

Licensing Committee

Tuesday 20 June 2017

7.00 pm

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Adele Morris (Vice-Chair)
Councillor Sunil Chopra
Councillor Dora Dixon-Fyle MBE
Councillor Nick Dolezal
Councillor Jon Hartley
Councillor David Hubber
Councillor Sunny Lambe

Councillor Lorraine Lauder MBE
Councillor Jane Lyons
Councillor Maria Linforth-Hall
Councillor Catherine Rose
Councillor Sandra Rhule
Councillor Charlie Smith
Councillor Bill Williams

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk
Webpage: <http://www.southwark.gov.uk>

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 12 June 2017



Licensing Committee

Tuesday 20 June 2017

7.00 pm

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
PART A - OPEN BUSINESS		
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	MINUTES FROM THE LICENSING COMMITTEE	1 - 3
	To approve as a correct record the Minutes of the open section of the meeting held on 26 April 2017	
6.	MARKETS POLICY AND STANDARD LICENSING CONDITIONS FOOD ACT PART III 1984	4 - 23

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7.	PARTNERSHIP ANALYSIS OF ALCOHOL RELATED VIOLENCE SOUTHWARK 2017 & CONSIDERATION OF CUMULATIVE IMPACT OF LICENSED PREMISES WITHIN BOROUGH AND BANKSIDE; CAMBERWELL AND PECKHAM AND AREAS UNDER MONITOR.	24 - 45
8.	THE GAMBLING ACT 2005: STATEMENT OF GAMBLING LICENSING POLICY 2016-2019	46 - 110
9.	CURRENT APPEAL CASES - UPDATE	

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

PART B - CLOSED BUSINESS

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: 12 June 2017



Licensing Committee

MINUTES of the OPEN section of the Licensing Committee held on Wednesday 26 April 2017 at 7.00 pm at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
 Councillor Adele Morris
 Councillor Jon Hartley
 Councillor David Hubber
 Councillor Sunny Lambe
 Councillor Lorraine Lauder MBE
 Councillor Charlie Smith
 Councillor Bill Williams

OFFICER David Franklin, licensing team leader
SUPPORT: Joanne Devlin, legal officer
 Andrew Weir, constitutional officer

1. APOLOGIES

Apologies were received from Councillors Sunil Chopra, Sandra Rhule, Eliza Mann, Catherine Rose and Jayne Lyons.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. MINUTES FROM THE LICENSING COMMITTEE

RESOLVED:

That the open minutes of the licensing committee meeting held on 2 November 2015 be agreed as a correct record and signed by the chair.

6. LICENSING ACT 2003 - UPDATE

The licensing team manager addressed the committee on current licensing issues. The licensing and environmental protection unit manager advised that there would be a report on the late night levy proposals at a future meeting later in the year.

Members had questions for the licensing team manager.

RESOLVED:

That the update on current licensing issues be noted.

7. HOUSE OF LORDS SELECT COMMITTEE REVIEW OF THE LICENSING ACT 2003 - UPDATE

The licensing team manager addressed the committee on the House of Lords Select Committee Review of the Licensing Act 2003.

Members had questions for the licensing and environmental protection unit manager.

The committee confirmed that the licensing team manager would liaise with the chair of licensing and the cabinet member for communities and safety regarding the response to the House of Lords Select Committee Review of the Licensing Act 2003.

RESOLVED:

1. That the update on House of Lords Select Committee Review of the Licensing Act 2003 be noted.
2. that the licensing team manager shall liaise with the chair of licensing and the cabinet member for communities and safety regarding the response to the House of Lords Select Committee Review of the Licensing Act 2003.

8. CURRENT APPEAL CASES - UPDATE

The legal officer updated the committee on current appeals and prosecution cases.

Members congratulated the legal team for their successes regarding appeals and prosecutions cases.

RESOLVED:

That the update on current appeals and prosecution cases be noted.

