application for a provisional statement is the same as that for premises licences (with the exceptions that an applicant need not have the right to occupy the premises and need not have an operating licence).

10.7.2 Once the premises have been constructed, altered or acquired by the holder of a provisional statement, they can put in an application for the necessary premises licence. If a provisional statement has been granted, the Licensing Authority is constrained in the matters it can consider when an application for a premises licence is subsequently made in relation to the same premises.

10.7.3 No further representations from relevant authorities or interested parties can be taken into account in relation to the premises licence application unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by way of representations at the provisional licence stage, or
- which, in the authority's opinion, reflect a change in the operator's circumstances, or
- where the premises has not been constructed in accordance with the plan and
- information submitted with the provisional statement application.

This must be a substantial change to the plan and the Licensing Authority will discuss any concerns they have with the applicant before making a decision. Section 210 of the Act (which applies to premises licences and provisional statements) makes it clear that a Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

10.8 Reviews

10.8.1 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from interested party or responsible authority. A formal review of a premises licence may result in the Licensing Authority imposing additional conditions or revoking the licence.

10.8.2 Initiation of review by Licensing Authority

- The Licensing Authority may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Whilst officers may be involved in the initial investigations of complaints leading to a review, or may (at their discretion) try informal mediation or dispute resolution techniques prior to a review being initiated, the review itself must be heard and determined by Licensing Committee or one of its Sub-Committees.
- In relation to a class of premises, the Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence general reviews, the Licensing Authority will most likely be acting as a result of specific concerns or complaints about particular types of premises, which would cause them to want, for example, to look at the default conditions that apply to that category of licence.

- In relation to particular premises, the Licensing Authority may review any matter connected with the use made of the premises if it has reason to suspect that premises licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives them cause to believe that a review may be appropriate.

10.8.3 Application for review by responsible authorities and interested parties
Whilst, requests for a review of a premises licence can be made by interested parties or responsible authorities, it is for the Licensing Authority to decide whether the review is to be carried-out. However the Licensing Authority recognises that its decision to carry out a review must not amount to pre-judging the outcome of the review.

10.8.4 An application for a review may be (but need not be) rejected if the Licensing Authority thinks that the grounds on which the review is sought:

- are not relevant to the principles that must be applied by the Licensing Authority in accordance with section 153 of the Act.

10.8.5 If the application raises issues that are not relevant to the current Commission guidance, current codes of practice, this Policy statement, or the licensing objectives, then ~~the Licensing Authority we mm~~ may reject it. In addition, if the application raises general objections to gambling as an activity, that is likely to be irrelevant to the principles in section 153, given that ~~we are the~~ Authority is required to permit the use of premises for gambling in so far we think that permission is in accordance with the matters set out in that section.

10.8.6 Examples that are likely to be irrelevant include demand for gambling premises, issues relating to planning, public safety, and traffic congestion ;

- that the grounds are frivolous;
- (b) that the grounds are vexatious;
- that the grounds “*will certainly not*” cause the authority to revoke or suspend a licence or remove, amend or attach conditions on the premises licence;
- are substantially the same as the grounds cited in a previous application for review relating to the same premises. In these circumstances we will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence; or
- are substantially the same as representations made at the time the application for a premises licence was considered. In these circumstances the Licensing Authority will take into account the period of time that has passed since the representations were made, but the underlying requirement is that the Licensing Authority should not review the licence on the basis of the same arguments considered on the grant of the premises licence.

10.8.7 The matters which will generally be considered relevant for any review are:

- any relevant current code of practice issued by the Commission;
- any relevant current guidance issued by the Commission;
- the licensing objectives;
- the Council's Statement of Gambling Principles, and
- The Gambling Act 2005 and the regulations made thereunder

10.8.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the Chief Officer of Police or Chief Constable; and
- Her Majesty's Commissioners for Revenue and Customs

10.8.9 There is a right of appeal against the Council's decision.

11. Rights of appeal and judicial review

11.1 The Council is required by law to give reasons for a rejection of an application, but it is also good practice for it to give reasons for all decisions. Failure to give reasons may result in an appeal of the decision or the suggestion that the Council did not have regard to all the relevant information when making its decision, in line with its obligation under s.153 of the Act. It is particularly important that reasons should reflect the extent to which the decision has been made with regard to the licensing authority's policy statement and this Guidance. Reasons for decisions should be made available to all of the parties of any process. The Council's decision may be subject to judicial review. Details relating to appeals against decisions by a licensing authority are set out in s.206 - 209 of the Act.

11.2 Who can appeal?

11.2.1 The table below identifies who can appeal different types of premises licence decisions.

Type of decision	Section of Act	Who may appeal
Decision to reject an application for a premises licence or to vary a premises licence, or an application for a provisional statement	s.165, s.187 and s.188	The applicant

Decision to grant an application for a premises licence or to vary a premises licence, or an application for a provisional statement	s.164, s.187 and s.188	<ul style="list-style-type: none"> • The applicant* • Any person who made representations on the application
Decision to take action or to take no action following a review	s.202	<ul style="list-style-type: none"> • The applicant • Any person who made representations on the application • The person, if any, who applied for the review • The Commission
A decision to take action or make a determination in relation to a transfer application	s.188(4) or (5)	<ul style="list-style-type: none"> • The licensee • The applicant for transfer

11.2 Who to appeal to

An appeal against a decision of a licensing authority is made to the Magistrates' Court, then to the High Court if necessary. As soon as the appeal decision has been notified to all parties, the Council will implement the Court's decision as soon as possible.

11.3 ~~Judicial review~~

~~Any party to a decision may apply for Judicial Review if they believe that the licensing authority's decision is illegal or irrational. For an application to succeed, the application must show that there are sufficient grounds for making that claim, and that the actions of the licensing authority give grounds for review.~~

12. Information Exchange

- 12.1 Licensing Authorities play an important role in sharing information about gambling activity at a local level. This informs the Commission's overarching view of gambling activity and to identify risks and feed information and intelligence back to licensing authorities. The Commission has access to a wide pool of intelligence which it is able to make available to licensing authorities upon request, to support them in carrying out their regulatory responsibilities under the Act.
- 12.2 All licensing authorities are required to submit annual returns to the Commission, providing information on licensed gambling activity and details of compliance and regulatory work undertaken. This includes details of permits and notices issued, premises inspections conducted, and reasons for and outcome of licence reviews.

- 12.3 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to licensing authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 12.4 Should any protocols be established as regards information exchange with other bodies then they will be made available.

13. Temporary use notices (TUN)

- 13.1 A TUN allows the use of premises for gambling where there is no premises licence but where a licensed gambling operator wishes to use the premises temporarily for providing facilities for gambling. The type of premises that might be suitable for a Temporary Use Notice could include hotels, conference centres and sporting venues.
- 13.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence. The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities of equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments, dominoes, backgammon, mah-jong or bingo.
- 13.3 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Commission's guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority will need to look at, amongst other things, the ownership/occupation and control of the premises.
- 13.4 The holder of an operating licence must give notice to the licensing authority in whose area the premises are situated. The Secretary of State has prescribed the form of the notice which must specify information including:
- the type of gaming to be carried on;
 - the premises where it will take place;
 - the dates and times the gaming will take place;
 - any periods during the previous 12 months that a TUN has had effect for the same premises;

- the date on which the notice is given;
- the nature of the event itself.

13.5 This Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises as recommended in the Commission's Guidance to Licensing Authorities.

13.6 Appeals

An appeal against the Licensing Authority's decision may be made by the applicant, or any person entitled to receive a copy of the TUN, to the Magistrates' court within 14 days of receiving notice of the authority's decision. There is a further right of appeal to the High Court or Court of Session on a point of law.

14. Occasional use notices

14.1 An occasional use notice permits licensed betting operators to use tracks for betting on eight days or fewer in a calendar year, where the event is of a temporary nature. Betting may therefore be permitted by an occasional use notice without the need for a full premises licence. The licensing authority has very little discretion regarding these notices besides ensuring that the statutory limit of eight days a 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.

14.2 Tracks are usually regarded as permanent race courses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place. Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify.

15. Gaming machines

15.1 Gaming machines cover all types of machine on which people can gamble, subject to a few exemptions. The Act sets out the categories of gaming machine and the number of such machines that may be permitted in each type of gambling premises. There are four categories of gaming machine: categories A, B, C and D with category B divided into a further five subcategories.

15.2 There is a minimum age of 18 for all players for all category A, C and C machines. However, there is no minimum age for players of category D machines. The holder of any permit must comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.

- 15.3 The maximum number of machines permitted and in the case of casinos the ratios between tables and machines is set out in Appendix C.

16. Permits

- 16.1 Licensing Authorities may issue a range of permits for gambling which are designed as a light touch approach to low level ancillary gambling. They are used where stakes and prizes are subject to very low limits and/or gambling is not the main function of the premises. As a Licensing Authority, this Council may only grant or reject an application for a permit. It may not attach any conditions to the permit.
- 16.2 Holders of alcohol-licensed premises gaming machine permits and club permits are required to comply with the Commission's codes of practice on the location and operation of machines.
- 16.3 Licensing Authorities may issue the following permits:
- Family entertainment centre gaming machine permits;
 - Club gaming permits and club machine permits;
 - Alcohol-licensed premises gaming machine permits;
 - Prize gaming permits.

17. Unlicensed Family Entertainment Centre

- 17.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (section 238 of the Act).
- 17.2 The Act enables a Licensing Authority to prepare a statement of principles which it proposes to consider when determining the suitability of an applicant for a permit. In preparing this statement and/or considering applications it may have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission. The Commission's guidance advises that given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to child protection issues.
- 17.3 The council may only grant a permit if it is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. The Council cannot attach conditions to this type of permit but may ask applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);

- that staff are trained to have a full understanding of the maximum stakes and prizes (24.7);
- appropriate measures/training for staff regarding suspected truant school children on the premises; and
- measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

18. Club Gaming and Club Machines Permits

18.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations.

18.2 Members Clubs, Miner's welfare institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

18.3 The Commission's Guidance states: "Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations". The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

18.4 There is a fast-track procedure which prevents objections to be made by the Commission or the police, and reduces the grounds on which an authority can refuse a permit. The grounds for refusal are:

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

18.5 However, the Council may refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;

- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous 10 years;
- an objection has been lodged by the Commission or the Police.

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

19. Premises licensed to sell alcohol

19.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to have 2 gaming machines of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to the Licensing Authority that a fee has been provided and that any relevant code of practice issued by the Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

19.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives and any guidance issued by the Commission under S.25 of the Gambling Act 2005 and any other relevant matters.

19.3 This Licensing Authority considers that such matters will be decided on a case by case basis but will consider the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18s do not have access to the adult-only gaming machines. Measures which will satisfy the authority may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. Applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

- 19.4 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 19.5 The Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

20. Prize gaming and prize gaming permits

- 20.1 Prize gaming relates to 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. Normally the prizes are determined by the operator before play commences. The Council can issue a prize gaming permit to authorise the licence holder to provide facilities for gaming with prizes on specified premises.
- 20.2 A casino operating licence permits the licence holder to provide all games of chance, except any form of bingo which, is excluded from the scope of the casino licence. If a casino wishes to provide bingo generally, it would need to obtain a bingo operating licence, with the proviso that only one premises licence may be issued for any particular premises at any time, so the premises would need to be distinct.
- 20.3 In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any guidance from the Commission. (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 20.4 The permit holder must comply with the relevant conditions in the Act, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day;
 - the game must be played and completed on the day the chances are allocated; the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

- 20.5 The permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.
- 20.6 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. A permit will be still valid pending renewal including an appeal against a decision not to renew. The permit must be kept on the premises and it is an offence not to produce it when requested to do so by a constable, an enforcement officer, or an authorised local authority officer. There is a right of appeal against a decision not to grant or renew a permit.

21. Non-commercial and private gaming, betting and lotteries

- 21.1 The Act allows gambling without any specific permissions under limited circumstances as follows:

- non-commercial gambling;
- incidental non-commercial lotteries;
- private gaming and betting.

21.2 Non-commercial gaming

This is allowed if it occurs at a non-commercial event, that is to say, if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if it is organised by or on behalf of a charity or for charitable purposes; or it enables participation in or support of athletic or cultural activities. It will therefore be possible to raise funds for a local hospital appeal or a charitable sporting endeavour. Events such as race nights or casino nights are also permitted if they comply with the regulations and profits go to a 'good cause'.

21.3 Incidental non-commercial lotteries

Licensing Authorities are responsible for registering societies to run Small Society Lotteries.

Incidental non-commercial lotteries, private lotteries and customer lotteries do not require to be registered.

The definitions of the above types of lottery are contained in Schedule 11 of the Act.

Other lotteries require an operating licence from the Gambling Commission.

~~An incidental non-commercial lottery must not be promoted for private gain. The following conditions apply:~~

~~fees for entrance, participation, sponsorship or commission from traders is not permitted;~~

~~the promoters of an incidental non-commercial lottery may deduct the cost of the prizes and the cost of organising the lottery but no more;~~
~~lottery tickets may only be sold on the premises where the event is taking place and while the event is taking place;~~
~~there can be no rollover; and~~
~~the results of the lottery must be made public while the connected event is taking place.~~

21.4 Private gaming

21.4.1 This can take place anywhere to which the public do not have access, for example, a workplace. Domestic and residential gaming may be permitted subject to the following conditions:

21.4.2 Domestic gaming is permitted without the need for permissions if it takes place in a private dwelling; if it is on a domestic occasion; and if no charge or levy is made for playing.

21.4.3 Residential gaming is permitted when it takes place in a hall of residence or hostel not administered in the course of a trade or business, and if more than 50% of the participants are residents.

21.4.4 Private gaming can potentially take place on commercial premises if a members' club hires a room in, for example, a pub or hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very carefully the arrangements put in place to make sure that the particular area of the pub, hotel or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are members of the club.

22. Poker

22.1 Poker can be played legally in the following circumstances:

- in casinos (including under temporary use notice)
- as exempt gaming in clubs and alcohol-related premises;
- under a club gaming permit
- as non-commercial gaming
- ~~poker~~ as private gaming

22.2 Poker in casinos

22.2.1 Poker can be played in casinos licensed by the Commission. Casinos can also run poker tournaments at temporary venues for a limited amount of time under temporary use notices (TUNs). Where a third party organisation is involved in a poker competition held in a licensed casino, the casino operator must bear full responsibility for that competition. Similarly, where an online competition culminates in live competition in a casino, the online partner may provide systems and staff for the event, but responsibility lies with the operator whose premises are being used.

22.2.2 A casino may have a commercial relationship with an agent to promote poker in the casino, but the poker games that result are the responsibility of the casino and not of the agent.

22.3 Poker in alcohol-licensed premises

22.3.1 The Commission actively engages with the larger national and regional organisers of poker leagues to remind them of the limited exemptions that apply to poker being offered in pubs. This authority conducts appropriate enforcement to detect and prevent infringements of such localised requirements as stake and prize limits, because the Council issued the alcohol premises licence in the first place.

22.3.2 In some poker tournaments the organisers offer 'prizes' at the end of a series of weekly games for the players with the most points. It is likely that the association of a prize with a monetary value with a game or series of games constitutes gaming. Therefore, if the eventual prize is worth more than the maximum prize set out in regulations then it could be unlawful gaming. For example, if a tournament simply involves a series of straightforward 'knockout' qualifying rounds, culminating in a 'final' game, then the winner's prize in the final – whether it comprises the stakes laid in that game, a separate prize provided by the organiser, or a combination of the two – must not exceed £100, which is the limit set by the regulations.

22.4 Poker under a club gaming permit

22.4.1 A club gaming permit can only be granted to a members' club (including a miners' welfare institute), but cannot be granted to a commercial club or other alcohol-licensed premises. Other than in the case of clubs established to provide facilities for gaming of a prescribed kind (currently bridge and whist), clubs seeking club gaming permits must be established 'wholly or mainly' for purposes other than gaming. When a club gaming permit is granted there are no limits on the stakes and prizes associated with poker.

22.4.2 If a club established to provide facilities for gaming of a prescribed kind (currently bridge and whist) has a club gaming permit, it may not offer any other gaming besides bridge and whist. If such a club does not have a permit, it may provide exempt gaming provided it is not established to function for a limited period of time and it has at least 25 members. If it wishes to offer other non-exempt gaming it will require a Commission casino operating licence and any relevant personal licences.

22.4.3 The poker which a club gaming permit allows is subject to the following conditions:

(a) In respect of equal chance gaming:

- (i) the club must not deduct money from sums staked or won the participation fee must not exceed the amount prescribed in regulations; and
- (ii) the game takes place on the premises and must not be linked with a game on another set of premises.

(b) Two games are linked if:

- the result of one game is, or may be, wholly or partly determined by reference to the result of the other game;
- the amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game;
- a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games
- only club members and their genuine guests participate.

(c) In respect of other games of chance:

- the games must be pontoon and chemin de fer only;
- no participation fee may be charged otherwise than in accordance with the regulations;
- no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

22.4.4 All three types of gaming are subject to the 48 hour rule, meaning that the games may only be played by people who have been members of the club for at least 48 hours, or have applied or been nominated for membership or are genuine guests of a member.

22.5 Poker as non-commercial gaming

22.5.1 This is allowed if it takes places at a non-commercial event, that is to say, if no part of the proceeds is for private profit or gain. One or more persons may benefit from the proceeds of such events if the activity is organised by or on behalf of a charity or for charitable purposes; or to enable participation in or support of athletic or cultural activities.

22.5.2 It would be possible to raise funds for an individual providing the proceeds were for example a wheelchair or to support a sporting endeavour. Events such as poker nights or casino nights are also permitted if they comply with the regulations and are run on a non-commercial basis.

22.6 Poker as private gaming

22.6.1 Poker offered as private gaming can take place anywhere to which the public do not have access, including a workplace. Domestic and residential gaming are two subsets where non-equal chance gaming is allowed.

- Domestic gaming is permitted without the need for permissions if it takes place in a private dwelling or it is on a domestic occasion and no charge or levy is made for playing.
- Residential gaming is permitted when it takes place in a hall of residence or hostel not administered in the course of a trade or business, and more than 50% of the participants are residents.

22.6.2 Private gaming can potentially take place on commercial premises in circumstances where a members' club hires a room in, for example, a pub or hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very carefully the arrangements put in place to make sure that the particular area of the pub, hotel or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are not selected by a process which means that, in fact, they are members of the public rather than members of the club.

22.6.3 The law in this area is complex. It is contained in SI No 3157/2007: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007. Organisers should be advised to seek their own legal advice before proceeding with the event. 29.48 It is a condition of private gaming that no charge (by whatever name called) is made for participation and Schedule 15 to the Act makes it clear that a deduction from or levy on sums staked or won by participants in gaming is a charge for participation in the gaming. It is irrelevant whether the charge is expressed to be voluntary or compulsory, particularly if customers are prevented from playing if they do not make the 'voluntary' donation, or there is strong peer pressure to make the donation.

22.6.4 A relevant decided case in another licensing field is that of *Cocks v Mayner* (1893) 58 JP 104, in which it was found that an omnibus said to be available free of charge but whose passengers who were invited to (and in some cases did) make a voluntary contribution was 'plying for hire' without the appropriate licence.

22.7 Advertising

22.7.1 The Gambling (Licensing and Advertising) Act 2014 amended the Act so that from 1 November 2014, gambling operators that provide facilities for remote gambling or advertise to consumers in Great Britain will require a licence issued by the Commission. As an example, many poker websites promote other online gambling websites, usually by the provision of a hyperlink to that website. A hyperlink has been deemed to constitute advertising as it brings facilities for advertising to the attention of the person who clicks on the link.

22.7.2 It not an offence to advertise non-remote gambling that is offered by operators not licensed by the Commission. For example, a prize could now include entry into a poker tournament, subject to meeting the appropriate prize limits.

23. Small society lotteries

23.1 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 two categories:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences;
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

23.2 The Council will need to know the purposes for which a society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, has been established so as to ensure that it is a non-commercial organisation. S.19 of the Act defines a society as such if it is established and conducted:

- for charitable purposes, as defined in s.2 of the Charities Act 2006;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
- for any other non-commercial purpose other than that of private gain.

23.3 Participation in a lottery is a form of gambling, and as such licensing authorities must be aware that the societies they register are required to conduct their lotteries in a socially responsible manner and in accordance with the Act. The minimum age for participation in a lottery is 16 and Social Responsibility (SR) code 3.2.9 requires lottery licences to have effective procedures to minimise the risk of lottery tickets being sold to children, including:

- procedures for: checking the age of apparently underage purchasers of lottery tickets;
- taking action where there are unlawful attempts to purchase tickets.

- 23.4 The licensee must take reasonable steps to ensure that all those engaged in the promotion of lotteries understand their responsibilities for preventing underage gambling, returning stakes and not paying prizes to underage customers.
- 23.5 Licensing Authorities may propose to refuse an application for any of the following reasons:
- 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 within the past five years;
 - the society in question cannot be deemed non-commercial;
 - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in schedule 7 of the Act;
 - information provided in or with the application for registration is found to be false or misleading.

23.6 External lottery managers' licence status

23.6.1 External lottery managers (ELMs) are required to hold a lottery operator's licence issued by the Commission to promote a lottery on behalf of a licensed society. However, individuals or firms can and do provide services to a society or local authority lottery without assuming the role of an ELM. When determining whether a third party is a 'service provider' only, or has assumed the role of an ELM, the degree of management undertaken by both the promoter and the sub-contractor will be crucial factors.

