

# LONDON BOROUGH OF ISLINGTON - DRAFT GAMBLING POLICY

Gambling Act 2005

## **GAMBLING POLICY: STATEMENT OF PRINCIPLES (Published SEPT 2006 – Final Draft)**

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# LONDON BOROUGH OF ISLINGTON - DRAFT GAMBLING POLICY

## PART 1

### Background and general principles

#### Islington

1. Islington is one of London's most distinctive areas, offering arts, crafts, entertainment, good eating and drinking, a huge variety of specialist shops, lively street markets and a rich and fascinating history. The community feel around Islington is one of the things that make this relatively small London borough unique.
2. Islington is in the process of rapid change and is likely to continue to change over the coming years. The number of people living in Islington is projected to grow from 178,000 in 2001 to about 189,000 in 2011. One of the reasons for this is the increase in the number of young adults who are moving into inner London, and starting families. Currently, over a third of the residents of the borough are aged between 16 and 34. Housing demand has been, and is being met by fast paced redevelopment of old factories and business premises for residential use. This has turned many parts of the borough, which were previously exclusively commercial into mixed-use hubs, incorporating commercial and residential premises in very close proximity.

#### Map of the London Borough of Islington



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## Background

3. The Gambling Policy sets out how Islington Council, acting as the Licensing Authority for gambling, intends to exercise its functions under the Gambling Act 2005 for the next three years. The policy, which incorporates the 'statement of principles' as required by the Act, has been prepared having regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and stakeholders comments.
4. The ability of the council to regulate gambling activities in the borough supports the One Islington vision as it provides an opportunity for the council and its partners to have more direct influence on the determination of licence applications. Residents who are, or who could be, affected by the premises providing gambling will have more of an opportunity to influence decisions and the council will be able to work with others to protect children and vulnerable people from being harmed or exploited by gambling activities.
5. Gambling is defined in the Act as either gaming, betting or taking part in a lottery:
  - 'Gaming' means playing a game for the chance to win a prize.
  - 'Betting' means:
    - making or accepting a bet on the outcome of a race, competition or other event
    - the likelihood of anything occurring or not occurring
    - whether something is true or not.
  - A 'Lottery' is where participants are involved in an arrangement where prizes are allocated wholly by a process of chance.
6. The responsibility for regulating gambling is shared between the Gambling Commission and local authorities. The Gambling Commission is responsible for issuing operating licences to organisations and individuals who provide facilities for gambling and personal licences to persons working in the gambling industry. The Commission will take the lead role on ensuring that gambling is conducted in a fair and open way through the administration and enforcement of operating and personal licence requirements. The Commission will also be responsible for remote gambling activities such as facilities provided via the Internet, television or radio.
7. The main functions covered by licensing authorities are:
  - licensing premises for gambling activities
  - considering notices for the temporary use of premises for gambling
  - granting permits for gaming and gaming machines in clubs
  - regulating gaming and gaming machines in alcohol licensed premises
  - granting permits for family entertainment centres with lower stake gaming machines
  - granting permits for prize gaming
  - considering occasional use notices for betting at tracks
  - registering small lotteries

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## The Licensing Objectives

8. The gambling policy aims to promote the following three licensing objectives:
  - 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.
9. 'Vulnerable persons' may include:
  - People who gamble more than they want to.
  - People who gamble beyond their means.
  - People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
10. The licensing authority aims to permit the use of premises for gambling in accordance with the requirements of the Act.
11. In making decisions about gambling matters the licensing authority shall take into account:
  - the licensing objectives
  - any relevant code of practice or guidance issued by the Gambling Commission
  - the authority's statement of licensing principles
  - the need to avoid duplicating other regulatory regimes
  - the right of any person to make an application under the Act and to have that application considered on its own merits

## Responsible Authorities

12. Responsible authorities are public bodies that must be notified when premises licence applications are made. They are entitled to make representations that are relevant to the licensing objectives, for applications for the grant, variation or to review a premises licence. The following are responsible authorities within the scope of this policy:
  - the Licensing Authority
  - the Gambling Commission
  - the Metropolitan Police
  - the London Fire and Emergency and Planning Authority
  - the council's Planning Service
  - the council's Environmental Health Service
  - Islington's Safeguarding Children Board
  - HM Revenue and Customs
  - a neighbouring authority if a premises straddles their borough boundary
13. The licensing authority has designated the Safeguarding Children Board as the body that is competent to advise it about the protection of children from

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harm. The principles that have been used in making this designation is that the board is:

- responsible for the whole of the licensing authority's area
- answerable to democratically elected persons