23.6.2 Key indicators will include:

- who decides how the lottery scheme will operate;
- who appoints and manages any sub-contractors;
- the banking arrangements for handling the proceeds of the lottery;
- who sells the tickets and pays the prizes;
- who controls promotional aspects of the lottery.

23.6.3 Societies employing an unlicensed ELM may be committing an offence and they will need to satisfy themselves that any ELM they employ holds the relevant operator's licence issued by the Commission. The Commission publishes a register of operating licences held on its website.

23.7 Lottery tickets

23.7.1 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society;
- the price of the ticket, which must be the same for all tickets;
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the ELM;
- the date of the draw, or information which enables the date to be determined.

23.7.2 The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it. The Commission recommends that licensing authorities require all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Licensing Authority has powers to inspect the records of the lottery for any purpose related to the lottery.

23.7.3 The Act stipulates that lottery tickets may only be sold by persons who are aged 16 or over to persons who are aged 16 or over. With regards to where small society lottery tickets may be sold, this Council will adhere to the Commission's recommendations and apply the following criteria to all small society lottery operators:

- lottery tickets must not be sold to a person in any street, bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not;
- tickets may, however, be sold in a street from a static structure such as a kiosk or display stand;
- tickets may also be sold door to door;
- licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

23.7.4 This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

23.8 Application and registration process for small society lotteries

23.8.1 On receipt of an application for a small society lottery this Authority will check the:

- society status – the society in question must be 'non-commercial';
- lottery size – the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

- 23.8.2 The promoting society of a small society lottery must be registered with the Licensing Authority where their principal office is located throughout the period during which the lottery is promoted. If this Licensing Authority believes that a society's principal office is situated in another area, it would inform the society and the other Licensing Authority as soon as possible.
- 23.8.3 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application. Applicants will be asked to provide a copy of their terms and conditions and a declaration, stating that they represent a *bona fide* non-commercial society.
- 23.8.4 In cases where a society has separate branches with different aims and objectives, it is acceptable for them to hold more than one licence or registration. However, in cases where a society holds more than one registration and the aims and objectives of those societies are the same, this may constitute a breach of the threshold limits for small society lotteries set out in Schedule 11 of the Act.
- 23.8.5 Because of this possibility, this Licensing Authority will carefully consider any application by a society for more than one registration. If the aims and objectives are the same and therefore the threshold limits for small society lotteries are likely to be exceeded, the applicant will be advised to apply to the Commission for a society lottery operating licence.
- 23.8.6 By virtue of Schedule 11 paragraph 31(5), societies may not hold an operating licence and a local authority registration with the same aims and objectives at the same time. This paragraph also provides for a statutory period of 3 years during which a large society cannot convert to small society status. Licensing Authorities should check that applicants for registration do not hold (and have not held in the preceding 3 years) a society lottery operating licence granted by the Commission.
- 23.8.7 This authority will also wish to check with the society at the time the annual fee is paid to renew the registration, to ensure that a society does not hold a duplicate registration with this council or another local authority where the aims and objectives of the societies are the same. If that is the case and the combined proceeds exceed or are likely to exceed the threshold limits for small society lotteries, the society will be advised to apply to the Commission for a society lottery operating licence. This Licensing Authority will also notify the Commission.
- 23.8.8 Once the application for registration has been accepted and entered on the local register, the Licensing Authority must then notify both the applicant and the Commission of this registration as soon as practicable. The Commission would prefer to receive this information electronically via email to info@gamblingcommission.gov.uk.

23.8.9 Registrations run for an unlimited period, unless the registration is cancelled. If a Licensing Authority cancels the registration of a society they are required by paragraph 53 of Schedule 11 of the Act to notify the Commission.

23.9 Refusal of an application

23.9.1 Paragraphs 47 and 48 of Schedule 11 of the Act set out the grounds for licensing authorities to refuse a small society lottery registration application. A Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations. These can be taken at a formal hearing or via correspondence. Licensing Authorities should inform the society of the reasons why it is minded to refuse registration and provide it with at least an outline of the evidence.

23.9.2 In summary, Licensing Authorities may propose to refuse an application for any of the following reasons:

- 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, within the past five years;
- the society in question cannot be deemed non-commercial;
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in Schedule 7 of the Act;
- information provided in or with the application for registration is found to be false or misleading.

23.9 Revocation of a small society's registered status

23.9.1 A Licensing Authority may determine to revoke the registration 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. A revocation cannot take place unless the society has been given an opportunity to make representations at a hearing or via correspondence. In preparation for this, licensing authorities should inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion. Representations that may result after such a decision will be handled in accordance with local procedures.

23.10 Appeals

23.10.1 Following the conclusion of any hearings and receipt of representations, paragraph 51 of Schedule 11 to the Act then requires the authority to notify the applicant or the society as soon as possible if their registration is still to be revoked, or if their application for registration has still been rejected.

23.10.2 The applicant or society may appeal to the Magistrates' Court against the decision within 21 days following receipt of the notice of the decision to lodge an appeal. On appeal they may choose to affirm the decision of the Licensing Authority, reverse the decision, or make any other order.

23.10.3 The Society or its external lottery managers must submit returns containing certain information to the Licensing Authority. This information allows licensing authorities to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

23.10.4 The following information must be submitted:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover;
- the total proceeds of the lottery; the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers;
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery;
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds);
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

23.10.5 This Council requires returns to be submitted electronically at business.licence@brent.gov.uk.

24. Chain gift schemes

24.1 It is an offence to invite others to join a chain gift scheme or to participate knowingly in the promotion or administration of such a scheme. These schemes are similar to pyramid selling schemes, but escape the ban on them because they do not involve the sale of any product. If this Council becomes aware of such a scheme operating in the Borough, the Trading Standards team will investigate to ascertain if an offence under the Consumer Protection from Unfair Trading Regulations 2008 has been committed. A person found guilty of the offence could be liable to a fine or imprisonment.

24.2 Street collectors selling game cards

If this Council becomes aware of street sellers in the borough approaching the public to sell them game cards 'to raise money for good causes', it will ask the Trading Standards to investigate. It will be unlikely that the product being sold is a legal lottery. This is because societies selling larger lotteries are not permitted to sell lottery tickets in the street.

25. Compliance and Enforcement Matters

25.1 Fees

Licensing Authorities compliance and enforcement work and the costs of dealing with illegal gambling is covered by fees from premises licences and permits. The Act requires licensing authorities to “*aim to ensure that the income from fees ... As nearly as possible equates to the costs of providing the service to which the fee relates and work, including the cost of dealing with illegal gambling in a Licensing Authority’s area*”. This Council will closely track its costs to demonstrate how it arrived at the fee and will review such fees annually.

25.2 Applications

This Council has provided information on how to make applications for licences and other permissions under the Act. Linked to this information is an online application form as well as a list of ‘responsible authorities’ and their appropriate contact details. As there are no prescribed application forms for family entertainment centres, prize gaming, or licensed premises gaming machine permits, this Council will accept applications for these licences in the hard copy which can be downloaded from www.brent.gov.uk/business.

25.3 Enforcement officers and authorised persons

25.3.1 S.303 of the Act enables the Commission to designate employees of the Commission and to appoint persons other than employees as enforcement officers for the purpose of the Act. Such persons are deemed to be authorised if:

- the premises are wholly or partly situated in the authority's area; and
- the officer is designated by the authority as an authorised person for the purposes of s.304.

25.3.2 These authorised persons will exercise their inspection powers in accordance with the principles set out in the Licensing Authority’s policy statement.

25.4 Powers of entry

25.4.1 The Act states that authorised persons, constables and enforcement officers may: undertake activities for the purpose of assessing compliance with provisions made under the Act or to assess whether an offence is being committed under the Act; enter premises if they reasonably suspect that facilities for gambling are being, are about to be, or have been provided on the premises. This would include a private club but does not apply if the suspected gambling is private or non-commercial gaming or betting.(s.307).

25.4.2 If in doubt, this Licensing Authority will:

- (a) seek legal advice about also securing a warrant issued by a justice of the peace to enter a premises in respect of which an application has been made for a family entertainment centre (FEC) gaming permit to consider the application, or to enter a premises in respect of which a FEC gaming machine permit has effect, in order to determine compliance with gaming machine permit requirements (s.309);
- (b) enter premises with 'on-premises' alcohol licence to determine if any gaming that is taking place satisfies the conditions for exempt gaming in s.279 of the Act, to ascertain that any bingo taking place meets the requirements of the Act, or to ascertain the number and category of gaming machines being made available for use on the premises (s.310);
- (c) enter premises in respect of which an application has been made for a prize gaming permit, to consider the application, or to enter a premises in respect of which a prize gaming permit has effect in order to determine whether prize gaming on the premises complies with the requirements of the Act and regulations under it (s.311).

25.4.3 Where an application for a club gaming permit or club machine permit has been made, enforcement officers or the police may also enter a members' club, a commercial club or miners' welfare institute under for matters connected with consideration of the application, to determine whether gaming is taking place or is about to take place on the premises; and such gaming meets the requirements for exempt gaming in section 269 of the Act, a club gaming permit or a club machine permit.

25.4.4 Only police officers and enforcement officers can enter the premises that have been granted a permit to determine if the things being done are in accordance with that permit (and not primarily because they suspect a crime is taking place/has taken place). Under s.318 of the Act a constable, enforcement officer or authorised person can only enter a dwelling under a warrant issued by a justice of the peace. In all circumstances, only a police officer or enforcement officer can seize evidence. Further detail about powers of entry and inspection are set out in Appendix G of the Guidance.

25.5 Illegal gambling

The prevention of illegal gambling is an enforcement priority for the Council. Combating illegal gambling is of significant benefit to the licensed community as the provision of illegal unregulated gambling impacts upon the reputation of the industry as a whole. The persistent and widespread existence of illegal gambling also reduces the incentive on operators to be correctly licensed. The Council will take formal enforcement action against those providing or facilitating illegal gambling in one premises. But the Commission will generally take the lead in prosecuting the offence of providing facilities for widespread and organised gambling.

25.6 Test purchasing and age verification

The Council will carry out test purchasing to detect whether children and young persons are accessing adult only gambling premises or are engaged in gambling intended for adults. Appropriate enforcement action will be taken against offenders.

25.7 Primary Authority

25.7.1 The PA scheme, administered by the Better Regulation Delivery Office (BRDO) provides for a statutory partnership to be formed between a business and a single authority, e.g. a local authority. That single authority, the PA, can provide a national inspection strategy within which other local regulators can operate, to improve the effectiveness of visits by local regulators and enable better sharing of information between them. The PA scheme therefore aims to ensure that local regulation is consistent at the national level.

25.7.2 Since October 2013, the PA has been extended to include age-restricted sales of gambling in England and Wales. This means local authorities in England and Wales must follow any age restricted sales of gambling national inspection plans and strategies that are published on the PA register when considering proactive age restricted sales (gambling) activity including testing. The inspection plans are designed to be largely uniform and to bring consistency to proactive test purchasing in those betting shops. These arrangements underpin the primary objectives of the Act in relation to protecting children from gambling-related harm and preventing them from accessing gambling facilities. PA plans do not prohibit licensing authorities undertaking reactive test purchasing. PA does not apply to the police or the Commission.

25.8 Prosecutions

25.8.1 The Act gives licensing authorities in England and Wales, the police and the Commission the power to prosecute the offence of using premises for gambling without the requisite permissions. In exceptional circumstances, such as repeated deliberate breaches of premises licence conditions, licensed operators or permit holders may be prosecuted without any prior regulatory action, such as warnings, suspension or revocation of licence or removal of permit. Most prosecutions will be against those illegally providing gambling without a licence or permit.

25.8.2 There is a distinction between those who conduct gambling operations under a licence or permit but breach the conditions of that, and those who seek to profit from providing facilities for gambling without a licence or permit. While both situations result in unlawful gambling, the latter situation is generally considered by the Council and the Commission to be more serious.

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Schedule 1: Summary of machine provisions by premises

Machine category							
Premises type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act casino (no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
Betting premises and tracks occupied by pool betting	Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo premises 1	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4					No limit on category C or D machines	
Adult gaming centre2	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4					No limit on category C or D machines	
Licensed family entertainment centre 3	No limit on category C or D machines						
Family entertainment centre (with permit)3	No limit on category D machines						
Clubs or miners’ welfare institute (with permits)4	Maximum of 3 machines in categories B3A or B4 to D						
Qualifying alcohol-licensed premises	1 or 2 machines of category C or D automatic upon notification						
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)	Number of category C-D machines as specified on permit						
Travelling fair	No limit on category D machines						

Schedule 2: Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

* With option of max £20,000 linked progressive jackpot on premises basis only

Schedule 3: Summary of gaming entitlements for clubs and alcohol-licensed premises

Members' club or MW institute with club gaming permit	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 / week £250 / day £10 /person per game Other gaming No limit	Poker £1000 / week £250 / day £10 / person per game Other gaming No limit Other gaming £5 / person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 / game Other gaming No limit	Poker £250 / game Other gaming No limit Other gaming £100 / game Other gaming No limit
Max particip. fees – per person per day	Bridge/whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge/whist* £18 Other gaming £3 (for a commercial club) £1 (members' club)	Bridge/whist* £18 Other gaming £1
Bankers/unequal chance gaming	Pontoon <i>Chemin de fer</i>	None permitted	None permitted	None permitted
Limits on bingo **	Maximum of £2,000 / week in stakes or prizes.	No bingo permitted	Maximum of £2,000 / week in stakes or prizes.	Maximum of £2,000 / week in stakes or prizes.

Schedule 4: Summary of offences under the Gambling Act 2005
General offences regarding the provision of gambling facilities

Providing gambling facilities in Great Britain without a relevant licence, permit, notice, or exemption included under the Act.	S.33
Using premises to provide gambling facilities from, or causing them to be provided, without a relevant licence, permit, notice or exemption under the Act.	S.37

Offence regarding cheating at gambling

Cheating, attempting to cheat, or assisting another person to cheat at gambling.	S.42
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Offence committed towards or by under 18s

<p>Inviting, causing or permitting a child (under 16) or young person (16 – 17) to gamble, with the exception of:</p> <ul style="list-style-type: none"> • private / non-commercial gaming and betting • participating in lotteries • participating in football pools • using a category D gaming machine • participating in equal chance gaming at premises subject of a prize gaming permit or an FEC premises licence • participating in prize gaming at a fair or an unlicensed FEC 	S.46
<p>This offence includes intentional distribution of advertising to under-18s where the intent is to encourage gambling. It is also an offence on the part of a young person to gamble with the exception of situations listed above.</p>	S.48
<p>Inviting or permitting a child or young person to enter:</p> <ul style="list-style-type: none"> • a casino • a betting premises (except for betting areas of horse and greyhound tracks on race days) • an adult gaming centre • areas of a family entertainment centre where category C gaming machines are situated. <p>This offence is committed at all times when the premises listed above are being used in reliance on the premises licence. It is also an offence on the part of a young person to enter the premises listed above.</p> <ul style="list-style-type: none"> • prize gaming at a travelling fair. 	S.47
<p>Employing a child or young person to provide gambling facilities, with the exception of providing the following facilities:</p> <ul style="list-style-type: none"> • private / non-commercial gaming and betting • prize gaming at a travelling fair. <p>Employing a child to provide facilities in connection with:</p> <ul style="list-style-type: none"> • a lottery • football pools 	S.49

Schedule 5: Summary of delegations of licensing functions

Matter	Full Council	Sub-Committee	Officer
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting – when appropriate			X (to be approved by Cabinet Committee)
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 and from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representation 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		X	
Applications for other permits			X
Cancellation of licensed premises Gaming machine			X
Consideration of temporary use			X
Decision to give a counter notice to a temporary		X	

Exemptions from	Types of gambling and permissions
Operating Licence	Small society lotteries Incidental non-commercial lottery Private lottery Customer lottery
Premises	Occasional use notice Football temporary use notice
	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

Schedule 6: List of Consultees to Statement of Licensing Principles

Persons or Bodies representing the interests of those who are likely to be affected by the exercise of the authority's functions:

Responsible Authorities

- Metropolitan Police
- London Fire and Emergency Planning Authority
- Planning Authority, Brent Council
- Environmental Health, Brent Council
- Safeguarding Children's Board, Brent Council
- HM Customs and Excise
- London Borough of Brent Councillors
- Brent MPs and Member of the Greater London Authority
- All Brent Council Directorates
- Brent Community Safety Partnership
- Gamblers Anonymous
- Alcoholics Anonymous
- Brent Drug and Alcohol Action Team
- Brent Youth Offending Service National Probation Service
- National Association of Citizen Advice Bureaux
- Brent Samaritans
- Salvation Army
- Brent Magistrates' Court
- Brent Mind
- Brent Residents and Tenants Associations
- Help the Aged

Persons or Bodies representing the interests of those carrying on gambling businesses in the borough:

- Current holders of licences, permits, registrations etc. in the borough
- Gaming Machine Suppliers
- Association of British Bookmakers
- British Amusement Catering Trade Association
- British Casino Association
- Casino Operators Association
- The Association of Licensed Multiple Retailers
- British Beer and Pub Association
- British Institute of Innkeeping
- GamCare
- Brent Chamber of Commerce
- The Football Association
- Federation of Licensed Victuallers
- The Bingo Association
- The Working Men's Club & Institute Union
- Responsibility in Gambling Trust
- Remote Gambling Association
- The Lotteries Council

Others

- General Public - via Council Website and Press Release

This is not an exhaustive list.

Schedule 7: Glossary of terms

Applications	Applications for licences and permits
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	<p>A Licensing Officer, an officer of an authority other than a Licensing Authority, both of who have been authorised for a purpose relating to premises in that authority area. The following are considered authorised persons:</p> <p>Inspectors are appointed under the Fire Precautions Act 1971 Inspector appointed under the Health and Safety at Work, etc. Act 1974.</p> <p>Inspectors of Surveyors of ships appointed under the Merchant Shipping Act 1995;</p> <p>A person in a class prescribed in regulations by the Secretary of State.</p>
Automated Roulette Equipment	<p>2 types:</p> <p>(a) Linked to live game of chance, e.g. Roulette (b) Plays live automated game, i.e. operates without human intervention</p>
Automatic condition	Condition attached automatically to premises licences or authorisations. The Licensing Authority has no desecration not to include or modify them.
AWP machines	Amusement with Prizes Machines.
BACTA	British Amusement Catering Trade Association.
Betting Intermediary	Offers services via remote communication, such as the internet.
Betting Ring	An area that is used for temporary „on course“ betting facilities.
Bingo	A game of equal chance.
Casino	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	<p>(a) Regional Casino Premises Licence (b) Large Casino Premises Licence (c) Small Casino Premises Licence (d) Casino permitted under transitional arrangements.</p>
Club Gaming Machine Permit	Permit to enable the preemies to provide gaming machines (3 machines of Categories B C or D).
Code of Practice	Means any relevant code of practice under section 34 of the Gambling Act 2005.
Complex Lottery	<p>An arrangement where:</p> <p>(a) 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; (b) The prizes are allocated by a series of processes; and (c) The first of those processes relies wholly on chance.</p>
Council	Brent 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.
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.
Domestic Computer	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
Dual Use Computer	Definition in forthcoming Regulations. Exempt from a Gaming machine Permit.
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 Minder. Electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:</p> <p>(a) Small Society Lottery (required to register with Licensing Authorities)</p> <p>(b) Incidental Non Commercial Lotteries e.g. Raffle at a dance/church fair</p> <p>(c) Private Lotteries e.g. Raffle at a student hall of residence</p> <p>(d) Customer Lotteries e.g. Supermarket holding a hamper raffle</p>
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,
Gaming	Prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events. Categories – See Appendix E
Guidance	Guidance issued by the Gambling Commission dated April 2006.
Human Rights Act 1998 Articles: 1, 6, 8 and 10	<p>Article 1: Protocol 1 – the right to peaceful enjoyment of possessions.</p> <p>Article 6: - the right to a fair hearing</p> <p>Article 8: - the right of respect for private and family life</p> <p>Article 10: - the right to freedom of expression.</p>
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non commercial events (commonly charity fund raising event, 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 (Schedule 7)
Interested Party	<p>Interested parties can make representations about licence applications, or apply for a review of an existing licence. A person who:</p> <p>(a) Lives sufficiently close to the premises to be likely affected by the authorised activities.</p> <p>(b) Has business interests that might be affected by the authorised activities.</p> <p>(c) Represents persons in either of the above groups.</p>
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 on one calendar year exceed £250.00. This requires an Operating Licence.
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 Brent
Licensing Committee	A committee of 10 to 15 councillors appointed by the Council to represent the Licensing Authority.
Licensing Sub Committee	A sub committee of 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: (a) Identify the promoting society (b) State the name and address of the member of 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 (c) State the date of the draw, or enable the date of the draw to be determined.
Mandatory Condition	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: (a) have a least 24 members (b) be established and conducted „wholly or mainly“ for purposes other than gaming (c) be permanent in nature (d) Not established to make commercial profit controlled by its members equally
Notifications	Notification 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 private gain.
Non Commercial Society/small society lotteries	A society established and conducted: (a) for charitable purposes. (b) for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or (c) 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 individual 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	3 Types of private Lotteries: (a) Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of

	<p>the Society.</p> <p>(b) Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises.</p> <p>(c) Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.</p>
Prize Gaming	<ul style="list-style-type: none"> 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: Expects to be constructed Expects to be altered Expects to acquire a right 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 Code of Practice.
Responsible Authorises	<p>Responsible authorises can make representations about licence applications, or apply for review of an existing licence.</p> <p>For the purposes of this Act, the following are responsible authorises in relation to premises:</p> <ul style="list-style-type: none"> (a) The Council Licensing Authority whose area the premises must wholly or mainly be situated; (b) The Gambling Commission; (c) Metropolitan Police (d) London Fire and Emergency Planning Authority, (e) Planning Authority, Brent Council; (f) Environmental Health, Brent Council (g) Brent's Safeguarding Children's Board (h) HM Customs and Excise. <p>N.B. In accordance with the Gambling Commission's guidance for local authorities designates the Brent Safeguarding Children's Board for this purpose.</p>
SIA	Security Industry Authority
Simple Lottery	<p>An arrangement where:</p> <ul style="list-style-type: none"> (a) Persons are required to pay to participate in the arrangement In (b) the course of the arrangement, one or more prize are allocated to one or more members of a class; and (c) The prizes are allocated by a process which relies wholly chance.
Skills with Prize	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 Machine 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 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 bookmakers 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 an application for FEC Permits etc.
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.
Small Operations	Independent on course betting operators with only one or two employees or a bookmakers running just one shop.
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 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 trains, 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 races, i.e. images generated by computer to resemble races or other events.
Vulnerable	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. 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.
Exemptions from	Types of gambling and permissions
Operating Licence	Small society lotteries Incidental non-commercial lottery Private lottery Customer lottery
Premises	Occasional use notice Football temporary use notice 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 2 - Gambling Act 2005 – Statement of Gambling Principles – Response to Consultation

No.	Received	Respondent	Paragraph	Comments	Action	Reason
1	1/9/15	Ladbrokes plc	Local area RAs	a) Operators should be left to decide matters should be included in their risk assessment. Therefore only local risks that are evidence based would be included in the risk assessment.	This is already in the policy in para 7.1.2	One of the Gambling Act objectives
			Local area RAs	b) The imposition of additional licence conditions unless accompanied by robust evidence could lead to unintended consequences such as local shop closures and job losses.	Para 7.12.2 states that the licensing authority will consider if licence conditions are appropriate in areas or unacceptable levels of crime	One of the Gambling Act objectives
			Existing responsible practices	c) The proximity of young people to betting shops should not be regarded as an additional risk because security and health and safety risk assessments already detail control measures in this area which are effective in tackling these issues.	The licensing authority will ensure that gambling premises operate strict policies if they are located near to premises frequented by children and young people. Para 6.7.2	One of the Gambling Act objectives
			Executive summary	d) There is no evidence to support the assertion that gambling “has many disadvantages and presents particular risks to children and the vulnerable... and in certain circumstances being the cause of crime and disorder”.	Text amended in the penultimate paragraph of the executive summary	One of the Gambling Act objectives
			Local area risk assessments	e) The imposition of additional licence conditions unless accompanied by robust evidence could lead to unintended consequences such as local shop closures and job losses	All conditions comply with the gambling licence objectives	One of the Gambling Act objectives
2	23/9/15	William Hill Organisation	Executive summary	a) The Executive summary should contain a reference to the desirability of licensed and regulated supply over illegal supply.	Para 1 of the executive summary has been amended to reflect that the	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
					aim should be to permit gambling.	
			Executive summary	b) There is also no reference to the significant level of regulatory control imposed under the operating licence and the extensive framework of Licensing Conditions and Codes of Practice (LCCP) to which operators have to adhere	This is stated throughout the document	One of the Gambling Act objectives
			Executive summary	c) The assertion about the "many disadvantages" of gambling does not appear to be properly evidenced in the main body of the policy document.	"many disadvantages" has been deleted from the executive summary	One of the Gambling Act objectives
			Executive summary	d) A statement about the "aim to permit" principle needs to have prominence within the policy.	Para 4 of the executive summary, clauses 5.4.3, 6.2.2, 7.1.2 of the draft principles clearly state that the Council must aim to permit the use of premises for gambling	One of the Gambling Act objectives
			1.1	e) We disagree with and object to the Authority's summation regarding the overall approach of the Act. Once an operator has obtained an operating licence the Authority is obliged to "aim to permit"	We have amended the opening paragraph of the executive summary to include "aim to permit".	One of the Gambling Act objectives
			1.5	f) We disagree with the legal and policy interpretation and emphasis in this paragraph.	Para 1.5 has been deleted.	One of the Gambling Act objectives
				g) The Authority must follow the hierarchy as set out in S153 of the Act. The Act is permissive not prohibitive.	This is clearly set out in paragraph 1.4	One of the Gambling Act objectives
			5.2.1	h) Although the Authority says that it is aware of the distinction between disorder and nuisance, the drafting appears to conflate the two issues whilst not making	This is already in the policy at para 5.2.1. We believe the distinction is clear	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
				clear the distinction between the two. Also any serious "disorder" (as defined in the Guidance to Licensing Authorities) needs to be clearly associated with gambling. Therefore acts committed outside the curtilage of the betting shop are unlikely to be associated directly with gambling.		
				i) The Authority should not seek to blur the distinction between disorder and nuisance and the normal legal meanings should be applied. For example people loitering outside a betting shop, smoking and drinking is not by any definition disorder; although it may cause a public nuisance.	This is already in the policy at para 5.2.1. We believe the distinction is clear.	One of the Gambling Act objectives
				j) Any harassment (even if it constitutes a public order offence) in the street outside a betting shop is unconnected with the activity of gambling. The operator has no responsibility for what occurs outside its area of control. Betting shops do not sell alcohol and are therefore not responsible for external behaviour relating to the on-premises activity. Before the passing of the Act, this matter was debated by Parliament and it was clearly felt the nuisance was not a matter which was to be considered under the Licensing Objectives.	The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies. Para 5.2.1	One of the Gambling Act objectives
				k) Door supervision is not a generally effective control mechanism in betting shops as there is an obligation on William Hill's own staff to "watch the door and manage the floor". Door supervisors have no authority to police the street.	The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies. Para	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
					9.12.4	
				l) The authority should take care not to apply too wide a definition to the crime and disorder objective.	Para 5.2.1 makes the distinction clear	One of the Gambling Act objectives
				m) In most cases, betting shop operators and/or their staff are victims of crime. In the circumstance detailed above, the premises (and its use) are neither the cause of the crime or "associated" with crime (in the context envisaged by Parliament).	The text has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
			5.5.5	n) We support the idea of a single point of contact for the Authority area. This would normally be the District Manager, but William Hill also has a central compliance team and would be willing to provide contact details.	NFA	
			6.5	o) We do not see the relevance of maps which indicate areas of social deprivation. The majority of inner city betting shops cater for demand in areas of dense population or high footfall. The Authority recognises itself that the lowest number of betting shops is in one of the most deprived areas (Stonebridge), but we are at a loss to understand what additional controls could be put in place to further reduce gambling related harm in areas designated as deprived.	Deprivation is one indicator of risk, which the operator ought to deal with in its risk assessment. The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies. Para 6.5	One of the Gambling Act objectives
				p) The physical location of betting shops - in terms of the vibrancy and vitality of high streets - is a matter for the planning regime (betting shops are in a sui generis use class). Unless the Authority wishes to pursue an unlawful exclusionary policy in respect of betting shops then we cannot	We agree with the aim to permit gambling if it satisfies the relevant criteria. However, it may be appropriate to attach additional conditions to a premises licence. The	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
				understand why deprivation would be a relevant factor under the “aim to permit” principle. Such a policy would be at odds with the general principles of the Act.	document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies. Para 6.5	
				q) The location of schools and youth centres is broadly irrelevant if the operator has appropriate age restriction controls (as is required by law and existing regulation).	The licensing authority will ensure that gambling premises operate strict policies if they are located near to premises frequented by children and young people. Para 6.7.2	One of the Gambling Act objectives
			6.6	r) The Authority has indicated that due to data limitations that it is difficult to gain an accurate picture of the impact that gambling venues have on crime in Brent. This is at odds with the statement in the Executive summary that betting shops can be a source of crime and disorder (see above). Main town centres are, because of obvious factors (not least property related and offences against the person crimes) “crime hotspots”. Most retailers and alcohol licensed premises suffer much higher levels of crime than betting shops. There is simply no substantial evidence that betting shops drive up crime levels. In fact they are highly regulated, alcohol free environments where crime levels are generally much lower than in the rest of the immediate locality. This has been clearly demonstrated in a series of Committee hearings.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
				s) Criminal damage to gaming machines is a crime committed against betting shop operators who are the victims of that crime. The focus here should be on the perpetrators who in the main are persons who are just as likely to commit similar crimes and anti social behaviour in the wider area.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
				t) The council should not seek to impose general premises licensing conditions (in addition to the mandatory and default conditions) relating to shop furniture by way of general statements in this policy. This is a clear abuse of process and should be a matter for individual consideration on a shop by shop basis.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
				u) We would caution against some of the identified drafting in this policy document which strays into exclusionary language. The document should contain clear evidence and not an exposition of theoretical risk.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
				v) We would respectfully request that the Authority critically reviews this policy to ensure that it does include anything in it that contravenes the fundamental principles of the Gambling Act 2005. Simply because the Guidance to Licensing Authorities contains examples of theoretical risk does not mean the Authority can reflect that in its own policy without clear evidence to underpin any assertion made. This would be at odds with gambling law and precedent.	We have set out the council's approach to gambling licensing. Based on the applicant's risk assessment, the council will amend the conditions attached to the licence but they will always be in accordance with the licensing objectives. See para 7.1.2	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
				w) As drafted this policy could be susceptible to a sustainable legal challenge		One of the Gambling Act objectives
3.	24/9/15	Coral Racing Ltd		The requirement to supply risk assessments with future applications, variations as well as local changes, following the consultation completion – effective date is from the 6th April 2016. The document does not include any information about this as far as we are aware. However, when the Council amends its policy to include risk assessments, Coral Racing would be happy to contribute.	NFA	One of the Gambling Act objectives
				The additional local risk assessments should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. There should be no requirement to list specific locations, which leads to a point of slight concern within the current Policy.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
			7.12.1	No evidence that the location of a licensed betting office within the proximity of the locations listed causes harm to the licensing objectives.	The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies	One of the Gambling Act objectives
				No evidence that children coming from schools are gaining access to betting offices. Children are not interested in betting, and the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises.	The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies.	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
4.	24/9/2015	Poppleston Allen		Requested a telephone call to explain the main changes to the previous Statement	Returned call but customer was not available. Replied by email instead.	One of the Gambling Act objectives
5.	25/9/15	Gosschalks Solicitors on behalf of the Assn of British Bookmakers (ABB)		Where a local area profile is produced by the licensing authority, this should be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.	Agreed. The statement has been amended accordingly. See para 6.	One of the Gambling Act objectives
			6.6.1	The policy is contradictory in that it states that "due to data limitations it is difficult to gain an accurate picture of the impact that gambling venues have on crime in Brent." There is no evidence available to the authority that this is the case.	The evidence of crime and disorder actually in the policy shows there is a link. The distinction between association with gambling and association with gambling premises is tenuous and unlikely to be of practical utility on the facts of individual cases, particularly given the reference in section 1 to association rather than causation. Whether there is association in individual cases will be considered on the evidence. See para 6.6.1	One of the Gambling Act objectives
			1.3	The reference to promoting the licensing objectives is repeated at paragraph 6.2.1. The policy should state the principles that the licensing authority proposes to apply in exercising its function under the Act, not required to promote the licensing objectives.	Para 6.2.1 has been amended	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
				The draft policy would benefit at an early stage by an indication that the overriding principles of Gambling Act 2005 are to “aim to permit” the use of premises for gambling.	This is stated in para 1 of the executive summary	One of the Gambling Act objectives
			5.2.1	The policy does not make clear the distinction between crime and disorder.	This is already in the policy at para 5.2.1. We believe the distinction is clear	One of the Gambling Act objectives
			6.5.1	It is unclear why the map is included showing the juxtaposition of gambling establishments with areas of social deprivation.	Deprivation is one indicator of risk, which the operator ought to deal with in its risk assessment	One of the Gambling Act objectives
			6.6.1	This paragraph indicates hot spots for crime and disorder. Hot spotting is of little use without a detailed examination of the evidence and creates an impression that there is a link between gambling and crime.	See 6.6.1 above	One of the Gambling Act objectives
			7.1.3	The list of criteria is not relevant when considering applications under Gambling Act 2005.	We believe it is relevant	One of the Gambling Act objectives
			7.12.1	<p>Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears to implement a cumulative impact type policy as exists within the licensing regime under Licensing Act 2003. Such a policy is contrary to the overriding principles of “aim to permit” contained with s153 Gambling Act 2005.</p> <p>Similarly, the reversal of the burden of proof in the final sentence that requires the applicant to demonstrate why an application should be granted is contrary to that principle. These two</p>	Additional conditions may be imposed on the applicant if the premises is within close proximity of these establishments	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
				sentences should be removed and replaced with the reiteration of the principle earlier in the policy that each case will be determined on its own merits.		
			7.12.2	The subsequent paragraph (7.12.2) indicates that an application must include detailed information as to how the proposals will promote the gambling objectives of protecting children and other vulnerable persons from being harmed or exploited by gambling. There is no facility to do this within the application process although from 6 th April 2016, that information will be made available through the local area risk assessment that will be submitted alongside an application.	The para has been amended re risk assessment Para 7.1.2.2	One of the Gambling Act objectives
				Paragraph 9 deals with premises licence conditions. The policy would be assisted by a statement that the starting point for consideration of applications is that those applications will be granted without conditions. This section of the policy should also acknowledge that Gambling Act premises licences are subject to robust mandatory and default conditions. These conditions will only need to be supplemented if there is evidence in a particular circumstance that additional conditions would be appropriate and proportionate.	All gambling licences are accompanied by conditions. We will only add additional conditions when appropriate as stated in para 9.1	One of the Gambling Act objectives
			9.1.1	The statement that the licensing authority would consider utilising conditions should there be a “perceived need” is not enough. The licensing committee can only proceed on the basis of real evidence.	We do not agree with this comment. There is no such statutory presumption. The test for conditions is set out in the	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
					policy at para 9.1	
6.	29/9/2015	Power Leisure Brokers Ltd		Response received on 29/9/2015	Response received after the closing date so will not be considered.	One of the Gambling Act objectives

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Appendix 3

London Borough of Brent

Statement of Gambling Principles - Equalities Impact Assessment (EqIA)

Department:	Regeneration and Growth
Service Area:	Regulatory Services
Person Responsible:	Pollen Exeter
Timescale for Equality Impact Assessment:	n/a
Name of service/policy/procedure/project, etc.	Statement of Gambling Principles 2016-2019
Is the service/policy/procedure/project:	Old
Predictive or Retrospective	Predictive
Adverse Impact/Not found/Found	Not Found
Service/policy/procedure/project etc, amended to stop or reduce adverse impact	n/a
Is there likely to be a differential impact on any group?	No
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers	No
2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities	No
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability	No
4. Grounds of faith or belief: Religion/faith including people who do not have a religion	No
5. Grounds of sexual orientation: Lesbian, Gay and bisexual	No
Consultation concluded	Yes
Person responsible for arranging the review	Pollen Exeter
Person responsible for publishing results of Equality Impact Assessment:	Yogini Patel
Person responsible for monitoring	Yogini Patel
Date results due to be published and where	
1. What is the service/policy/procedure/project etc to be assessed?	Statement of Gambling Principles 2016-2019

2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/policies in this area

Brent Council is the licensing authority under the Gambling Act 2005 (the Act) and is responsible for granting premises licences for gambling in the Borough. The Act created the Gambling Commission as a national regulatory body to enforce stronger gambling regulations. S.349 of the Act requires the council to publish a statement of the principles that it proposes to apply when exercising its functions under the Act. This statement must be published every three years. The statement must be reviewed from time to time and if the council thinks it necessary in the light of a review, revise the statement and publish any revision of it before it comes into effect. The council is required to consult widely on the statement and any revision of it. The Statement was last revised in 2011. It is now time for Brent Council to review its Statement of Principles and undertake a public consultation exercise in order that the latest version can be agreed by the Full Council in autumn 2015 and published in January 2016.

Consultees must include the chief officer of police, one or more persons representing the interests of persons carrying on gambling businesses in the authority's area, and one or more persons representing the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

Activities covered by legislation and this policy include:

- (a) The licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- (b) Issue *Provisional Statements*
- (c) Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- (d) Issue *Club Machine Permits* to *Commercial Clubs*
- (e) Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- (f) Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- (g) 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 there are more than two machines
- (h) Register *small society lotteries* below prescribed thresholds
- (i) Issue *Prize Gaming Permits*
- (j) Receive and Endorse *Temporary Use Notices*
- (k) Receive *Occasional Use Notices*
- (l) Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- (m) Maintain registers of the permits and licences that are issued under these functions

The Council exercise its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities

The existing policy sets out the general approach the council will take when considering applications for licences. The Act provides a clear focus on the three licensing objectives which are:

- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- (b) Ensuring that gambling is conducted in a fair and open way;
- (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling

This review takes on board minor changes to the Guidance issued to licensing authorities by the Commission. These changes include:

- A new name for Bet Receipt Terminals;
- a requirement to comply with the new Regulators' Code, additional advice notes on what constitutes bingo; and
- the removal of references to the now defunct horse betting levy board.

The review considered the location of gambling establishments in relation to areas of social deprivation and of establishments occupied or attended by vulnerable persons. These premises include schools, youth centres, children centres and hostels.

3. Are the aims consistent with the Council's Comprehensive Equality Policy?

This policy is consistent with the Council's aim to ensure that the services we provide are relevant to the needs of all sections of the communities. The proposals are not expected to adversely affect any of the protected equalities groups highlighted in this assessment.

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

The Council recognises that many people enjoy gambling as part of their entertainment, leisure and sporting activities from which economic and social benefits arise for businesses. Appropriately licensed and regulated gambling should help to exclude illegal gambling. Gambling creates employment in the borough, but it also presents risks to children, vulnerable people, existing problem gamblers, and in certain circumstances being the cause of crime and disorder.

Most of the gambling establishments are owned by large businesses. There are very few owned by people from the disadvantaged groups, although they account for a large proportion of users. We will continue to monitor gambling operations to detect any adverse effect on these groups.

The Council in its role as licensing authority recognises the importance of its decision making process, the input of all stakeholders, and the application of this Statement of Principles in relation to the Gambling Policy to deal with the competing interests of business and local communities. The Council will therefore seek to strike a balance between the different aspirations and requirements of businesses, local residents and the many visitors to the borough

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by gender, race, disability etc).

The initial screening on the policy review found that there was no adverse impact on any of the protected equalities groups from the implementation of this policy, or the changes/amendments under consideration as part of the review.

The evidence is based on:

- Data obtained through inspecting gambling premises
- Crime data supplied by the Police
- Public consultation - a four week public consultation was carried out with responsible authorities, key stakeholders This included members, statutory consultees, residents and business representatives groups.

There were five responses to the consultation and their comments have been taken on board.

Race

None of the evidence reviewed highlighted any adverse impacts concerning race.

Gender

None of the evidence reviewed highlighted any adverse impacts concerning gender

Disability

None of the evidence reviewed highlighted any adverse impacts concerning disability.

Faith/Belief

None of the evidence reviewed highlighted any adverse impacts concerning faith/belief.

Sexual orientation

None of the evidence reviewed highlighted any adverse impacts concerning sexual orientation.

Age

None of the evidence reviewed highlighted any adverse impacts concerning age.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable).

No.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

There has been consultation with key stakeholders, and a public consultation undertaken as part of the policy review).

Public consultation was conducted via the online consultation portal on the LB Brent website. The results of this consultation informed the final draft of the SLP published.

8. Have you published the results of the consultation, if so where?

The results have not been published to any external audience. However, each of the respondents has been written to.

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner

No.

10. If in your judgement the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations
There is no adverse impact.
11. If the impact cannot be justified, how do you intend to deal with it?
N/A
12. What can be done to improve access to/take up of services?
N/A
13. What is the justification for taking these measures?
N/A
14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible on the front page
The Council will continue to use the Equality Monitoring Forms. Any further changes or action to be determined by licensing officer, Yogini Patel.
15. What are your recommendations based on the conclusions and comments of this assessment?
Should you:
1. Take immediate action - No 2. Develop equality objectives and targets based on the conclusions? No 3. Carry out further research? No
16. If equality objectives and targets need to be developed, please list them here
N/A
17. What will your resource allocation for action comprise of?
N/A

Appendix 1

Data Sources:

POLICE DATA	LEVEL
All crime with a gambling flag	Postcode Level
Grouped crime with a gambling flag	Postcode Level
PREMISES	
All licenced premises	Postcode Level

Appendix 2

Key Stakeholders:

ORGANISATION	REMIT	ROLE
LB Brent	All Members	Member
MPS	Brent Community Safety Partnership Team	Police Constable
MPS	Licensing Police	
Safer Neighbourhood Group	Representative Group	Chair
LB Brent	Public Health	Director
Sudbury Town Residents Association	Representative Group	Deputy Chair
Age UK Brent	Advocacy & support	Head of Advocacy
Crime Reductions Initiative (CRI)	Advocacy & support	Manager
Gambling establishments located in the borough	Premises licence holders	Premises licence holders

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 Brent	<p align="center">Alcohol & Entertainment Licensing Committee</p> <p align="center">26 October 2015</p> <p align="center">Report from the Director of Regeneration and Growth</p>
For action	<p align="right">Wards Affected: ALL</p>
<p>New Statement of Licensing Policy</p>	

1.0 Summary

- 1.1 The Licensing Act 2003 ('the Act') requires that the Council determine and publish a Statement of Licensing Policy ('Policy'), at least once every 5 years, setting out its policies with respect to the exercise of its licensing functions.
- 1.2 The Council's current Policy came into effect on 7 January 2011 and will expire on 6 January 2016.