## Interested Parties

14. Interested parties are entitled to make representations about premises licence applications, or to apply for a review of an existing licence. An interested party is a person who meets one of the following criteria:

- lives sufficiently close to the premises that they are likely to be affected by the gambling activities
- has business interests that might be affected by the gambling activities
- represents persons in either of these two groups for example residents' and tenants' associations, trade unions and trade associations, ward councillors or MPs

15. When considering whether a person lives 'sufficiently close to the premises' the licensing authority will take into account:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises for example the number of customers, routes likely to be taken by those visiting the establishment
- the circumstances of the complainant

16. A person that has 'a business interest' will be given the widest possible interpretation and include community and voluntary groups, schools, charities, faith groups and medical practices. The licensing authority may consider the following factors relevant when determining whether a person's business interests may be affected:

- the size of the premises
- the catchment area of the premises, for example how far people travel to visit the premises
- whether the person making the representation has business interests in the affected catchment area

17. The licensing authority is unable to accept representations that are:

- repetitive, vexatious or frivolous
- from a rival gambling business where the basis of the representation is unwanted competition
- moral objections to gambling
- concerned with expected demand for gambling
- anonymous

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18. Details of applications and representations referred to a licensing sub-committee for determination will be published in reports that are made publicly available and placed on the council's website in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.
19. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is specifically asked to do so.

## **Exchange of Information**

20. The licensing authority will act in accordance with the provisions of the Act in its exchange of information with the Gambling Commission, which includes the provision that the Data Protection Act 1998 will not be contravened.
21. The licensing authority will share relevant information with other regulatory agencies.

## **Enforcement**

22. The main enforcement and compliance role for the licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions that it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences and issues relating to the manufacture, supply or repair of gaming machines.
23. The licensing authority has signed the Enforcement Concordat for Regulatory Bodies and is committed to following the Better Regulation and Hampton Principles. Enforcement action will be taken in accordance with these principles and the Enforcement Policy for Public Protection. Enforcement action will be:
  - proportionate
  - accountable
  - consistent
  - transparent
  - targeted
24. Where appropriate, the licensing authority will work with other responsible authorities to promote the licensing objectives through enforcement. It will adopt a risk-based approach to inspections targeting high-risk premises for more frequent inspections and providing a light touch inspection regime for low risk premises.
25. The criteria that will be used to determine the frequency of inspection will include:
  - the type and location of premises
  - the confidence in management
  - the track record of the premises operator
  - history of complaints

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- the arrangements in place to prevent children and vulnerable people from being harmed or exploited
- the arrangements in place to prevent the premises from being a source of crime and disorder or being used to support crime

## Casino Resolution

26. The Gambling Act allows licensing authorities to resolve not to issue casino premises licences. The licensing authority intends to consult widely with residents and businesses to seek their views before deciding whether to make such a resolution. This consultation will be conducted alongside the consultation on the draft gambling policy.

## PART 2

### Policies Relating to Premises Licences

27. Premises licences can authorise the provision of facilities for:

- bingo premises
- betting premises including tracks and premises used by betting intermediaries
- adult gaming centres
- family entertainment centres
- casino premises

28. In considering applications for new licences, variations to existing licences and licence reviews the licensing authority will take into account the following matters:

- the location of the premises
- the views of responsible authorities
- the views of interested parties
- compliance history of current management
- the hours of operation
- the type of premises
- whether the applicant is able to demonstrate high levels of management
- the physical suitability of the premises
- the levels of crime and disorder in the area where this information is supplied by the police

29. The location of the premises will be an important factor as it can impact on all three of the licensing objectives. The licensing authority will consider very carefully whether applications for new premises licences that are located in close proximity to sensitive premises such as:

- schools
- children's and vulnerable persons' centres
- youth and community centres

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should be granted. Each application will be decided on its own merits and will depend upon the type of gambling that is proposed and the applicant's ability to demonstrate the highest standards of management.

30. The following paragraphs indicate the physical and management factors that the licensing authority may take into account when considering applications for new, varied licence applications and reviews. These are not mandatory requirements but should be used as a guide to applicants and licensees as to the sort of arrangements that it should have in place. Where an applicant or licensee can demonstrate that these factors are not relevant, or alternative arrangements are more appropriate, the licensing authority will take these into account.

## **Crime and Disorder**

31. Licensees and applicants will be expected to demonstrate that they have given careful consideration to preventing gambling from being a source of crime and disorder.