2.0 Recommendations

- 2.1 That Members comment on the draft Policy.
- 2.2 That Members note that the public consultation period ends on 30 October 2015 and that the draft Policy may be the subject of change before it is reported to Full Council for approval.
- 2.3 That Members note the intention to carry out a further review of the Council's Policy next year with the aim of formulating practical policies which respond to local issues, assist decision making and facilitate the achievement of the Council's objectives and vision.

3.0 Detail

- 3.1 The Council in its role as a Licensing Authority under the Act has a duty to determine, publish and keep under review its Policy which has a five year shelf-life but can be replaced at any time during that five year period. Before determining its Policy, the Council has a statutory duty to consult the persons and authorities specified in section 5(3) of the Act. The approval of the Policy is a Full Council function.

- 3.2 Once approved, the Council's new Policy will contribute to the fundamental themes and priorities in the Brent Borough Plan (2015-19). It adopts a balanced approach for both residents and businesses. It is written as a useful guide to all users.
- 3.3 An evidence-based approach was adopted during the review of the current Policy, which included night-time observations for all town centre followed by analysis of the following datasets:
- crime reports (all crime, alcohol related crime, violent crime & sexual offences):
 - health (alcohol related hospital admissions, alcohol related illnesses, ambulance call-outs and A&E attendances);
 - licensed premises (licences held, revoked and refused).
- 3.4 Seven town centres were the focus of particular consideration with regards to the potential for adoption of special policies including cumulative impact zones which target a significant number of licensed premises concentrated in one area and the potential impact of these premises on the promotion of the licensing objectives. These town centres were:
- Ealing Road
 - Harlesden
 - Kilburn
 - Kingsbury
 - Neasden
 - Wembley
 - Willesden
- 3.5 Issues and options were identified for each of the seven town centres.

Consultation

- 3.6 To assist in formulating the draft Policy, informal consultation was undertaken with all elected Members, licensees, the Metropolitan Police, Director of Public Health, Community Safety, Environmental Health, residents associations and a variety of council officers.
- 3.7 Stakeholders were invited to take part in the early stage consultation exercise in order to gather views and perceptions about:
- problematic areas for alcohol supply
 - alcohol consumption
 - groups at potential risk from alcohol
 - potential for influence of alcohol on crime
 - potential influence of alcohol on health
 - scope for declaring cumulative impact zones
 - any other relevant information or issues.

Stakeholders included Members, licensees, licensing agents, residents, council officers, and community groups.

The following responsible authorities designated by the Act as well as other key stakeholders were consulted :

- the Metropolitan Police
- Community safety
- Public Safety
- Public Health
- Fire Brigade
- Child Safeguarding Team
- Environmental Health
- Trading Standards
- Planning

As a consequence a number of comments and suggestions were incorporated into the draft policy.

3.8 A four week public consultation was carried out in August / September 2015 for the issues and options identified for each of the seven town centres, including an all Member consultation meeting on 10 September 2015.

3.9 54 responses were received to the consultation. 75% of the respondents either strongly agreed or agreed with the options proposed for each of the town centres. Some respondents had concerns regarding sustainability of enforcement by the Licensing Authority and the Police. At the informal Member liaison meeting on 10 September 2015 there was broad support for the direction of travel emerging from the early stages of the policy review.

Policy approach

3.10 The key changes in the proposed Statement of Licensing Policy are:

- the inclusion of health as a separate appendix. Although, the Director of Public Health is a responsible authority under the Licensing Act 2003, health is not a licensing objective.
- changes in legislation namely: Police Reform and Social Responsibility Act 2011 and the revised guidance issued under section 182 of the Act.

Next steps

3.11 Public consultation on the resulting draft Policy commenced on 5 October 2015 and will run until 30th October 2015. The draft Policy is attached at Appendix 1 with track changes which highlight additional proposed changes to the Policy. The changes make further improvements to the Policy so that it is legally and factually up to date, accurate and clear.

- 3.12 Members are therefore asked to comment on the draft Policy and to note that as the public consultation period has not yet ended yet, the draft Policy may be the subject of further change before it is reported to Full Council for approval.
- 3.13 Although the draft Policy is informed by the research undertaken by the Council, in the available time, it has not been possible to formulate practical policies which respond to the local issues highlighted by the research or the Council's aims, objectives and vision or possible change in approach arising from the Regulatory Services review currently underway. The Council's Policy has the potential to determine the prescription for resolving such issues. In so doing the Policy would inform decision making in a much more meaningful way and provide useful and practical guidance to applicants, local residents, responsible authorities and magistrates (who decide cases on appeal).
- 3.14 There is also the potential to set out the Council's standards that operators are expected to achieve and express what the Council has to say about the provision of licensable activities in respect of location, hours and conditions.
- 3.15 In addition, amendments to the Act made by the Deregulation Act 2015, which are due to come into force once regulations are made, will give licensing authorities powers to designate certain geographical areas, types of premises or time periods as exempt from the late night refreshment licensing requirements.
- 3.16 As Members will appreciate, deciding whether or not the Council should exercise these new powers once they come into force will require a careful and strategic assessment of their impact on the Council's aims and objectives and indeed the licensing objectives.
- 3.17 Members are asked to note therefore that the work aimed at developing and improving the Council's Policy will continue even after the new Policy has been adopted and that Members, as well as all other key stakeholders, will be given the opportunity to inform the review and its outcomes.

4.0 Financial implications

- 4.1 There are no financial implications.

5.0 Legal implications

- 5.1 These are set out in the body of the response.

6.0 Diversity and equality implications

- 6.1 An equality assessment is attached at Appendix 1.
- 6.2 The equality assessment suggests that there is no likely impact around race, gender, age, disability, faith, sexuality and sexual orientation.
- 6.3 However, equality assessment is constrained by data limitations including the absence of data on the protected characteristics of licence applicants, licensees and licensees whose licences are subject to reviewed or enforcement actions.

- 6.4 A new licensing database has been purchased and will come into use by 2016, and this will enable the council to start recording protected characteristics for licensees. This should enable the council to take better account of equalities issues at the time of the next policy review.

7.0 Staffing/Accommodation implications

- 7.1 There are none specific to this report.

Background papers

- 2011 Statement of Licensing Policy - <https://www.brent.gov.uk/business/licences/>
- Licensing Act 2003 - <http://www.legislation.gov.uk/ukpga/2003/17/contents>
- Police Reform and Responsibility Act 2011 - <http://www.legislation.gov.uk/ukpga/2011/13/contents>
- Section 182 guidance - <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

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London Borough of Brent

Public consultation draft Statement of Licencing Policy (as amended)

2016 - 2021

i. Foreword

- i.i ~~A Statement of Licensing Policy determines how the Council will consider new applications for:~~
~~The sale of alcohol;~~
~~Application of on-licence premises; and~~
~~Application of off-licence premises.~~

1. Background and introduction

- 1.1 The London Borough of Brent (“the Council”) is the licensing authority under the Licensing Act 2003 (“the Act”) and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the London Borough of Brent.
- 1.2 The ~~Licensing Act 2003~~ establishes four core objectives for formulating licensing policy and taking licensing decisions:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of nuisance¹⁷ and;
 - The ~~protece~~vention of children from harm.
- 1.3 The Act requires the Council to publish a ‘Statement of Licensing Policy’ (~~SLP~~), which ~~sets out the policies that the Council will generally apply in order to meet these objectives when determining applications. It, and covers~~ it covers the following:
- the retail sale of alcohol
 - supply of alcohol to, by or on behalf of a club or to the order of a club member
 - supply of hot food or drink between 11pm and 5am the following day
 - subject to certain conditions and exemptions, provision of entertainment for members of the public, members of a private club or for profit, including by a charity, where the entertainment involves:
 - theatrical performance
 - film exhibition
 - indoor sporting event
 - boxing or wrestling (indoor and outdoor)
 - live music performance
 - playing of recorded music
 - dance performance~~provision of facilities for making music, and;~~
~~provision of dancing facilities.~~

The Policy

- 1.4 ~~The Licensing Act 2003 requires the Council to publish a “Statement of Licensing Policy” that sets out the policies that the Council will generally apply to meet the licensing objectives when determining applications.~~ This policy will guide the

authority when considering personal licences, premises licences (including provisional statements), variations, transfers, interim authorities and reviews, club premises certificates, designated premises supervisors and temporary event notices.

- 1.5 This statement has been developed in accordance with the provisions of the Act, having regard to the guidance issued under section 182 of the Act. Before publishing this statement the Council shall consult with, and have regard to, the views of all statutory consultees such as the police, fire service, representatives of licence holders, local businesses and their representatives, and local residents.
- 1.6 In addition to the statutory consultees, the following persons or bodies were consulted:
- Brent Ambulance Service Accident and Emergency Services;
 - Brent Council's planning services;
 - Community Safety
 - Brent Council's Children and Young People Services
- 1.7 Additional consultation has been carried out with the following people:
- Director of Public Health
 - Community associations
 - Ethnic group associations
 - Safer Neighbourhood Teams
 - Mental health advocacy organisations
 - Substance use organisations
 - Hotels and pub venue management
 - Local LGBT groups
- 1.8 Due consideration has been given to all replies, and a record of persons/organisations consulted and replies received may be kept by the Council.
- 1.9 A copy of the policy will be placed on the Council's website, and periods of consultation will be advertised on the site.
- 1.10 This policy will come into force on 7⁴⁸th January 2016, after approval by Full Council, and will ~~remain in force for no more than five years~~ ~~be reviewed and published every five years.~~ ~~A full consultation will be undertaken every three years.~~ The policy will ~~also~~ be kept under review in the interim period, and should any revision be required to the policy during the ~~five~~ three-year period, such revision will be subject to full consultation and approval by Full Council.

2. Review of the Statement of Licensing Policy

- 2.0 Under the ~~Licensing Act 2003~~, the Licensing Authority must carry out a review of its Licensing Policy every five years. ~~In accordance with the Act, the Licensing Authority intends to carry out a further full review of its policy in at a date to be~~

~~determined by the Council and, p~~Prior to publishing the revised version, the Authority intends to consult fully with those groups and individuals ~~consulted on the current version.~~

- 2.1 In addition, within the five year period the Licensing Authority will review its ~~Licensing~~ Policy whenever it feels that relevant issues have arisen - for example, if any further significant amendments are made to the ~~Licensing Act 2003~~.

3. Main principles

- 3.1 This policy sets out the general approach the Council will take when considering applications for licences. When determining applications and reviewing licences, the Council will have regard to:

- the ~~Licensing Act 2003~~ and related regulations~~;~~ and;
- Government guidance issued under section 182 of the Act and this ~~Statement of Licensing~~ Policy.

- 3.2 When determining an application under these considerations, the overriding principle adopted by the Council will be that each application will be determined on its merits.

- 3.3 Applicants will be expected to address the licensing objectives in their operating schedule with particular regard to the nature of the location, type of premises, entertainment to be provided~~,~~ and operational procedures. It is important that all operating schedules should be precise and clear on the measures proposed to promote each of the licensing objectives.

- 3.4 Only conditions ~~appropriate and proportionate to the promotion of necessary to promote~~ the licensing objectives will be attached to any licence~~,~~ and the Council will have regard to the individual style and characteristics of the particular premises and events concerned. Licence conditions will not be imposed where other regulations or legislation exists to provide sufficient protection

- 3.5 ~~Licencee~~Licencees will be expected to comply with the Code of Practice of the Portman Group or equivalent. If a valid complaint is received, the stocking or supplying of products featured in the Portman Group's "Retailer Alert Bulletin" could lead to review of the premises licence~~,~~ and ultimately a suspension or revocation of that licence if the Council considers that such action would undermine one or more of the licensing objectives.

- 3.6 Where there is a notification to hold a temporary event the Council will expect, where applicable, the holder of the event to comply with the relevant conditions attached to the premises licence where the event is to be held.

- 3.7 A notification of a temporary event should not be used to cover multiple events. The Council expects each notification to be for a single event~~,~~ and for the date and times that the event is to be held. One notification for 96 hours should not be used to cover more than one event.

- 3.8 The Council recognises that, in addition to the licensing objectives, it also has a duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.

- 3.9 The Council will not take “need” (commercial demand) into account when determining an application. This is not a matter for a licensing authority in discharging its licensing functions, ~~or its statement of licensing policy.~~
- 3.10 “Cumulative impact” can be understood as the potential impact on the promotion of the licensing objectives of a significant number of ~~licenced~~licensed premises concentrated in one area.
- 3.11 Although “cumulative impact” will not be considered by itself when determining an application under the Act, the Council does recognise that the cumulative impact of a number of premises in a location may negatively impact on one or more of the licensing objectives. In particular, it is recognised that cumulative impact may lead to serious problems of nuisance and disorder in that area. In these circumstances the Council may consider cumulative impact when granting a new licence or club premises certificate, and may refuse an application where relevant representations show that there is strong evidence that the new premises will undermine one or more of the licensing objectives by exacerbating existing problems linked to crime and disorder or another of the licensing objectives.
- 3.12 The Council has not adopted a special policy relating to cumulative impact but may consider such a policy where an area is saturated with ~~licenced~~licensed premises, and the granting of new licences would undermine one or more of the licensing objectives. The Council will consult on the need for a special policy and/or review and revise any special saturation policy or policies as may be ~~identified in the Statement of Licensing Policy as~~ appropriate, and in any event every five years.
- 3.13 ~~The Council may consider the inclusion of off-licences in any future cumulative impact policy, if there is evidence justifying such inclusion. Whilst the Council recognise the guidance discourages off-licences from being included in cumulative impact policies it does not preclude them and the Council may consider off-licences if there is a strong case in favour of their inclusion.~~
- 3.14 Officers will continue to monitor all areas of the Borough and all venues and events, and where appropriate refer any areas likely to benefit from a special policy to the Committee.

4. Brent profile

Geography

- 4.1 Brent is a north west Outer London borough. The major areas are Kilburn, Wembley and Willesden. Brent borders many Inner and Outer London boroughs including Harrow to the north-west, Barnet to the north-east, Camden to the east and Ealing, Hammersmith and Fulham, and Kensington and Chelsea to the south, and Westminster to the south-east. Brent is notably home to Wembley Stadium, one of the country's biggest landmarks, as well as Wembley Arena.¹ These present challenges for the borough as both the Stadium and Arena are integral parts of the Brent and greater London night-time and entertainment economy. Brent's geographic position and historic connections to central London has made the area one of distinct contrasts combining urban and suburban features common to both inner and outer London².

¹ <http://www.londonspovetryprofile.org.uk/indicators/boroughs/brent/>

² Brent Diversity Profile, July 2014

Diversity and demographics

- 4.2 Brent is the second most culturally diverse local authority in the UK and has a long history of ethnic and cultural diversity³ Brent was the first local authority in the UK to have a majority black, Asian and minority ethnic (BAME) population. In the 2011 Census, 63.7% of the population were BAME. By contrast, 14% of people in England and Wales and 40% of people in London were BAME. Different ethnic groups are concentrated in distinct parts of the borough:
- Stonebridge and Harlesden wards have the highest concentration of black residents;
 - Asian residents tend to live in the west of the borough, and;
 - The white population is more concentrated towards the east of the borough - Kilburn, Mapesbury and Dollis Hill wards have the highest numbers of white Irish residents.
- 4.3 People belonging to the different ethnic groups in Brent vary with age. Among younger people (particularly those aged 5-15) the white population is lower and the black population is higher than for the borough as a whole. Minority language households or households unable to speak English are primarily concentrated in the far west and south of Brent.
- 4.4 Children and young people under the age of 18 constitute 25% of the population of Brent.⁴ The early years of a child's life are particularly important in shaping future health outcomes. Key factors, such as income, housing, education and other socioeconomic issues can particularly affect young people during their earliest years of life. The 2011 census showed that Brent has a young population as Brent's median age is 32 compared to the London average of 33. The underlying growth of the child population in Brent is a key factor which needs to be considered when designing and providing services to improve the health and wellbeing of children and tackling health inequalities.
- 4.5 Brent's resident population was estimated to be 320,762 in mid 2014 and is growing quickly. The borough population is dynamic and increasingly transient with significant numbers of people moving into the borough.⁵
- 4.6 Certain groups and geographic areas in Brent may be more vulnerable to the effects of alcohol than others. These vulnerabilities and different ethnicities should be considered when reviewing licencing applications. The Council encourages the collection of evidence of the negative effects of alcohol on vulnerable groups within Brent to determine suitable prevention and treatment measures consistent with existing Council and NHS health objectives. A vulnerable adult is a person aged 18 years or over who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of or protect him or herself against significant harm or exploitation.⁶ Brent has a multi-agency procedure for responding to suspected abuse of vulnerable adults wherein Adult and Community Services coordinate the policy with the Police and NHS.

Underreporting

³ <http://brent.gov.uk/your-Council/about-brent-Council/Council-structure-and-how-we-work/equality-and-diversity/>

⁴ Health and well-being in Brent, Brent Joint Strategic Needs Assessment, March 2015

⁵ NHS Brent Commissioning Strategy Plan: 2009 to 2014

⁶ Protection of Vulnerable Adults in Brant, October 2003

- 4.7 Current data shows that Brent has fewer cases of excessive alcohol consumption than the London average. However those individuals that do drink do so in a quantity and strength that is higher than the London average⁷. This suggests there may be cases of underreporting of alcohol consumption and abuse by some groups – for religious or cultural reasons – which poses a challenge to a comprehensive view of alcohol use in Brent. The Brent Alcohol Harm Reduction Strategy 2014-2017 also acknowledges potential underreporting of drinking and binge drinking among youth in Brent however it points out that estimates of unreported youth drinking are likely to be less prevalent than the London average. The Council will continue to monitor this issue and look for evidence to help inform future licensing policies.

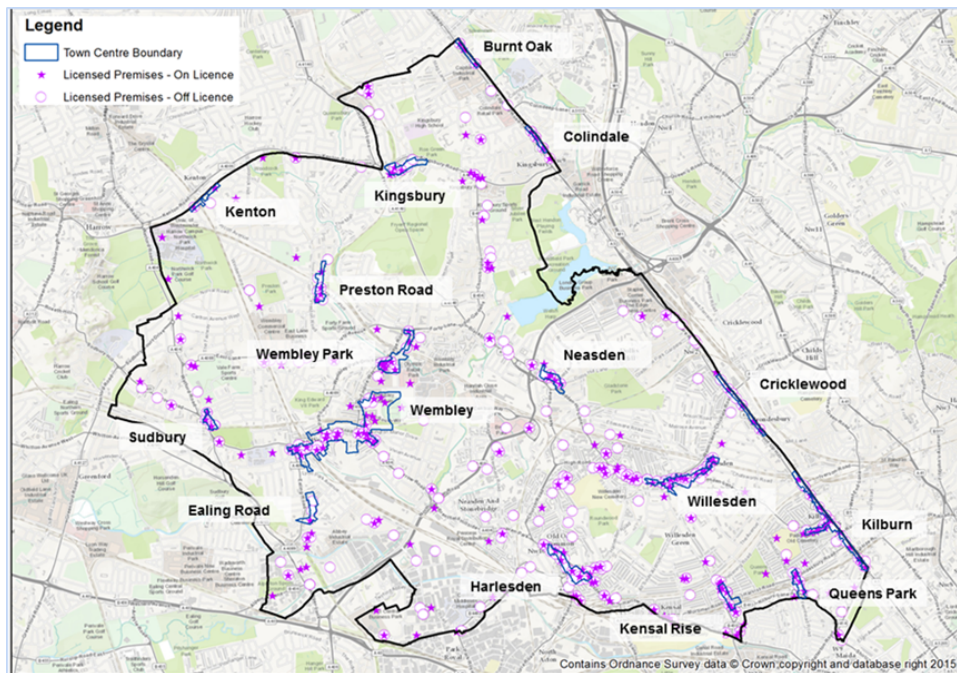
Town centres

- 4.8 Brent contains 16 defined town centres that vary in size and density. The different town centres within the borough are classified as Major, District, and Local Centres. These typologies are outlined in the Brent Core Strategy. Town Centres which share boundaries with neighbouring London Boroughs are indicated by an asterisk (*).

Major Centres	District Centres	Local Centres
Kilburn*	Burnt Oak*	Kensal Rise
Wembley	Colindale*	Kenton*
	Cricklewood*	Queen's Park
	Ealing Road	Sudbury
	Kingsbury	
	Harlesden	
	Neasden	
	Preston Road	
	Wembley Park	
	Willesden Green	

⁷ Annual Report to the Director of Public Health for Brent, 2014

4.9



Distribution of ~~licenced~~licensed premises in LB Brent as of 2015

4.10 There are significant differences between different town centres and areas of the borough. Data analysis indicates that the borough's town centres accounted for approximately 15% of all alcohol-related crime and 7.5% of all alcohol-related ambulance callouts. This suggests that the large majority of alcohol-related crime and ambulance callouts is dispersed throughout the borough and not restricted to certain boundaries or town centres. This variance poses challenges for alcohol licensing.

4.11 Data patterns imply that town centres in north Brent have fewer ~~licenced~~licensed premises and experience less alcohol-related crime relative to town centres in south Brent. These differences suggest a need for nuance in the Council's approach to alcohol licensing.

Geographic themes

4.12 Patterns of alcohol use can be broadly understood by dividing the borough into two geographic areas – North Brent and South Brent. The significant differences between these two areas of the borough indicate that a one-size-fits-all licensing policy cannot reflect the nuance and distinctions within the borough.

4.13 **North Brent:** Areas in the north of the borough generally exhibit lower concentrations of anti-social behaviour (ASB), alcohol-related crime, and activities that violate the four licensing objectives relative to the rest of the borough. This area stretches in a convex curve from north of Sudbury Town Centre along north of Wembley Central and to the north of Kilburn High Road (but south of the southern terminus of Cricklewood Broadway). The key characteristics, relative to the rest of the borough, are:

- Light footfall traffic;
- Fewer ~~licenced~~licensed premises;
- Reduced concentration of ~~licenced~~licensed premises, and;
- Fewer instances of crime and ASB.

- 4.14 **South Brent:** Areas south of the convex mid-borough line (approximately following the Metropolitan Line tracks) include Wembley Central, Kilburn High Road, Harlesden, Neasden, and Willesden. These areas are in close proximity to Central London and may be considered part of Inner London. They feature:
- Higher concentrations of crime;
 - Higher concentration and number of ~~licenced~~licensed premises, and;
 - High levels of footfall.

5. Licensing objectives

- 5.1 The Act provides a clear focus on the four statutory objectives which the Council must seek to promote when determining an application. These objectives are the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. Because of the wide variety of premises and activities to which this policy applies, applications will be expected to address all aspects relevant to the individual style and character of their premises and events. These objectives are set out in more detail below.

Prevention of crime and disorder

- 5.2 The Council recognises that ~~licenced~~licensed premises, especially those offering late night/early morning entertainment for large numbers of people, can be a source of crime and disorder problems.
- 5.3 The Council will expect operating schedules to satisfactorily address the prevention of crime and disorder, from the design of the premises through to the daily operation of the business.
- 5.4 Applicants are recommended to seek advice from Council licensing officers and the local police, as well as taking account of local planning policies, transport policies and crime prevention strategies when preparing their operating schedules. Applicants should note that conditions addressing the crime and disorder objective may also promote the other licensing objectives such as setting capacity limits addressed in Section 5.
- 5.5 It is recommended that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events, the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.
- 5.6 The Licensing Authority further recommends the Metropolitan Police Promotion/Events Risk Assessment Form 696, and the After Promotion\Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the risk assessment forms are used to assess the likely risk from any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Licensing Authority within 14 days of any proposed event and within 3 days of the conclusion.
- 5.7 Forms 696 and 696A are available on the Metropolitan Police website. It is

recommended that electronic completion and transmission of the forms is undertaken by [licencees](#). E-mail addresses for submission are ClubsFocusDesk-CO14@met.police.uk and brent.licence@brent.gov.uk and licensing-qk@met.police.uk.

- 5.8 The definition of a significant event is any occasion in a premises ~~licensed~~ under the provisions of the Licensing Act 2003, where there will be live musicians, DJs, MCs or other artistes; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.
- 5.9 Where the applicant offers this as part of their operating schedule or where there is a relevant representation, and the Licensing Sub-Committee at a hearing use their discretion to impose a condition, the following recommended conditions will be taken from our pool of model conditions and applied:
- 5.10 “The ~~licencee~~ shall undertake a risk assessment of any significant promotion or event, using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy to the Metropolitan Police and Brent Council’s Licensing Unit not less than 14 days before the event is due to take place” and “where an event has taken place, the ~~licencee~~ shall complete a Debrief Risk Assessment (Form 696A) and submit this to the Metropolitan Police and Brent Council’s Licensing Unit within 3 days of the conclusion of the event.”
- 5.11 ~~Where there is~~ If a relevant representation ~~is received~~ and the Council considers that crime and disorder has not been fully addressed in the operating schedule, it will consider attaching conditions to licences to deter and prevent crime and disorder inside and immediately outside the premises.
- 5.12 ~~It is recommended that, for major events at Wembley Stadium, licencees should, where appropriate, include the following in their operating schedule, (i) they close one hour before the scheduled start of the event, (ii) customers shall not congregate outside the premises, (iii) No glass bottles shall be served (iv) the DPS shall work in partnership with the Police and if necessary comply with any direction given by the most senior Police Officer on duty at the event, (v) no alcohol drinks shall be displayed or sold in glass containers with the exception of wines and spirits, (vi) no more than 4 cans per person shall be sold.~~
- 5.13 ~~Major events at Wembley Stadium are a central part of the leisure and cultural offer of the borough, it is the hub and generator of important economic activity benefiting the borough as a whole. It is also correct to say that such events can be associated with environmental impacts which engage the licensing objectives. As a result, a set of standards has been developed to ameliorate such impacts. Consequently, W~~where the applicant offers this as part of their operating schedule or where there is a relevant representation, and the Licensing Sub-Committee at a hearing use their discretion to impose a condition, the following recommended conditions will be ~~considered taken from our pool of model conditions and applied.~~
- 5.14
- ~~On major event days at Wembley Stadium the following shall apply:~~
 - Sale of alcohol ~~one hour before the event~~
 - Customers shall not be allowed to congregate outside the premises
 - No glass bottles shall be handed over the bar but decanted into plastic vessels

- The DPS shall work in partnership with the Police and ~~if necessary~~ comply with any direction given by the most senior Police Office on duty at the event
- No alcohol of 'alcopop' type drinks shall be displayed or sold in glass containers with the exception of wines and spirits
- No more than 4 cans shall be sold per customer

- 5.15 Where there is relevant representation and the Council considers that the sale of high strength alcohol in an area is a contributing factor to crime and disorder or public nuisance, the Council will consider applying a condition that prevents the sale of beer, lager and cider above 6% ABV.

Public safety

- 5.16 The Act covers a wide range of premises and activities and each of these present a mixture of risks. Some of these risks will be common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and managed so as to safeguard occupants against these risks. The Council will expect operating plans to satisfactorily address the objective of public safety in their operating schedule.
- 5.17 Applicants should note that the public safety objective is concerned with the physical safety of the people using the premises and not with public health which is covered by other legislation. Applicants are advised to seek advice from Licensing Technical Officers, Health and Safety Officers, Environmental Health Officers and Fire Safety Officers before preparing their operating schedules.
- 5.18 Premises or activities that present a risk to the public either because of the way they are designed, the large numbers expected to attend in comparison to the size of the venue or because there are special effects involved, will be required to set an occupancy figure for those premises or activities. Examples of this are discos and other dances attracting large numbers of young people, public houses close to Wembley National Stadium where large numbers of people may attend on special days, and activities that involve entertainments such as novelty acts involving pyrotechnics and other special effects. While the character and nature of the premises will determine capacity limits, the Council recommends that occupancy figures should be set at one person for every 0.3m² of available floor space for standing areas and one person for every 0.5m² for dance areas.
- 5.19 Where there is relevant representation and the Council considers that public safety has not been fully addressed in the operating schedule, it will consider attaching conditions to licences in order to achieve this licensing objective.

Prevention of public nuisance

- 5.20 The Council recognises that ~~licensed~~ premises, especially those operating late at night or in the early hours of the morning, can cause a range of nuisances that impact on people living, working or sleeping in the vicinity of the premises.
- 5.21 As public nuisance is not given a statutory meaning in the Act, the Council will consider nuisance in its common law meaning. Issues that may constitute common law nuisance could include noise nuisance, light pollution, water pollution, smoke, smells, waste, litter and other similar issues. The Council will expect operating

schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health team when preparing their operating schedules.

- 5.22 ~~Where there is~~ If a relevant representation is received and the Council considers that the prevention of nuisance has not been fully addressed in the operating schedule it will consider attaching conditions to licences and temporary event notices to prevent nuisance.

Protection of children from harm

- 5.23 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.

- 5.24 Generally the Council will not seek to limit the access of children to licensed premises unless it is appropriate necessary to protect children from harm.

- 5.25 The Council will judge the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises. While the Council wishes to see the development of family friendly environments, it may consider imposing conditions in the following circumstances:

- Where adult entertainment is provided
- Where there have been convictions of current management for serving alcohol or with a reputation for allowing under-age drinking
- Where there is known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where the exclusive or primary purpose of the service provided is the consumption of alcohol

- 5.26 The Council will consider all or any of the following options when dealing with a licence application where limiting the access of children is considered appropriate necessary to promote the protection of children from harm:

- Limitations on the hours when children may be present
- Limitations on ages below 18 years
- Limitations or exclusion when certain activities are taking place
- Presence of sufficient adults to control the access and egress of children and to ensure their safety
- Full exclusion of people under 18 years when any licensable activities are taking place
- Limitations to parts of the premises to which children may have access

- 5.27 Where a significant number of children are likely to be present, a licencee licensee should ensure that an adequate number of staff is present to control their access, egress and safety. The number of staff required should be assessed by the licencee licensee taking in to account the number of children to be present, the type of event, characteristics of the premises and any other relevant factor. The Council recommends that, while the aforementioned factors will determine the number of staff required, the sufficient number of adults present should be calculated at a rate of one adult for every 50 children or part thereof. Where there is a balcony the rate shall be one adult for every 30 children or part thereof.

- 5.28 Nothing in this policy shall seek to override or duplicate child supervision requirements contained in other legislation. However, the Council will take into consideration (where appropriate) the measures taken by applicants to ensure that staff who have any contact with children are appropriately checked to ensure that they pose no risk to children. It may be appropriate to obtain enhanced disclosure checks from the Criminal Records Bureau in some cases.
- 5.29 Brent Council supports the Challenge 21 Scheme, Brent's Age Restricted Goods Responsible Trader Scheme and similar proof of age schemes and will expect applicants to address this within their risk assessment in respect of determining access to premises or sale of alcohol to young persons.
- 5.30 Where an entertainment includes the showing of any film the Council will impose conditions requiring [licencees](#) to restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications or by the Licensing Authority itself.
- 5.31 Where there is relevant representation and the Council considers that the licensing objective regarding protection of children has not been fully addressed in the operating schedule it will consider attaching conditions to licences and temporary event notices to protect children from harm.
- 5.32 Where [licencees](#) require identification to verify age, acceptable forms of ID include:
- Valid passport
 - Proof of age card (with Pass hologram)
 - Photo driving licence
 - Armed Forces ID

6. Wider policy context

- 6.1 Alcohol plays a key role in a number of areas, such as health, safety and security, and the economy. However, neither the issues nor opportunities presented by alcohol can be comprehensively addressed through licensing policy alone. In order to be effective, licensing policy will relate to, and be supported by, both wider borough policy and service delivery structures.
- 6.2 Local partnerships with neighbouring boroughs, prominent [licensed](#) premises, the third sector, and relevant Council departments all have a role to play in managing and mitigating the effects of alcohol consumption in the borough. This will build on ongoing efforts outlined in the Brent Alcohol Harm Reduction Strategy 2014-2017.

7. Impact of major entertainment venues

- 7.1 Brent hosts two large-scale entertainment venues of international and national importance. Wembley Stadium and Wembley Arena are major sources of tourism and regeneration within the Wembley area. Thousands of people enter Wembley on event days and people consume alcohol as a part of their entertainment.
- 7.2 The Council will continue the policy of imposing special conditions in Wembley for

dealing with alcohol-related issues during major event days. The conditions acknowledge the unique role alcohol plays in the overall enjoyment, social and economic activity associated with Wembley Stadium and Wembley Arena whilst balancing the four objectives of licensing policy and the safety and concerns of local residents.

8. Nurturing thriving town centres

- 8.1 Brent's thriving town centres, including Kilburn, Wembley and Willesden, have built strong reputations as areas of recreation, entertainment, and social enjoyment in the night-time economy. Alcohol, when consumed safely and with proper enforcement measures, is an important part of the night-time economy and offers the borough an opportunity to nurture economic activity in these areas. For example, Kilburn is a popular town centre whose public realm, retail, ~~licenced~~licensed, and residential density should be considered among best practice in Brent. Likewise, Wembley (including Wembley High Road, London Designer Outlets, and Wembley Stadium and Arena) has developed into an entertainment hub in Brent and London in general with a rapidly growing residential and hotel sector. The Council acknowledges that alcohol can play a positive role in supporting the night-time economy in Brent's town centres whilst adhering to the four objectives of licensing policy.

9. Economic benefit of local people and local businesses in entertainment and night time economy (ENTE)

- 9.1 When reviewing licence applications, the Council will carefully consider the economic benefits the local ENTE provides to local businesses and residents. This will balance the needs of small businesses with the demands of borough licensing whilst encouraging the smart growth and development of the borough's entertainment and night time economy.

10. Aspiration for town centres/High Streets

- 10.1 The Council is committed to a vision of the borough's town centres and high streets that acknowledge the economic, cultural and social importance of alcohol. Brent has strong town centres, including Kilburn and Wembley that serve important social, transport, and entertainment hubs. Town centres and local high streets play an important role in offering employment and entertainment opportunities.

11. Culture, arts, and tourism

- 11.1 Culture, arts and tourism play an important economic role in Brent and are integral to the identity of the area. Area attractions such as Wembley Stadium and Wembley Arena are nationally and internationally renowned and encourage locals and tourists to come and visit Brent. Similarly, Kilburn High Street and southern areas of the borough are starting to experience growth as part of London's overall entertainment and night time economy.
- 11.2 There is a strong relationship between alcohol consumption and tourism (particularly around major events). The Council wants to encourage tourism to the borough and consumption of alcohol when done so safely and appropriately. The Council

believes any licence application or renewal review should look to acknowledge the economic importance and attraction of local culture, arts, and tourism with safe and appropriate alcohol consumption.

12. Opening hours

- 12.1 Evidence indicates that increasing the numbers of outlets, or extending the hours of sale, results in increased levels of consumption and competitive price reductions among ~~licensed~~licensed premises. International research shows reducing the density of ~~licensed~~licensed premises, and reducing permitted hours of sale can reduce violence and other alcohol-related harm.⁸

~~Accordingly, venues which seek to open beyond midnight are strongly encouraged and expected to risk assess their proposals, having regard to risks in the locality and those arising from their operation itself, and to propose measures to prevent harm to each of the licensing objectives. Applicants will be expected (but are not legally bound) to supply such risk assessments alongside their operating schedule to demonstrate compliance with this policy. If they do not do so, it is more likely that representations will be received, and that the application will be refused or stringent conditions placed on any licence granted.~~

~~However, behaviour within and near Brent's town centres appear symptomatic of London's night-time economy.~~

- 12.2 Private security personnel at ~~licensed~~licensed premises ~~aided~~ in facilitating dispersal after pub/bar closing hours and often ensure that outside noise ~~is~~was kept to a minimum during ~~licensed~~licensed hours. The Council acknowledges that ~~licensed~~licensed premises that are open later than midnight may increase the potential for violence, disruption, or anti-social behaviour. The Council will continue to monitor this issue on an ongoing basis.

13. Public realm

- ~~13.1 The design of town centres and the facilities within them can have an impact upon the incidence and severity of alcohol-related issues in Brent. It can also affect people's perception of the area (and crime within it). Potential changes or enhancements to the public realm include installation of CCTV, street lighting, active frontages, public toilet provision, glassware management outside premises and the general layout of the public realm (such as benches, bus stops, and bollards).~~

- ~~13.2 Alcohol consumption within town centres can impose large costs on public services, such as the costs of policing, health care, and noise and light pollution. Changes in the way these services are delivered could help to reduce the costs associated with alcohol consumption whilst maintaining a vibrant entertainment and night-time economy (ENTE). At the same time public services (such as late-night transport provision, brief intervention in police and health care settings, and public education and media campaigns) could help reduce the incidence of alcohol-related harm in the borough. The Council will continue to monitor the issue of public realm design as it relates to licensing on an ongoing basis.~~

⁸ Preventing violence by reducing the availability and harmful use of alcohol, World Health Organisation, 2009

14. Live music, dancing and theatre

- 14.1 The Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children. Live performance is central to the development of cultural diversity and vibrant, exciting communities, particularly traditional entertainment such as circus and street arts.
- 14.2 When reviewing applications for such events and the imposition of conditions on licences or certificates, the Council will carefully consider the cultural benefit to the community when seeking to promote the licensing objectives.
- 14.3 Consideration will be given to the particular characteristics of any event including the type, scale, duration and regularity of the proposed entertainment, especially where limited disturbance only may be caused.

15. Crime, safety and nuisance

Noise and antisocial behaviour

- 15.1 Inappropriate use and consumption of alcohol may lead to general disturbance, noise, and antisocial behaviour. This can have adverse effects on the safety and security of Brent residents whilst also depreciating property value and discouraging businesses and residents from opening, moving, or operating in the borough. ~~The Council will take into account the need to balance the burden of noise disturbances and antisocial behaviour with appropriate policing and enforcement measures.~~

- 15.2 When considering reviewing licence applications following receipt of relevant representations, the Council will carefully consider the impact of an alcohol licence on noise and antisocial behaviour in an area. ~~The Council will explore ways to mitigate the negative effects of alcohol by recording instances of extreme noise and antisocial behaviour in the borough. Ongoing evidence collection will inform future policy considerations to be taken by the Council.~~

The Council will take particular care in the case of alcohol-led venues and venues opening beyond midnight. In such cases, the applicant is expected to demonstrate the measures which are proposed to promote the licensing objectives and explain why it is said that such measures will be effective.

Behaviour towards emergency services personnel

- 15.3 Emergency services personnel play an important role in serving the Brent community. Consideration of licence applications and the potential for harm during any encounters with people affected or influenced by alcohol will be taken into account.

Domestic and Civil Disturbance

- 15.14 Data suggests that whilst it is difficult to find clear causality between domestic and civil disturbance and alcohol use due to police reporting and categorising issues, there is nevertheless an important correlation that exists between the two elements.
- 15.15 Domestic and civil disturbance does not occur solely in the boundaries of town centres. As such, it is difficult to apply area-specific alcohol licensing policies to address domestic and civil disturbance. However, the presence of these crimes

contributes to the overall understanding of issues related to alcohol use. The Council will continue to monitor this issue on an ongoing basis.

16. Existing policies

Controlled Drinking Zone (CDZ)

- 16.1 As of 15th December 2007, the LB Brent became a Controlled Drinking Zone. This means that it is an offence for any person to drink alcohol in any public place within the borough when requested by a police officer not to do so. If a police officer reasonably believes that a person is, or has been, consuming intoxicating liquor within Brent, the officer may require the person concerned:
- a. not to consume in that place anything which is, or which the officer reasonably believes to be, intoxicating liquor
 - b. to surrender anything in his/her possession which is, or which the officer reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container)
- 16.2 An officer may dispose of anything surrendered to him/her as above.

Temporary Event Notices (TENs)

- 16.3 Whilst the Act requires 10 working days' notice to be given of the temporary event (exclusive of the day which the event is to start and the day on which the notice is given), the Council would wish applicants to make contact with the Licensing Authority at an early stage before a formal application is made. This is particularly important for large events and will enable responsible authorities to consider proposals. Early consideration will allow issues and the licensing objectives to be addressed and may avoid objections from the police.
- 16.4 Applicants should be aware that the serving on the Council of a Temporary Event Notice does not remove their obligations under other legislation. Where necessary, permissions should be sought from the appropriate body. The Council expects that applicants understand their obligations in respect of:
- planning permissions
 - health and safety
 - noise pollution
 - the erection of temporary structures
 - road closures
 - the use of pyrotechnics
 - anti-social behaviour
- 16.5 Applicants intending to sell alcohol should be aware that it is an offence to supply alcohol to minors or persons who are drunk. Also that the Police have powers to close down events without notice on the grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise.
- 16.6 Applicants should be aware that a limit of less than 500 persons at any one time

applies to temporary events and failure to comply with this limit may lead to prosecution. Where appropriate, organisers are strongly recommended to employ means of recording the number of persons entering and leaving the premises.

Best Bar None

- 16.7 Best Bar None operated in Brent between 2007 and 2013. It is no longer operated following previous reductions in funding.

Voluntary schemes

- 16.8 The Drink Wise Self-Assessment Framework suggests voluntary agreements with ~~licenced~~licensed premises to reduce alcohol related harm. However this requires willing participation on the part of store owners and operators. As such, the availability and sale of high-strength beer and cider can be inconsistent and sporadic.
- 16.9 Voluntary measures include setting a minimum unit price, code of good conduct schemes run by local industry, local authority, and policy partnerships has been adopted by over 100 towns and cities across the UK and has the support of the Home Office.

Voluntary ban on high strength alcohol

- 16.10 This is designed to tackle the problems associated with street drinking by removing from sale low price high-strength alcohol products through voluntary agreements with local retailers. Street drinkers often consume high strength alcohol. The scheme follows increasing evidence of the harm caused by this type of alcohol to vulnerable drinkers, and also the crime, disorder and nuisance caused by street drinkers within the town centre. The models used vary from place-to-place, but tend to target alcohol products above 6.0% alcohol by volume (ABV), although some have focused on a slightly lower ABV or lower cost products.

Pubwatch

- 16.11 Pubwatch is a voluntary scheme with the aim of achieving a safer drinking environment in all ~~licenced~~licensed premises. Pubwatch can be an invaluable resource for ~~licencee~~licensees. It enables them to share information, intelligence and advice about crime, disorder and ASB in the area with each other, the Council and the Police. This includes sharing information such as photographs of offenders and the “*Barred from One, Barred from All*” scheme. This can in turn assist with dispersal because known troublemakers cannot gain access to ~~licenced~~licensed premises in the first instance.