32. The measures that should be considered are:

- the arrangements in place to control access
- the opening hours
- the provision of registered door supervisors
- the provision of CCTV
- the provision of effective staff training

## **Protecting Children and Vulnerable Persons**

33. Licensees and applicants will be expected to demonstrate that they have given careful consideration to protecting children and vulnerable persons from harm and have adequate arrangements for preventing underage gambling on their premises.

34. The measures that should be considered where appropriate are:

- location of entrances
- supervision of entrances
- controlled access to the premises by children under the age of 18
- having a nationally recognised proof of age scheme
- the provision of registered door supervisors
- clear segregation between gaming and non gaming areas in premises frequented by children
- the provision of adequate signage and notices
- supervision of machine areas in premises to which children are admitted
- controlled opening hours
- self-barring schemes
- the provision of GamCare information
- an effective staff training policy

35. For multi-occupied premises consideration should be also be given to the arrangements for controlling access to children and the compatibility of the



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activities of the occupants. In many cases separate and identifiable entrances may be required so that people do not drift inadvertently into a gambling area.

36. Children are not permitted to use Category C or above machines and in premises where these machines are available and children are permitted on the premises the licensing authority will require:

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

## Licensed Family Entertainment Centres

37. The licensing authority will have specific regard for the need to protect children and vulnerable persons from harm, or being exploited, by gambling and will expect the applicant to satisfy the authority. For example, this could include implementing sufficient measures to ensure that under-18s do not have access to adult-only gaming machine areas.

## Betting premises

38. The licensing authority will take into account:

- the size of the premises
- the number of counter positions
- the ability of staff to monitor the use of machines by children, young persons under the age of 18 or vulnerable people

## PART 3

### Policies Relating to Permits for Gambling

#### Gambling Permits

39. Gambling Permits are required for premises providing gambling facilities where:

- the stakes or prizes are very low
- gambling is not the main function of the premises.

40. The licensing authority can issue the following types of permits:

- family entertainment centre gaming machine permits
- club gaming machine permits and club machine permits
- alcohol licensed premises gaming machine permits

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- prize gaming permits

41. All applications for permits shall be accompanied by:

- two passport sized photographs of the applicant, one of which must be countersigned by a suitable person
- two documents confirming identity
- evidence of a criminal record check within the last six months

## **Family Entertainment Centre Gaming Machine Permits**

42. These are premises such as amusement arcades that cater for families and unaccompanied children and young persons by providing low stake Category D gambling machines. Premises providing higher stake machines are required to obtain premises licences.

43. When dealing with permit applications the licensing authority will pay particular attention to child protection issues and it will expect applicants to comprehensively demonstrate that procedures are in place to protect children and young people from harm for example having arrangements in place for dealing with:

- suspected truant school children
- unsupervised very young children
- children perceived as causing problems on or around the premises
- requiring criminal record bureau checks on staff
- staff training on the maximum stakes and prizes

## **Alcohol Licensed Premises Gaming Machine Permits**

44. Premises licensed to sell alcohol for consumption on the premises requiring more than two gaming machines will need to apply for a permit. The licensing authority will expect the licensee to have in place arrangements to protect children and young persons from harm for example:

- locating machines so that they are in sight of the bar or other staff who will monitor usage
- displaying adequate notices and signs
- the provision of information leaflets and/ or help-line numbers for organisations such as GamCare

45. The licensing authority will require applicants to submit a plan of the premises, indicating the location and category of gambling machines to be provided. A copy of the plan attached to the premises licence issued under the Licensing Act 2003 is sufficient for this purpose.

## **Prize Gaming Permits**

46. Gaming is 'prize gaming' if the nature and size of the prize is not determined by:

- the number of people playing

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- the amount paid for or raised by the gaming

The operator determines the prizes before play commences.

47. These premises will appeal to children and young persons and therefore the licensing authority will expect the applicant to demonstrate that they are suitable to hold a permit.

48. The licensing authority expects applicants to set out the types of gaming that he or she is intending to offer and be able to demonstrate that:

- they understand the limits to stakes and prizes that are set out in regulations
- that the gaming offered is within the law

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If you want to discuss this policy or if you want any further advice about regulating gambling in Islington please contact:

Licensing Team  
Public Protection Division  
159 Upper Street  
London N1 1RE  
Tel: 0207 527 3816  
Email: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

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## Appendix 1

### List of Consultees

The following were consulted in preparing this statement of licensing policy and the casino resolution:

- all responsible authorities
- persons representing the interests of persons carrying on gambling businesses in Islington
- persons representing the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

## Appendix 2

### Responsible Authority's Contact Details

Responsible Authority	Contact Details