17. Late night refreshment licences (LNRL)

- 17.1 Under the Licensing Act 2003, the sale of hot food and non-alcoholic drink for consumption on or off the premises to the public between the hours of 11pm and 5am is a licensable activity. This includes premises that provide equipment for food and non-alcoholic drink sold to the public to be heated up prior to being consumed.
- 17.2 The Council advises any applicants for a premises licence to sell hot food and non-

alcoholic drink after midnight to give a detailed account of how they will promote the four licensing objectives and, in particular, the prevention of crime and disorder and the prevention of public nuisance.

- 17.3 This Council will have due regard to any representations from Responsible Authorities and “other persons” to the grant or variation of a licence to provide hot food and non-alcoholic drink to the public. It will also look particularly closely at any measures proposed by the applicant to promote the licensing objectives.

Shisha

- 17.4 A number of shisha premises have Late Night Refreshment Licences which permit the sale of hot food and hot drinks between the hours of 11pm and 5am. An LNRL does not impose any requirements or conditions nor does this limit the opening hours of the business from what is stipulated within their planning permission. Currently, there is no strong evidence to support limiting LNRL’s in shisha premises however evidence should be collected to determine the suitability of licence conditions on such places in the future.
- 17.5 There are some shisha premises that serve alcohol in Brent however the number of such places is not yet known. Further evidence is required to determine links between shisha use in premises with LNRL’s, and alcohol consumption within those premises, that result in crime and anti-social behaviour.

18. Off-licence sales of alcohol

- 18.1 The Council is aware that there are many small “general stores” within its area that are permitted to sell alcohol for consumption off the premises and also trade until the early hours of the morning, if not for the whole 24 hours.
- 18.2 The Council recommends that shops selling alcohol should generally be permitted to continue selling alcohol during the hours they are normally open for trading, unless there are exceptional reasons relating to disorder or disturbance.
- 18.3 It is also advisable for the applicant to provide measures by which the promotion of the licensing objectives will be achieved, particularly the prevention of crime and disorder and the prevention of public nuisance. Such promotions include participating in the voluntary ban on high-strength alcohol.
- 18.4 Where off sales are permitted, operators should recognise their responsibility to ensure that litter discarded by “street drinkers” in the vicinity of their premises is cleared away regularly.

19. Alfresco

- 19.1 The provision of tables and chairs outside the premises can enhance the attractiveness of a venue or area and encourage a continental style cafe culture. Where applicants wish to place tables and chairs on a public highway they will require to be ~~licensed~~licensed for such an activity by the Council.
- 19.2 Where applicants intend to use private land for alfresco meals or refreshments they will be required to explain how possible nuisance or crime and disorder from late night use of table and chairs will be controlled. This may include such matters as

restricting music or other forms of entertainment, providing additional supervision or installing CCTV. Police recommend in general that outside areas (e.g. beer gardens) should not be used after 23:00 hours.

20. Premises security measures

- 20.1 All on-licence and off-licence premises will take practical security measures to ensure adherence with the four licensing objectives. These measures might include precautionary police notification ahead of any major events, CCTV installation, signage, panic buttons, and on-site security personnel. Any ~~review-consideration of a~~ ~~of~~-licence application or ~~review renewal~~ will take into consideration existing or proposed security measures for premises. The Council will determine ~~what~~ an appropriate level of security for a ~~licencee~~~~licensee~~ based on existing knowledge of the surrounding area as well as any supplementary evidence, including alcohol-related crime data.

21. Venue capacity limitations

- 21.1 When reviewing applications for a licence, consideration of the venue capacity will be taken into account. This is to help the Council limit the potential for large venues to become problem hot spots by establishing clear criteria – for example, for security. This measure should be used in issuing conditions on those licences that fit within the description of high volume vertical drinking establishments.
- 21.2 The Council accepts that a lot of the problems that may occur in late night ~~licensed~~~~licenced~~ premises may be controlled by good management practices. However, controlling the numbers of customers allowed into the premises may also assist in promoting the following three licensing objectives:
- The prevention of crime and disorder;
 - Public safety
 - The prevention of public nuisance.
- 21.3 The Council will consider capacity conditions where this may be beneficial in promoting the licensing objectives.

22. Licence conditions

- 22.1 Where responsible authorities and interested parties do not raise any relevant representations regarding the application made to the Council, the Council will grant the licence or certificate subject only to the conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the Act itself.
- 22.2 Where responsible authorities and interested parties raise relevant representations, the Council may, if it is satisfied at a hearing or otherwise, impose conditions where considered ~~appropriate and proportionate~~ ~~necessary~~ for the promotion of the licensing objectives.
- 22.3 Any conditions attached by the Council or submitted by the applicant must focus on the direct impact of the activities taking place at ~~licensed~~~~licenced~~ premises, on those attending the premises and residents and persons working in the area.

- 22.4 Any conditions attached to licences will be tailored to the individual needs, style and characteristics of the particular premises and events concerned and will be drawn from a model pool of conditions where appropriate. The model pool of conditions used by Brent Council can be obtained from the Council's website www.brent.gov.uk

23. Reviews

- 23.1 The Council recognises that the review procedure set out in the Act provides an effective mechanism to address concerns relating to the licensing objectives raised by relevant authorities and interested parties which arise after the grant or variation of premises licences.
- 23.2 When a request for a review is submitted to the Council, the Council must first be satisfied that the request is not vexatious, frivolous or repetitious especially if the request relates to a recent hearing on application or review of a licence.
- 23.3 Where a relevant representation is received, the Council may hold a hearing to review a licence and consider evidence relating to problems occurring on the premises associated with crime and disorder, public safety, public nuisance or the protection of children from harm.
- 23.4 Following a review the Council may take a number of steps including the modification of conditions of the premises licence, exclusion of a licensable activity from the scope of the licence, removal of the designated premises supervisor, suspension of the licence for a period not exceeding three months, revocation of the licence or a finding that no action is necessary.

24. Consultation

- 24.1 Before publishing this revised Policy Statement, the Licensing Authority has consulted with the Police, the Fire Authority, representatives of local residents, representatives of premises licence holders and representatives of local businesses. The Licensing Authority has given due regard to the responses from this consultation process when completing the final version of this Policy Statement.
- 24.2 The Secretary of State recommends in the Guidance that the planning and licensing regimes are properly separated to avoid duplication and inefficiency. The Licensing Authority will ensure that the two regimes are kept separated. The Planning Committee will be kept regularly apprised of the situation regarding ~~licenced~~licensed premises within the Authority's area, including the general impact of alcohol-related crime, to enable this Committee to have regard to such matters when taking its decisions to avoid any unnecessary overlap.

25. Area policies

Ealing Road

- 25.1 This area contains few off-licence and on-licence shops. It experiences heavy footfall due to the presence of Shri Sanatan Hindu Mandir Temple. However,

prevalent anti-social behaviour, loitering and public drinking occurs in residential alleys off Ealing Road. These alleys are often shielded from public view. Evidence of public drinking and loitering including littering is common. This type of activity poses unique challenges to managing alcohol consumption.

- 25.2 Anti-social behaviour, loitering, and littering occur largely during the daytime hours. It is unclear that the presence of on-licence or off-licence premises contributes to this activity.
- 25.3 The informal nature of public alcohol consumption and hidden nature of some of the activities means that no policy can effectively mitigate or eliminate this behaviour. However, an increase in enforcement and police checks could discourage further public drinking in the area.
- 25.4 The Council encourages the development of a formal partnership between local resident associations, cultural groups, local businesses, and police to address alcohol consumption issues in Ealing Road in unseen areas. Partnerships should include the Brent Drug and Alcohol Action Team (DAAT) to provide guidance and address substance (abuse) and addiction issues that may be discovered.
- 25.5 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.6 Subject to available staff resources, the Council will seek to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Harlesden

- 25.7 Current evidence and data analysis shows Harlesden to be a prominent spot for public drinking, loitering and anti-social behaviour. There is heavy footfall throughout the area due to a high concentration of off-licence premises. However, there are no specific on-licence premises that contribute to ASB, public drinking or loitering. Off-licence premises appear to aid the prevalence of those issues whilst a relative lack of on-~~licenced~~licensed premises encourages customers to loiter and engage in public drinking. Off-licence premises near transport stops such as bus shelters are converted into informal areas of drinking, causing discomfort to local residents and transport users.
- 25.8 Off-licence premises were seen as contributing to loitering and ASB however the dispersed nature of activity in Harlesden and concentration of loitering around bus stops poses challenges for the capacity of licensing to resolve or mitigate these issues. The Council recognises that this is more complex than other areas and this activity will continue to be monitored.
- 25.9 The Council encourages enacting a Public Spaces Protection Order policy for this area. This would enable the licensing authority to address issues of frequent public drinking and social disturbance in Harlesden. This policy, if enacted, would only come into effect after the expiry of the existing DPPO in 2017.
- 25.10 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.

- 25.11 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Kilburn

- 25.12 Kilburn is an important town centre noted for its vibrancy, dynamism, and economic importance within the Brent night time economy. It should be noted that alcohol consumption and enjoyment is a vital component of the attraction of Kilburn. Kilburn is viewed as a place of entertainment and recreation in Brent and London in general.
- 25.13 This area has a high concentration of off-licence shops, chicken and fast food outlets, pubs/bars and lounges. Kilburn High Road is in close proximity to Central London and shares the borough boundary with LB Camden. Heavy footfall to these areas is also encouraged by a high concentration of retail premises, local attractions such as Kilburn Market, and multiple London Underground and Overground services.
- 25.14 Pre-loading and side-loading occurs quite frequently however the shared border with LB Camden and proximity to Central London make travel source and destination difficult to identify. Evidence suggests that accessibility to off-licence premises and after bar closure encouraged slow dispersal times and increased the prevalence of anti-social behaviour, littering, violence, physical violence (leading to police response) and general loud disturbance.
- 25.15 Late-hour fast food shops experience multiple instances of alcohol-related ASB and/or violence. These shops often act as a conduit or catalyst for intimidation and violence against persons by encouraging close interaction between patrons and allowing intoxicated individuals to stay out beyond regular bar closure hours. Public drinking and loitering was persistent throughout the area. It is important to note that individuals and activities crossed borough boundaries frequently.
- 25.16 One Borough's policies can effectively mitigate or discourage issues stemming from alcohol licensing due to the porous border boundary with London Borough of Camden. Kilburn is a popular attraction for residents and non-residents in Brent and further development of the town centre should be taken into consideration. Over-regulation of ~~licenced~~licensed premises in Kilburn may have an impact on the economic development and night time economy growth on the Brent side of the area.
- 25.17 The Council encourages the development of a cooperative partnership, such as Joint Police Teams, with neighbouring LB Camden police. The aim of the partnership should be to continue to address persistent issues on both sides of the borough boundary. Partnerships should aim to share best practices of licensing enforcement and review, and encourage knowledge sharing between borough police and licensing teams of hotspots and major ASB activity.
- 25.18 The Council encourages the consideration of the renewal of the Joint Safer Neighbourhoods Teams previously successful partnership between LB Brent and LB Camden. This joint working group worked with the Ward Panels and neighbourhood watch to coordinate the work of the Police Community Support Officers on the streets however this will be dependent on the availability of funding.

- 25.19 The Council recognises the important work that has taken place in LB Ealing with the 'Operation Bottletop' scheme which authorises the borough's Safer Neighbourhoods Team (in partnership with local police and street cleaners), to confiscate any alcohol from street drinkers causing nuisance and disturbance. Failure to forfeit alcohol can lead to a monetary fine. Schemes that are implemented in partnership with LB Camden will result in a stronger SLP. We will consider adopting such a scheme in this area and invite, where appropriate, neighbouring Councils to take part.
- 25.20 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.21 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.
- 25.22 Considering the scale of activity in Kilburn, the Council will - subject to available staff resources - collect evidence of significant crime, disorder, or public nuisance over the next 1-2 years to develop an evidence base for informing implementation of a CIZ, or a similar policy, in the future.

Kingsbury

- 25.23 The centre of activity in this area is dominated by vehicular and footfall traffic along Kingsbury High Road. Wide pavements and benches encourage loitering and groups of individuals standing in areas along the road. Most of the area pubs, shisha bars, off-licence stores, and shops are on this road. Analysis shows that there is little anti-social behaviour during night-time hours however some security and noise pollution issues have arisen from certain establishments with late-hours. Most premises are closed by midnight and have security measures in place to mitigate disturbance to the local area. Footfall in the area is largely contained to close proximity to the London Underground Kingsbury station.
- 25.24 Despite the wide pavements and benches, this area has relatively low levels of public drinking, ASB, and a lesser concentration of ~~licenced~~ licensed premises. Public consultation concerns were raised around bars/pubs, but current evidence suggest that common issues such as dispersal and disruptive noise were minimal and dealt with promptly by on-premises security. Other issues, such as loitering are the intended result of planning decisions that encourage ongoing and fluid social activity in town centres/high streets. Conversely, issues such as public urination or littering cannot be attributed solely to alcohol licensing but may rather be symptomatic of gaps in public amenity provision (such as garbage bins, public toilets). Data and evidence suggest that low activities of alcohol-related crime occur in this area.
- 25.25 Any issues arising from alcohol consumption such as ASB, public drinking, or violent behaviour are concentrated in a small, contained area of Kingsbury. The sources of these issues are two pubs in close proximity to one another on Kingsbury High Road. Evidence and data indicates that Kingsbury is not an area of significant alcohol consumption or misuse.
- 25.26 The Council encourages on and off-licence premises participate in a voluntary ban

on high-strength alcohol.

- 25.27 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Neasden

- 25.28 The area's alcohol-related commercial activity is predominantly along Neasden Lane, which has some vehicle restrictions and is a largely pedestrian zone. There are numerous benches that encourage loitering and congregation. Neasden has few off-licence shops with late operating hours and does not have a busy night-time economy. Despite the lack of on-licence and off-licence premises, anti-social behaviour is prevalent in the area. There is minor footfall in the evening hours as most on-~~licenced~~licensed premises and shops have closed.
- 25.29 Current evidence and data indicate that Neasden contains a relatively high level of ASB, pre-loading (also known as 'pre-drinking' or 'home drinking' when a person consumes alcohol before going out to a club, bar, or pub), side-loading (when a person consumes alcohol whilst travelling to a club, bar, or pub) and loud and disruptive behaviour after ~~licenced~~licensed premises have closed.
- 25.30 Significant levels of ASB, pre-loading, side-loading and public drinking indicate the existence of negative issues around alcohol in Neasden. However, existing evidence and data noted that much activity is facilitated by off-licence premises with late operating hours. There are few on-licence premises which would encourage drinking indoors in safe environments.
- 25.31 Brent Police Licensing has recently piloted a new scheme, Operation Mikey, targeted in the Neasden area. This operation involved overt uniform policing focused on street drinking, public nuisance, and identifying ASB. Early outcomes have shown positive results of officers reducing ASB, confiscating alcohol that was being consumed in public, citing penalties for disorder, and general cleaning up of alcohol-related refuse in the town centre.
- 25.32 The Council may encourage Brent Police Licensing to continue the Operation Mikey pilot and look to expand the scheme if impact evidence proves the pilot was successful in reducing public nuisance and ASB in the area. This scheme represents an opportunity to build on best practices and learning for other local authorities around the UK.
- 25.33 The Council encourages enacting a Public Spaces Protection Order policy for this area. The Council believe a PSPO order, or something similar, would be a sufficient measure to address issues of public drinking by allowing for proper enforcement response from the local police and/or enforcement agencies. However, the Council acknowledges that this will be dependent on the availability of Police funding and enforcement resource.
- 25.34 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.35 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing

licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Sudbury

- 25.36 Off licences and pubs are contained to the length of Harrow Road from Watford Road, to the Harrow Road roundabout. There is medium footfall down Harrow Road which is further aided by busy bus routes and close access from the London Underground Sudbury Town station. Data analysis uncovered few instances of crime relative to the rest of the borough.
- 25.37 Most pubs have relatively quick dispersal however there is some loitering after on-licence premises closure. Most pre-loading, side-loading, and post-loading occurred between 1am-3am across the length of the street despite the lack of off-licence and pub/bar establishment. Late operating hours of off-licence shops and pubs/bars appeared to contribute to loitering. Anti-social behaviour and groups of individuals were largely kept to between 2-4 people. Loitering on the street continued for 1-2 hours past bar/pub closing times. Some off-licence shops appeared to be contributing to post-loading. Most individuals engaging in public drinking appeared to do so whilst waiting for a minicab or taxi to arrive.
- 25.38 The later evening hours (11pm-1am saw a minor rise in violence (verbal altercations, minor shoving) but these were resolved quickly and required no police attention.
- 25.39 Sudbury operates as a local transport hub for buses and often sees people arriving in the area at irregular hours. This contributes to some pedestrian activity along Harrow Road at atypical hours, such as when night buses are in operating in early morning.
- 25.40 Issues arising from alcohol consumption and purchases appear to stem from alcohol availability at late night hours. Whilst there are few off- and on-~~licenced~~licensed premises in Sudbury, the area experiences high amounts of public drinking due to the availability of alcohol and hours past midnight. Public drinking late at night led to the visible presence of anti-social behaviour. However, any alcohol-related issues are concentrated in a small geographic area around specific premises.
- 25.41 The Council encourages an increase of joined up working with enforcement agencies in Sudbury. The presence of enforcement agencies could discourage ASB and any violence stemming from the sales of alcohol past midnight and mitigate the likelihood of off-licence alcohol purchases when patrons from on-licence premises disperse. However, the Council acknowledge that this will be dependent on the availability of funding.
- 25.42 The Council encourages the implementation of taxi marshals and/or street pastors to discourage public drinking and ASB that occurs when patrons are waiting for minicabs after premises closure or disembarking buses late in the evening.
- 25.43 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.44 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are

aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Wembley

- 25.45 This area has a high concentration of off-licence shops, chicken and fast food outlets, pubs/bars and lounges. It is in close proximity to Wembley Stadium and Arena (SSE Arena) and the London Designer Outlets retail park. The area is served by multiple transport stops and centred on Wembley Central station and dense residential development.
- 25.46 Data and evidence have confirmed high levels of ASB activity and significant levels of local disruption through noise emanating from bars and/or patrons of bars. There is evidence that security measures are not always enforced at premises operating late night hours, with multiple patrons witnessed engaging in street drinking, anti-social behaviour, noise disruption and violent activity spilling over onto streets and major roads. Public urination and vomiting is also prevalent on residential side streets off Wembley High Road. Data is not available on footfall activity or incidences of ASB in Wembley on Event days.
- 25.47 Whilst activity from major events at the local stadium and arena contributed to footfall, consumption, heavy late night activity at bars/pubs continue well past non-football match event hours. Much of this activity appeared to occur at high volume vertical drinking premises during regular hours and past midnight.
- 25.48 It is important to note that there is a major difference in activity between Non-event and event days in Wembley. Event days feature tens of thousands of people entering, exiting, and staying in Brent whilst participating in the local day time and night time economy. Event days can be further broken down and understood as two key types: Football match days and Non-football match days. Football match days include international matches and could potentially include regular domestic fixtures in the future. Attendees often require special precautionary measures to avoid disturbance or violence such as seat designations for fans of different clubs, designated pubs for certain fans, and separate hotel floors to mitigate non-stadium confrontations. Alcohol consumption and negative effects including significant public drinking, ASB, and violence are common occurrences during Football match event days. Football match event days may increase in frequency if local football clubs temporarily relocate to Wembley stadium.
- 25.49 Non-football match event days are commonly concerts, rugby matches, and NFL games. Fans are diverse in range in age and gender and are often far less active in alcohol consumption. Non-football match event days do not experience the high levels of public drinking, ASB, and violence of football match event days.
- 25.50 Rapid influxes of people during short time periods make blanket policies ineffective at best and burdensome on local businesses at worst. Brent SLP should acknowledge the nuances of event days at Wembley and how certain types of events will have different attendees with very different characteristics in relation to alcohol consumption.
- 25.51 Olympic Way, a major pedestrian walkway connecting Wembley Park Station to Wembley Stadium and Wembley Arena, has recently undergone large-scale transformation with the addition of high-rise residential towers, retail outlets and upcoming cultural venues and theatres. However, evidence from local police indicates that public safety issues exist on Olympic Way, during Event Football

match days. Ongoing development around the area should be monitored to ensure the safe passage of local people and visitors during event and non-event days.

- 25.52 Evidence gathered from local officials highlighted high-volume alcohol sales by supermarkets to match-day visitors as contributing to public nuisance, disorder, and broader ASB around Wembley Stadium and Wembley Arena. There are some partnerships in place with supermarkets to direct store policies to discourage multiple alcohol sales to patrons attending football match event days.
- 25.53 This area experiences high levels of public drinking, disturbance, ASB, and crime stemming from on- and off-~~licenced~~licensed premises. The presence of events at a major regional and national entertainment venue have a significant effect on activity however existing policies, such as Match-day conditions on ~~licenced~~licensed premises, are adequate and balance the needs of tourists and local businesses with the concerns of local residents.
- 25.54 The Council will maintain existing conditions for premises within the Wembley Park area. Existing match-day conditions for on and off ~~licenced~~licensed premises are operating well and should continue to be used as best practice and guidance. See paragraphs 5.14-5.17 for conditions.
- 25.55 The Council encourages the development of partnerships and liaison between local enforcement and local supermarkets at the managerial level around Wembley Stadium and Wembley Arena.
- 25.56 The Council encourages the adoption of a policy that states Olympic Way be treated as a 'dry' or 'sterile' zone where alcohol cannot be consumed. This will discourage ASB and help ensure the safe passage of people through the street.
- 25.57 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.58 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.
- 25.59 Wembley is undergoing a period of significant change and redevelopment that includes the influx of new residents and businesses in the area, with more to come in the next few years. Considering the scale of activity in Wembley, evidence of significant crime, disorder, or public nuisance should be collected over the next 2-3 years to develop an evidence base for informing implementation of a CIZ in the future. However, this will be subject to available staff resource. In addition, should regular domestic football move to Wembley additional research to understand the impact and manage it will need to be undertaken.

Willesden

- 25.60 This area forms a transitional boundary between more wealthy and less well-off parts of the borough. It is a vibrant town centre with an attractive mix of retail, restaurant, bar and recreation offers including the newly renovated Willesden Green Library Centre. There is dense off-licence, pub/bar, and lounge activity across Willesden High Road with loitering and public drinking evident in many open communal spaces across the High Road. Few observed instances of public drinking

and alcohol-related crime suggest that ~~licence~~licensees do not contribute negatively to the area. However, some problematic hotspots around premises exhibited few mechanisms to control dispersal. The nearby concrete plaza at Willesden High Road/Dudden Hill Lane roundabout encouraged loitering and public drinking which became a public nuisance as the evening progressed whilst areas near Walm Lane saw instances of ASB and loitering.

- 25.61 Willesden is an elongated town centre that varies significantly between points. However, there is clear ASB, public drinking, and noise disturbance activity at the Eastern end of the town centre. The majority of ASB can be traced to activity at premises near Dudden Hill Lane which is outside the eastern town centre boundary or on the opposing end of the town centre boundary nearer to Walm Lane.
- 25.62 The Council encourages enacting a Public Spaces Protection Order policy for this area. The Council believes a PSPO order, or something similar, would be a sufficient measure to address issues of public drinking by allowing for proper enforcement response from the local police and/or enforcement agencies. However, the Council acknowledge that this will be dependent on the availability of funding.
- 25.63 The Council believes that improved data collection, particularly evidence of significant crime, disorder, or public nuisance as related to alcohol consumption and issues, is an important component of evidence-based policy.
- 25.64 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.65 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

26. Administration, exercise, and delegation of functions

- 26.1 Brent Council has established a licensing committee to administer its licensing functions under the Licensing Act 2003.
- 26.2 To provide a speedy, efficient and cost-effective service the committee has established a number of sub-committees and delegated certain functions and decisions to those sub-committees.
- 26.3 Many of the decisions are largely administrative in nature such as, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made. These are delegated to Council officers by the ~~the~~ Council.
- 26.4 Applications where there are relevant representations will be dealt with by the sub-committees unless such representations are considered irrelevant, frivolous or vexatious or unless the Council, the applicant and all those persons who have made representations agree that a hearing is not necessary.
- 26.5 ~~The Council does not have a fixed definition of "vicinity" but instead looks at each representation on its own merit, having regard to all the facts pertaining to that application. Factors which may be considered include, for example, whether the~~

~~individuals residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises. This means that a person living close to a small shop or restaurant may not be considered to be in the vicinity of the restaurant but somebody living several hundred yards from Wembley Stadium may be considered to be in the vicinity of the Stadium.~~

- 26.6 Where there is sufficient reason to believe the publishing of personal details such as names and addresses will result in intimidation, the Council will withhold such information to protect the individual. However, the Council will make available such information as is necessary, without identifying individuals, for the applicant to respond to the objections raised by the representations.
- 26.7 Where persons making a representation wish to have their details kept confidential this will be considered on an individual basis after receiving a request from the person concerned, and they will be required to show that there is a reasonable fear of intimidation. In any event sufficient information (without identifying the objector) will be given to the other party to enable them to address the objection. Information informing objectors of our policy over the right to have personal details withheld is included on the consultation notice we ask applicants to display and in our acknowledgement letter sent on the receipt of an objection.
- 26.8 Where only positive representations are made the Council will invite those making the representation to withdraw and so avoid the need for a hearing.
- 26.9 Where there is the likelihood of an agreement being reached between an applicant and a person making a representation, then where appropriate and lawful, the Council will with the agreement of both parties, extend the limit for holding a hearing.
- 26.10 Information on the procedure to be adopted at hearings will be sent to applicants and persons making a representation at the time the agendas are dispatched. Anybody wanting a copy of this information may obtain it from the Council.
- 26.11 The table on the following page sets out the delegation of functions under the Licensing Act 2003 to the licensing committee, sub-committees and officers. Where appropriate, officers may refer any matter to a sub-committee or a sub-committee to Full Committee.

27. Table of Delegation of Licencing Functions

27.1

Matter to be dealt with	Decision Maker		
	Full Committee	Sub-Committee	Officers
Application for personal licence		If police representation made	If no relevant representation made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certification		If relevant representation made	If no relevant representation made
Application for a		If relevant	If no relevant

provisional statement		representation made	representation made
Application to vary premises licence/club registration certificate		If relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If police representation made	All other cases
Request to be removed as a designated personal licence holder			All cases
Application for transfer of premises licence		If police representation made	All other cases
Application for interim authorities		If police representation made	All other cases
Application to review premises licence/club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notice		All cases	

28. Integrating strategies and avoiding duplication

- 28.1 The Council recognises the need to avoid duplication with other regulatory regimes as far as possible and will not seek to impose conditions where it can be demonstrated by applicants that the licensing objectives can be met by existing legislation. These regulatory regimes include (but are not limited to) the Disability Discrimination Act 1995, the Health and Safety at Work Act 1974 and associated legislation, Fire Safety Legislation, Race Relations Act (as amended 2002) and the Environmental Protection Act 1990.
- 28.2 The Council recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application. In order to ensure this, the Council recommends that applicants should have the appropriate planning permission in respect of their application. In addition the Licensing Committee will keep the Planning Committee informed of the situation regarding ~~licenced~~licensed premises within the London Borough of Brent.
- 28.3 The Council will consider local planning conditions and restrictions to those applicants applying or renewing licences. This will help ensure alcohol licences are properly aligned with planning uses.

- 28.4 Any licence issued either directly by Licensing Officers or following a hearing of the Council's Licensing Sub-Committee does not absolve the applicant of their responsibilities under other legislation. In particular where the times and conditions imposed on a licence are at variance with any planning consent the applicant or [licencee/licensee](#) should ensure they comply with any conditions imposed under any other legislation.
- 28.5 Applicants will be expected to have taken local crime prevention strategies, transport and planning policies and tourism and cultural strategies into account when submitting their operating schedules.

Brent Council department 'buy in'

- 28.6 Where appropriate, and where alcohol plays a role, departments across Brent Council should support the licensing policy and make explicit attempts to adhere to its principles particularly in relation to issues around health, protection of children, public harm, and public nuisance.

Neighbouring boroughs

- 28.7 Some of Brent's town centres, particularly Kilburn and Cricklewood, share borough boundaries with LB Camden and LB Barnet respectively. Future SLP reviews should be compared with those neighbouring borough's SLPs with the objective of exploring areas to share strategy and resource in addressing the four licensing objectives.

29. Diversity and equality

- 29.1 Brent is a diverse borough and this is recognised by Councillors and officers. The Council is aware applications may have a greater impact on groups, organisations or associations in respect of their race, gender, age, disability, sexuality or religious beliefs. With a view to eliminating unlawful discrimination, applicants will be expected (where appropriate) to address these concerns in their application.
- 29.2 Brent Council is keen to see comprehensive facilities for people with disabilities wherever reasonably practicable and therefore applicants will be encouraged and expected (where appropriate) to address the needs of disabled persons in their operating schedules.
- 29.3 Where applications made by these groups or organisations representing them highlight special needs or customs that may affect their application, the Council, in recognising its duty to promote good relations between persons of different racial groups, will give consideration to supporting those needs or customs whilst seeking to promote the licensing objectives.
- 29.4 As part of our policy review the Council will consider the impact of this policy on these groups.

30. Human rights

- 30.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. Brent Council will have particular regard to its rights and

responsibilities under the Human Rights Act 1998 when determining applications and reviewing this policy. The Council will have particular regard to:

- Article 6 that in the determination of civil rights everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 that everyone has the right to respect for his home and private life; and
- Article 1 of the First Protocol that every person is entitled to peaceful enjoyment of his or her possessions.

31. Enforcement

31.1 It is essential that premises are managed so as to ensure the promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act 2003. The Council will make arrangements to monitor premises and take appropriate action to ensure that licensing objectives are adhered to.

31.2 Brent Council's Licensing Officers will develop constructive and effective working relationships and strategies with the Police, Fire Authority and other enforcement agencies as appropriate, for the management of ~~licenced~~licensed premises and the night-time economy.

31.3 Joint working with the Police and other agencies together with targeted enforcement will ensure a more effective and efficient deployment of officers and will avoid any duplication of duties.

31.4 The Council in its enforcement activity will have regard to the Regulators' Code, which includes:

- Use of risk assessment to concentrate resources
- To be accountable for efficient and effective activity
- Must be a reason for inspections
- No requirement on business for unnecessary information or its duplication
- Persistent law breakers are identified quickly
- Provision of good and easily accessible, cheap advice
- Not to intervene into economic progress unless there is a clear case of protection

31.5 Inspections and enforcement will be undertaken on a risk basis if and when judged necessary.

32. Minimising disproportionate impact of licensing on equalities

32.1 The Council's aim to ensure that services provided are relevant to the needs of all sections of the communities. The stated policies are not expected to adversely

affect any of the protected equalities groups highlighted in this assessment. The Council is aware of the negative impact of alcohol on some specific groups (children, those with mental health issues, particular ethnic groups), therefore in some cases the reviewed policy may have a positive effect.

32.2 Licensing policy sits within the wider context of the Local Authority's duties under the Equality Act 2010.

32.3 The duties require of LB Brent have due regard to:

- Eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it
- Fostering good relations between people who share a protected characteristic and people who do not share it

Data note

32.4 Evidence and data on understanding the disproportionate impact of licensing policy on equalities was drawn from the Brent Diversity Profile – July 2014, Brent Alcohol Harm Reduction Strategy 2014, and data available within Brent Council. There is no data on ethnicities of licence holders or the ethnicity of users. Limitations of the data mean that this cannot provide a comprehensive picture of equalities across the borough and thus offers only supplementary evidence. The Brent Joint Strategic Needs Assessment 2015 provides information on the needs of older people, those from a black or minority ethnic background, the lesbian, gay, bisexual, and transgender population, and physically or mentally disabled individuals.

32.5 The Council believes that improved data collection, particularly of equalities as related to alcohol consumption and issues, is an important component of evidence-based policy.

Diversity and geography

32.6 There is a strong association between deprivation and an increased burden of harm linked to alcohol misuse, particularly among minority and vulnerable populations. A comprehensive alcohol licensing policy should acknowledge communities living in the most deprived areas of Brent (generally the south of the borough) whilst encouraging positive health outcomes and reductions in alcohol-related crime.

32.7 Population demographics indicate that poorer communities and a higher proportion of BAME communities live within the south of the borough, and therefore are more likely to experience a higher burden of alcohol related harm than the less diverse, wealthier population in the north. Brent Council acknowledges of the diversity of these areas of the borough where people may be most vulnerable to negative effects of alcohol.

Business community

32.8 For the business community, the SLP outlines the procedure for applying for a business licence and sets out the responsibilities of Brent Council as the Licensing Authority and business owners undertaking licensable activities. The principles

governing the SLP remain consistent with the previous policy statement and recognise the wider community impacts that the local authority, business community and other stakeholders must be aware of when undertaking licensed activities.

- 32.9 The SLP recognises the need for a balance between the rights of businesses and the community of which they are a part. This is done in line with Regulators' Code. For example, this is reflected in the conditions which include voluntary restrictions on the sale of beer, larger and cider above 6% ABV; restrictions applying to major event days at Wembley Stadium (including restricting the sale of cans to 4 per customer, closing 1 hour before event start times, restricting the sale of alcohol in glass bottles, restrictions on the numbers of people congregating at a ~~licensed~~ premises) irresponsible drinks promotions and the provision of free drinking water. These conditions may have a limited negative effect on the profitability of a small number of premises but are intended to tackle crime and anti-social behaviour as well as addressing potential health related issues for consumers. Brent Council and police officers are of the view that the public benefits outweigh any adverse impact on business prosperity.
- 32.10 Evidence suggests a high BAME ownership of small off-~~licensed~~ premises relative to white ownership of similar premises in Brent. Therefore, any policies that could affect off-~~licensed~~ premises could affect BAME business owners disproportionately. Care will be taken by the Council to ensure that this outcome is avoided. It is not anticipated that the policies and measures in place will affect the ability of LB Brent to meet their duties under the Equality Act.

33. Contact details

- 33.1 The Council's licensing service can be contacted in any of the following ways:

In person

Visit us – by prior appointment only – Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ

By post

Write to Regulatory Services, Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ

By email

business.licence@brent.gov.uk

By telephone

(020) 8937 5359

Other Useful Contacts

- 33.2
- | | |
|----------------|---|
| Police | Metropolitan Police (Licensing), Brent Civic Centre, Engineers Way, Wembley Middlesex, HA9 0JF
TEL: 020 8733 3206 |
| Fire Authority | Fire Safety Regulation: North West Area 1, London Fire Brigade, 169 Union Street, London SE1 0LL
TEL: 020 8555 1200 ext. 38778 |
| Planning | Planning Service, Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ |

	TEL: 020 8937 5210
Environmental Health	Environmental Health, Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ TEL: 020 8937 5252
Trading Standards	Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJTEL: 020 8937 5555
Public Safety Team	Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJTEL: 020 8937 5252
Health Board	Public Health, Brent Civic Centre, Engineers Way, Wembley Middlesex, HA9 0JF: 0208 937 6557
Brent Magistrates	448 High Road, London NW10 2DZ TEL: 020 8955 0555
Children's Services	Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ: 0208 937 6262
Portman Group	www.portmangroup.org.uk TEL: 020 7907 3700 EMAIL: info@portmangroup.org.uk

34. Health appendix

- 34.1 Alcohol-related harm in Brent is closely related to the overall health and wellbeing of Brent residents. Whilst data shows that alcohol consumption is lower in Brent compared to the London average, there is nevertheless a concern that those numbers of people that do drink, do so at a higher concentration than other London boroughs. This section of the appendix sets out some general background and gives some suggestions of best practice that **licensees** may wish to consider adopting.
- 34.2 The Licensing Authority can consider representations from health bodies acting as responsible authorities. The health bodies can provide information set out in this Appendix that is relevant to the promotion of the licensing objectives such as data including information on alcohol related ambulance call-outs and hospital admissions as a result of alcohol and alcohol related presentations to accident and emergency units. This information is reviewed regularly as part of the Joint Strategic Needs Assessment (JSNA) and the Local Alcohol Profiles for England (LAPE). The information this brings together should be seen as a core source of data to support licensing decisions.
- 34.3 Health is an intrinsic part of community safety and utilisation of health data in the decision making around licensing and broader activity of alcohol consumption and regulation is important. The appendix also sets out guidance to **licensees** on how to address the health impacts of alcohol on their customers and the residents of the Brent.
- 34.4 Alcohol plays an important and positive role in social and family life and contributes to employment and economic development locally. However, social traditions and economic benefits should not mask the fact that alcohol is a toxic substance that can have a detrimental effect on physical and mental health and wellbeing.

Outlining Drinking Levels

- 34.5 The Department of Health recommends that:
- Adult men should not regularly drink more than three to four units of alcohol per day
 - Adult women should not regularly drink more than two to three units per day
 - Men and women should avoid alcohol for 48 hours after a heavy drinking session and
 - Pregnant women and those trying to conceive are advised not to drink alcohol or, if they choose to do so, not drink more than 1-2 units of alcohol once or twice a week
- 34.6 There is no guaranteed safe level of drinking, but drinking below the recommended daily limits, means the risks of harm to health are low. Even drinking less than lower risk levels is not advisable in some circumstances.
- 34.7 Drinking any alcohol can still be too much in certain circumstances such as when driving, operating machinery, or engaging in strenuous physical activity.
- 34.8 For children and young people, the Chief Medical Officer recommends an alcohol-free childhood as the healthiest and best option. However, if children drink alcohol, it should not be until at least the age of 15 years. If young people aged 15 to 17 years consume alcohol, it should always be with the guidance of a parent or carer or in a supervised environment. They should do so infrequently, certainly on no more than one day a week. They should never exceed recommended adult daily limits and, on days when they drink, consumption should usually be below such levels.
- 34.9 Increasing and higher risk drinking are terms used to describe the amount of alcohol that people drink. Increasing risk drinking is defined as:

Drinking level	Men	Women
Regular	3 to 4 and 8 units of alcohol a day	2 to 3 and 6 units a day
Higher-risk	more than 8 units a day or 50 units a week	more than 6 units a day or 35 units a week

Identifying drinking patterns

- 34.10 It is not only the amount of alcohol consumed that increases the risk of harm. Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. The area of greatest concern is that Brent seems to have a higher proportion of high risk drinkers. Brent is below the national profile in terms of 'binge drinkers' (8.2%), and those at increasing risk of drinking (16.9%). The borough also has more abstainers per head of population (31.4%) and a higher number of lower risk drinkers (76.0%). However, an area of concern is that Brent (7.1%) has a high proportion of high risk drinkers compared to the national average of 6.7%
- 34.11 Most common in younger age groups, binge drinking is often associated with 'pre-loading'. Preloading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs, bars and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of

being involved in a violent incident. People often pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub, bar, or club.

- 34.12 Dependent drinking describes a mix of behavioural, cognitive, and physiological symptoms that typically include a strong desire to consume alcohol, and difficulties in controlling drinking.

Negative effects of alcohol on health

- 34.13 Regularly drinking more alcohol than the recommended daily limit can damage health whilst excessive or higher-risk alcohol consumption is associated with over 60 medical disorders. Brent currently experiences better or average hospital admissions related to alcohol compared to London however men in Brent often fare significantly than the London average. Ultimately, more data will be needed to understand differences in alcohol specific admissions to hospital as related to the level of deprivation in Brent.
- 34.14 More people are now drinking at home, and over 70% of all alcohol in England is now purchased through the off trade. Whilst this includes preloading, adults who drink mainly at home appear to be aware of the risk of drinking more overall but unaware of the possibility of increased consumption leading to an increased risk of longer-term harm to health.
- 34.15 Consideration also needs to be given to the harm alcohol causes to people other than the person who is drinking, sometimes referred to as 'social harm' or 'passive drinking'. Children of parents misusing alcohol may experience severe emotional distress, physical abuse and violence as well as a general lack of care, support and protection.

Best practice and conditions

- 34.16 Brent's Alcohol Harm Reduction Strategy strongly promotes working in partnership with [licensed premises](#) and the adoption of high standards of management at all premises. However, it does not currently recognise that many [licensees](#) are supportive of the need to address the health issues relating to alcohol. In order to align closer with the four SLP objectives stated previous, it is suggested the following actions can be adopted through conditions:
- Restrict "special offers" like cheap shots, 'Happy Hours', Buy One Get One Free or buy 2 glasses of wine get whole bottle. This slows down consumption, the rate at which blood alcohol concentrations increase and the peak levels reached by drinkers. Rapidly ascending and high blood alcohol concentrations are shown to be associated with violence and uninhibited behaviour
 - Align pricing with Alcohol by Volume (ABV), and ensure that non-alcoholic drinks are kept much cheaper. Increase seating for customers to reduce more intensive drinking
 - Reduce the volume of music as loud music can increase alcohol consumption
 - Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks
 - Make food available in late venues
 - Start the sale of alcohol later in the day and not align it purely with opening

hours

- No advertisements for alcohol in the shop window
- Storing alcohol behind the shop counter
- No display boards or other advertising showing on the shop floor
- Cans of alcohol should not be sold singly
- Bottles of beer under 1 litre should not be sold singly
- No beer or cider over 6% ABV should be sold, and
- No alcopops should be sold where they could attract under age purchasers.

Aligning with substance abuse treatment

- 34.17 Through the Council, the Police, the CCG and health services, Brent is committed to addressing responsible alcohol consumption and to safeguarding the health, safety and wellbeing of the whole community. Existing treatment interventions are care plan-based and there is a limited level of in treatment transfers for clients between different service providers to procure the best possible outcome. The Council acknowledges that the current treatment system is performing well in Brent, there are more people coming into treatment and more are completing successfully.
- 34.18 Comprehensive assessments for those that test positive for class A substances when arrested for a trigger offence (usually a form of acquisitive crime) are a mandatory requirement of the national Arrest Referral Scheme. In Brent this means that Westminster Drug Project (WDP) staff is required to conduct an assessment on that person in custody following a positive test. However, for alcohol, engagement in police custody with a drugs and alcohol worker, or to be referred for treatment or work with a specialist provider, is voluntary.
- 34.19 Magistrates at courts can give someone an ATR (Alcohol Treatment Requirement) as a community order, which means the person is mandated to attend appointments and treatment with a relevant service, and non- attendance is breachable – meaning the person breaches the court order and there are consequences to this. These are usually given for approximately six months.
- 34.20 Interventions for alcohol treatment in Brent broadly cover:
- Assessment, support, brief intervention, onward referral for specialist treatment for those who choose to see a drugs and alcohol worker in police cells
 - Service at Hendon Magistrates Court who arrange Restrictions on Bail (ROB), Alcohol Treatment Requirement (ATR), for those who are given a court order by the magistrates – note these usually last for 6 months
 - Assessments for Alcohol Treatment Requirements
 - Key work for those who require one on one support from a drugs and alcohol worker and have contact with CJS
 - Group work sessions to address alcohol use
 - Referrals to and partnership working with those services who provide outreach to problematic alcohol and drug users (CRI), a drop in (Addaction), community health care services (CNWL – NHS) who provide prescribed treatment for alcohol or drug use (such as those requiring detox or rehab) and those services who run the ATR community orders, and

- Treatment coordination and case management of individuals in the community who require treatment for drugs and or alcohol who are involved with the CJS – where there are other services involved in the treatment of that individual
- 34.21 In the last year WDP have provided brief interventions to 53 clients in Wembley Police station to people who state that alcohol is their primary substance that they use problematically (these are not necessarily people arrested for alcohol related crime – they can be seen by an alcohol worker if they want if arrested for other crimes).
- 34.22 Brief interventions include alcohol harm reduction advice, discussions about support available and safe limits and the dangers of alcohol and preventative interventions.
- 34.23 Over the 2014-2015, the WDP service has provided 667 brief interventions for alcohol to those detained in police custody in the area they cover. Due to some recent police station closures, they are seeing people in custody from Brent, Harrow and Barnet. Of those 667, they conducted a more detailed structured assessment on 187 to make onward referrals for specialist treatment (perhaps where brief intervention alone was deemed not sufficient due to level of consumption, complexity of situation, for example)
- 34.24 Specialist treatment can include having a key worker who supports someone with alcohol issues to address this, attending group sessions, structured sessions, being referred to prescribing services for an alcohol detox in the community, being referred for in-patient detox at a rehabilitation centre for example.
- 34.25 WDP also conducted 96 assessments for Alcohol Treatment Requirement in the last year and 41 were given by the court for individuals to attend appointments, and treatment services for approximately six months.

Long-term effects of alcohol on health

- 34.26 Drinking hazardous amounts of alcohol for many years will take its toll on many of the body's organs and may cause organ damage. Long-term alcohol misuse can weaken the immune system, making people more vulnerable to serious infections. The Council acknowledges there are many long-term health risks associated with alcohol misuse that will continue to be monitored.

Long-term effects of alcohol on the sustainability of social structures

- 34.27 Alcohol misuse can also have long-term social implications. For example, it can lead to family break-up and divorce, domestic abuse, unemployment, homelessness, and financial problems. Currently, there is not enough suitable evidence of the impact of alcohol on social structures among minority groups in Brent to suggest specific licensing policies. The Council will take measures to ensure this issue is monitored on an ongoing basis.

Impact on public health of local people

- 34.28 An explicit connection to public health that recognises the impact of alcohol use, and the need to place licensing in context of wider public health strategy. This includes acknowledging how alcohol can lead to drug abuse and high risk-taking behaviour. This can disproportionately affect vulnerable individuals and groups in the community.

Smoking advice

- 34.29 Health studies and NHS guidance has shown a link between likelihoods of smoking and alcohol use. This is also true for young people. The Council acknowledges these connections and will work to ensure adherence to principles of health and prevention of harm against children by taking into the potential for health hazards of smoking as it's related to alcohol consumption and overall licensing.

Alcohol and pregnancy

- 34.30 The Council recognises the dangers of drinking while pregnant, and any approach to be taken to minimise harm will be encouraged. For example, provision of warning posters or disclaimers for all ~~licensed~~ licensed premises.

Sexual offendin

- 34.31 Alcohol related harm is experienced not only by drinkers but by those around them including families, friends, colleagues and strangers. The Council acknowledges that there is a strong relationship between alcohol abuse and sexual assault. Reference will be made to the Sexual Offences Act 2003 to acknowledge the connection between alcohol abuse and sexual offences. Whilst alcohol should not be used as an excuse for those who perpetrate violence and abuse, neither should its influence be ignored.
- 34.32 Currently, there is not enough suitable evidence of sexual offences as related to alcohol in Brent to inform specific licensing policies. This will continue to be monitored.

Child sexual exploitation (CSE)

- 34.33 Perpetrators often use alcohol as a tool to exploit vulnerable children and young people. Children and young people who abuse drugs or alcohol are susceptible to mental health issues that can lead to sexual exploitation.
- 34.34 Operation Make Safe is a recently developed scheme in LB Hounslow in partnership with the Met, aimed at highlighting the signs of CSE to local businesses. Brent Council encourages the adoption of best practices as this will be particularly valuable in the area around Wembley Stadium and Wembley Arena which has seen the development of new hotels
- 34.35 Brent has experienced large growth in population, particularly among children and young people. The SLP acknowledges changing demographics and dynamics of the borough. Currently, there is not enough suitable evidence of CSE prevalence in Brent to inform specific licensing policies. However, CSE in Brent will continue to be monitored, particularly as the demographic makeup of the borough continues to change.
- 34.36 **Impact of shisha bars on health**
- 34.37 Brent's town centres and neighbourhoods feature a diverse offer of shisha/sheesha bars, some of which sell alcohol under the Late Night Refreshments licence. Shisha smoking is a way of smoking tobacco, sometimes mixed with fruit or molasses sugar, through a bowl and hose or tube. Shisha smoking is traditionally used by people from Middle Eastern or Asian communities and is becoming increasingly

popular in cities around the UK. The British Heart Foundation in 2011 demonstrated that the UK had seen an increase in 210% in the number of shisha premises since the introduction of the smoke-free legislation in 2007. However, shisha smoking can pose health concerns for Brent residents and visitors, particularly when combined with unsafe consumption of alcohol.

35. Glossary

AAR – Alcohol Arrest Referral
ABV – Alcohol by Volume
ARS – Alcohol Referral Scheme
ASB – Anti Social Behaviour
ATR – Alcohol Treatment Requirement
BAME – Black and Minority Ethnic
CAD – Computer Aided Dispatch
CCTV – Closed Circuit Television
CDA – Controlled Drinking Area
CDZ – Controlled Drinking Zone
CIZ – Cumulative Impact Zone
CSE – Child Sexual Exploitation
CSP – Community Safety Partnership
DAAT – Drug and Alcohol Action Team
DPPO – Designated Public Place Order
EMRO – Early Morning Restriction Order
ENTE – Entertainment and Night Time Economy
GIS – Geographic Information System
GP – General Practitioner
HVVD – High Volume Vertical Drinking
LAPE – Local Alcohol Profiles for England
LAS – Local Ambulance Service
LB – London Borough
LNL – Late Night Levy
LNRL – Late Night Refreshment Licence (or Licencing)
MPS/MET – Metropolitan Police Service
NHS – National Health Service
NTE – Night Time Economy
PCC – Police and Crime Commissioner
PCO – Public Carriage Office
PSPO – Public Spaces Protection Order
SIA – Security Industry Authority
SNT – Safer Neighbourhoods Team
SLP – Statement of Licensing Policy
TfL – Transport for London
WDP – Westminster Drug Project

Appendix 2

London Borough of Brent

Statement of Licensing Policy - Equalities Impact Assessment (EqIA)

Department:	Environmental and Neighbourhood Services
Service Area:	Alcohol
Person Responsible:	Yogini Patel
Timescale for Equality Impact Assessment:	n/a
Name of service/policy/procedure/project, etc.	Statement of Licensing Policy
Is the service/policy/procedure/project:	Old
Predictive or Retrospective	Predictive
Adverse Impact/Not found/Found	Not Found
Service/policy/procedure/project etc, amended to stop or reduce adverse impact	n/a
Is there likely to be a differential impact on any group?	No
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers	No
2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities	No
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability	No
4. Grounds of faith or belief: Religion/faith including people who do not have a religion	No
5. Grounds of sexual orientation: Lesbian, Gay and bisexual	No
Consultation concluded	No
Person responsible for arranging the review	Yogini Patel
Person responsible for publishing results of Equality Impact Assessment:	Yogini Patel
Person responsible for monitoring	Yogini Patel
Date results due to be published and where	
1. What is the service/policy/procedure/project etc to be assessed?	

2. Briefly describe the aim of the service/policy etc? What needs or duties are it designed to meet? How does it differ from any existing services/policies in this area

Brent Council is the licensing authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the London Borough of Brent.

Activities covered by legislation and this policy include:

- the retail sale of alcohol
- supply of alcohol to, by or on behalf of a club or to the order of a club member
- supply of hot food or drink between 11pm and 5am the following day
- provision of entertainment for profit, including charity, where the entertainment involves:
 - a) theatrical performance
 - b) film exhibition
 - c) indoor sporting event
 - d) boxing or wrestling (indoor and outdoor)
 - e) live music performance
 - f) playing of recorded music
 - g) dance performance
 - h) provision of facilities for making music
 - i) provision of dancing facilities.

The Licensing Act 2003 requires the council to publish a "Statement of Licensing Policy" that sets out the policies that the council will generally apply to meet the licensing objectives when determining applications. This policy will guide the authority when considering personal licences, premises licences (including provisional statements), variations, transfers, interim authorities and reviews, club premises certificates, designated premises supervisors and temporary event notices.

The existing policy sets out the general approach the council will take when considering applications for licences. The Licensing Act provides a clear focus on the 4 statutory objectives that the council must seek to promote when determining an application. These objectives are:

- the prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

This review is to consider and address changes required to the current policy based on changes in the licensing regime introduced in April 2012, through the Police Reform and Social Responsibility Act 2011, the Guidance issued by the Home Office (Amended Guidance Issued under section 182 of the Licensing Act 2003 – 2013) and identify gaps and omissions, and the most current changes which were brought in in October 2014. The scope of the reviewed policy will cover the following:

- retail sales of alcohol
- the supply by or on behalf of a club or to the order of a member of the club
- the provision of regulated entertainment
- the provision of late night refreshment

It also considered the need for general policies across the borough and specific area-based policies as a tool for licensing authorities to limit the growth of licensed premises in a

problem area. These areas were:

- Ealing Road
- Harlesden
- Kilburn
- Kingsbury
- Neasden
- Sudbury
- Wembley
- Willesden

3. Are the aims consistent with the Council's Comprehensive Equality Policy?

This policy is consistent with the Council's aim to ensure that the services we provide are relevant to the needs of all sections of the communities. The proposals are not expected to adversely affect any of the protected equalities groups highlighted in this assessment. An additional aim of the policy was to take into consideration the Council's Alcohol Harm Reduction Strategy (2014-17) and broader public health aims.

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

The SLP is a review and update to the existing policy, based on changes to national statutory legislation and the guidance from the Secretary of State. While it sets out a range of amendments, e.g. the introduction of evidence-informed Area-based policies and a separate Health Appendix, we do not anticipate that these will have a significant impact on the defined equalities groups as there is a strong degree of consistency between the existing and revised documents. It is also important to note that this policy statement sits within the wider context of the Local Authority's duties under the Equality Act 2010. These require us to have due regard to:

- Eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it
- Fostering good relations between people who share a protected characteristic and people who do not share it

Our predictive initial equality impact assessment (conducting in line with the corporate guidelines, has concluded that the amendments to the SLP will not affect our ability to meet our duties under the Equality Act. Overall there is no evidence to suggest that the wider Policy will negatively impact on any of the defined equalities groups as there is no evidence that any of the groups are identified in any statistically significant way with problematic drinking or as licensees.

Additionally, individual licensing applications are unlikely to have an impact on groups, organisations or associations in respect of their race, gender, age, disability, sexuality or religious beliefs and with, a view to eliminating unlawful discrimination. Applicants will be expected (where appropriate) to address these concerns in their application.

There is the potential for minor positive impacts on the following groups:

- Disability - the SLP sets out the policies that the council will generally apply to meet the licensing objectives when determining new or reviewed applications. This includes a policy that states applicants will be encouraged and expected (where appropriate) to address the needs of disabled persons in their operating schedules, and adherence to this will be considered as part of the decision making process.
- Children – the SLP sets out the policies that the Council will generally apply to meet the licensing objectives when determining new or reviewed applications. This includes a

policy that states the Council will encourage the adoption of best practices toward addressing children and young people that are susceptible for mental health issues as related to alcohol.

However, our consultation showed that there may be some impacts on groups outside the defined equalities groups that it worth noting:

Business community

For the business community, the Statement of Licensing policy outlines the procedure for applying for a business licence and sets out the responsibilities of Brent Council as the 'Licensing Authority' and business owners undertaking licensable activities. On the whole, the amendments proposed have been designed to clarify and make suggestions for ongoing monitoring of licensing activity. The principles governing the Statement of Licensing policy remain consistent with the previous policy statement and recognise the wider community impacts that the Local Authority, business community and other stakeholders must be aware of when undertaking licensing activities.

The statement recognises the need for a balance between the rights of businesses and the community of which they are a part. One example of where this is reflected is in the conditions which include restrictions on the sale of beer, lager and cider above 6.0% ABV; restrictions applying to major event days at Wembley Stadium (including restricting the sale of cans to 4 per customer, closing 1 hour before event start times, restricting the sale of alcohol in glass bottles, restrictions on the numbers of people congregating at a licensed premises), and irresponsible drinks promotions. These conditions may have a limited negative effect on the profitability of a small number of premises but are intended to tackle crime and anti-social behaviour as well as addressing potential health related issues for consumers. Officers are of the view that the benefits will outweigh any adverse impact and the premises still have the option to market and sell beer, lager and cider below 6.0% ABV

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by gender, race, disability etc).

The initial screening on the policy review found that there was no adverse impact on any of the protected equalities groups from the implementation of this policy, or the changes/amendments under consideration as part of the review.

The evidence that has been used to make this judgement has been taken from several sources (see Appendix 1 for further detail):

- Police data, e.g.
 - All crime
 - Alcohol related crime
 - Violent crime
 - Sexual offences
- Health data, e.g.
 - Hospital admissions – alcohol related harm
 - Hospital admissions – alcohol related illnesses
 - Ambulance call out – alcohol flagged
 - A&E attendances – alcohol related
- Premises data
 - Licensed premises
 - Licenses revoked
 - Licenses refused
- Consultation with key stakeholders (see: Appendix 2 for further detail)

Twenty-five key stakeholders were invited to take part in an early stage consultation which gathered views, experience and perceptions on problematic areas for alcohol supply and consumption, groups at risk from alcohol, influence of alcohol on crime, influence of alcohol on health, cumulative impact zones and any other relevant information. Stakeholders ranged from Licensing officers, Police, health experts, community representatives and licensees.

- Public consultation (see: Appendix 3 for further detail)

A four week public consultation was held on the Issues and Options paper for the proposed changes to the Statement of Licence Policy. This included members, statutory consultees, residents and business representatives groups, key stakeholders (see above), all licensed premises, Wembley Stadium and concert venues

Race

None of the evidence reviewed highlighted any adverse impacts concerning race. The borough's Alcohol Harm Reduction Policy (2014-17) identified a large number of abstainers in the borough (31%), which could be attributed to the borough's diverse communities. However the research is not of sufficient depth to be defined as directly attributable, it is a contributing factor albeit a strong contributing factor. The consultation with key stakeholders identified anecdotes and assumptions of Eastern European, Somali and Irish communities as experiencing problems with heavy drinking and potentially causing a disturbance via street drinking activities and other anti-social behaviour which is often closely associated with alcohol misuse. Again, the high prevalence of these communities in Brent has to be noted and as such the reports of these communities involvement in alcohol related anti-social behaviour does not represent statistical certainty for these particular ethnic groups. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the grounds of ethnicity or nationality.

Gender

None of the evidence reviewed highlighted any adverse impacts concerning gender. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the grounds of gender.

Disability

None of the evidence reviewed highlighted any adverse impacts concerning disability. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the grounds of disability.

Faith/Belief

None of the evidence reviewed highlighted any adverse impacts concerning faith/belief. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the ground of faith/belief.

Sexual orientation

None of the evidence reviewed highlighted any adverse impacts concerning sexual orientation. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting

anyone on the ground of sexual orientation.

Age

None of the evidence reviewed highlighted any adverse impacts concerning age. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the ground of age.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable).

No.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

There has been consultation with key stakeholders, and a public consultation undertaken as part of the policy review).

Key Stakeholders were asked to answer a number of questions from a pro-forma. Each stakeholder was asked the same questions, and responses were given over the phone or by email (depending on availability). The results of these consultations informed the Issues and Options paper for the policy review that was put out to public consultation.

Public consultation was conducted via the online consultation portal on the LB Brent website. The results of this consultation informed the final draft of the SLP published.

8. Have you published the results of the consultation, if so where?

A formal analysis of the public consultation data was drafted and sent to the licensing authority contact, Yogini Patel. However, this has not been published to any external audience and is only available to Brent licensing authority officers.

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner

No.

10. If in your judgement the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations

There is no adverse impact.

11. If the impact cannot be justified, how do you intend to deal with it?

N/A

12. What can be done to improve access to/take up of services?

The policy is supportive of ongoing treatment and support for alcohol use.

13. What is the justification for taking these measures?

The Licensing Act 2003 requires the council to publish a Statement of Licensing Policy that sets out the policies that the council will generally apply to meet the licensing objectives

when determining applications.

This review is to identify any gaps in the current policy and consider the need for cumulative impact zones, or alternative alcohol control measures to address public nuisance, disturbance, anti-social behaviour and crime associated with the misuse of alcohol, in turn associated with the number of licensed premises.

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible on the front page

The Council will continue to use the Equality Monitoring Forms. Any further changes or action to be determined by licensing officer, Yogini Patel.

15. What are your recommendations based on the conclusions and comments of this assessment?

Should you:

- 1. Take immediate action - No**
- 2. Develop equality objectives and targets based on the conclusions? No**
- 3. Carry out further research? No**

16. If equality objectives and targets need to be developed, please list them here

N/A

17. What will your resource allocation for action comprise of?

N/A

Appendix 1

Data Sources:

POLICE DATA	LEVEL
All crime with a alcohol flag	Postcode Level
Grouped crime with a alcohol flag	Postcode Level
Crime by day of the week	Postcode Level
Crime by hour - two hour intervals	Postcode Level
Change in the levels of violence against the person - 2006/07-2010/11	Police Beat level
Change in the level of violence against the person by location/venue and area - 2006/07-2010/11	Police Beat level
Total Proportion of PP Violence Against The Person offences perceived to have taken place under the influence	Police Beat level
levels of Robbery per Beat - 2006/07-2010/11	Police Beat level
Public Place Sexual Offences	Police Beat level
Any crime between night time hours that contain an alcohol related flag 'buzzword'	SPA Area Levels
Any crime between night time hours that falls within night time economy (NTE) related crime types	SPA Area Levels
population and geographical data was extracted from the Camden.gov.uk website and ambulance call out data was taken from the safer stats website	SPA Area Levels
Alcohol related 999 calls	SPA Area Levels
Alcohol related crime	SPA Area Levels
densities of alcohol related crime and NTE related offences	SPA Area Levels
HEALTH	
Hospital stays for alcohol related harm	LSOA Level
local alcohol data profile – UK comparison	Borough Level
Map - model based estimate for binge drinking	Ward Level
Map - Hospital admissions for alcohol attributed illnesses	Ward Level
All ambulance calls outs- alcohol flagged	Postcode Level
All ambulance calls outs- assaults	Postcode Level
Alcohol related illness/incident ambulance activity	SPA Area Levels
Number of ambulance service call outs which are alcohol related, April 2010 to January 2011	Electoral Ward
Number of A&E attendances (all ages) which are alcohol-related, 2008 to 2010	Electoral Ward
Age-standardised hospital admission rate (per 100,000) for alcohol-related harm 2002/03 to 2009/10)	Borough
Number of ambulance service call outs which are alcohol related, April 2010 to January 2011	Electoral Ward
Number of ambulance service call outs which are alcohol related, April 2010 to January 2011 in the city centre area	Output Area
Number of A&E attendances which are alcohol related, 2008 to 2010	Electoral Ward

Rate of hospital admissions per 100,000 for alcohol related harm 2002/03 to 2009/10 (age standardised)	Borough
Data related to young people	Borough
PREMISES	
All licenced premises	Postcode Level
Premises licences revoked	Postcode Level
refused licence applications	Postcode Level
ENVIRONMENTAL HEALTH	
Noise Complaints	Borough
number of noise complaints relating to licensed premises	Borough
Public Perceptions of Drunk and Rowdy Behaviour	Borough

Appendix 2

Key Stakeholders:

ORGANISATION	REMIT	ROLE
LB Brent	Alcohol Harm Reduction Strategy	Substance Misuse Commissioner
LB Brent	Community Safety & Emergency Planning	Department Head
LB Brent	Community Safety & Emergency Planning	Community Safety Analyst
LB Brent	Cabinet Member for Adults, Health and Wellbeing	Member
LB Brent	Alcohol & Entertainment Licensing Committee	Member
LB Brent	Alcohol & Entertainment Licensing Committee	Member
LB Brent	Alcohol & Entertainment Licensing Committee	Member
MPS	Brent Community Safety Partnership Team	Police Constable
MPS	Licensing Police	
Safer Neighbourhood Group	Representative Group	Chair
LB Brent	Public Health	Director
Sudbury Town Residents Association	Representative Group	Deputy Chair
Age UK Brent	Advocacy & support	Head of Advocacy
Westminster Drug Project (WDP)	Advocacy & support	Manager
Crime Reductions Initiative (CRI)	Advocacy & support	Manager
The Green Man	Pub	Owner
The Torch	Pub	Manager
Wembley Arena	Major Venue	TBC
Premier Inn - Wembley	Hotel	Operations Manager
Hilton - Wembley	Hotel	General Manager