Meeting ended at 8.34 pm

CHAIR:

DATED:

Agenda Item 6

Item No. 6.	Classification: Open	Date: 20 June 2017	Meeting Name: Licensing Committee
Report title:		Markets Policy and Standard Licensing Conditions Food Act Part III 1984	
Ward(s) or groups affected:		All Wards	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing committee agrees to the markets policy and standard licensing conditions governing the operation of Southwark's markets under Part III of the Food Act 1984, as attached as Appendix A.

BACKGROUND INFORMATION

2. On 12 October 2011 council assembly agreed to the adoption of byelaws governing the operation of Southwark's markets under Part III of The Food Act 1984. The byelaws are attached as Appendix B.
3. Markets established under Section 50 of the Food Act 1984, applicable to all markets listed in the schedule of market locations contained at Appendix C, operate under agreed byelaws for markets.
4. The markets policy and standard licensing conditions were not formalised when change to the legislative framework was adopted on 12 October 2011. The standard licensing conditions for street trading were adapted from the London Local Authorities Act (LLAA) 1990 (as amended) to reflect the legislative changes required for licensing market trading. The markets policy is to protect and formalise Southwark's market rights. Both The policy and standard licensing conditions were agreed by the Southwark Association of Street Traders (SAST) when the Food Act was adopted.
5. The licensing committee can decide to:
 - a) Agree to formalise
 - b) Not agree to formalise.

KEY ISSUES FOR CONSIDERATION

6. That no significant differences in standard licensing conditions have been implemented as agreed between Southwark Council and SAST.
7. Officer error has resulted in the delay of formalising the standard licensing conditions and markets policy
8. The markets policy is required to protect all markets in Southwark and make transparent all licensing requirements.
9. The standard licensing conditions are required for Southwark to manage and control all market and street trading activities. As part of the policy it is recommended that the following condition be added to both Food Act part III and London Local Authority Act 1990 (as amended) on temporary licensing conditions under safety 9.13: For health

and safety and consumer protection reasons that no electrical goods be sold under a temporary licence.

10. For individual traders in Southwark markets the transition from the LLAA 1990 (as amended) to The Food Act III 1984 has not had any impact to trading practices and procedures.
11. The key change in the implementation now gives Southwark the right to licence private operators on both public and private land.

Policy implications

12. The markets policy and standard licensing conditions are required to protect all markets and market trading in Southwark.
13. The markets and street trading strategy supports the objectives and priorities of the sustainable community strategy and the council plan. The strategy also makes links between markets and street trading and the Southwark Plan.
14. The council is keen to work with the community to develop markets and street trading in Southwark to ensure they fulfil their potential to:
 - Increase the attraction for visitors and destination shoppers
 - Become successful economic, social and cultural institutions
 - Encourage more entrepreneurship, independence and innovation
 - Support an extraordinary range and variety of businesses
 - Promote distinctiveness and vibrancy in a well managed and maintained public realm
 - Provide access to affordable, healthy and high quality food and other commodities.

Resource implications

15. There are no additional resource requirements.
16. The fees and charges process would remain the same as at present with fee levels approved annually by the cabinet member through and individual decision maker (IDM).

Community impact statement

17. The markets and street trading strategy aims to ensure that markets are inclusive of all residents of the borough and meet all the criteria in the council's equalities policy. An equalities impact assessment was carried out in 2006 that identified gaps in equality of opportunity between black and minority ethnic communities and those with disabilities. There have been improvements introduced to promote markets as a fertile environment for black and minority ethnic entrepreneurs. A further review of the equalities impact assessment was completed in 2011 and further progress had been made in these areas.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and democracy

18. Under part 3 of the council's constitution, decisions on the council's licensing policies and registration are reserved to licensing committee.

Markets established under section 50 of the Food Act 1984, operate under agreed byelaws for markets, and under standard licence conditions.

19. The sub-committee can decide to:
- Agree to formalise
 - Not agree to formalise
20. The council must have due regard to its public sector equality duty ("PSED") under the Equality Act 2010 ("the 2010 Act"), in particular the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity for those with protected characteristics and foster good relations between those with and without such characteristics. The list of protected characteristics is set out in the 2010 Act.

Strategic Director of Finance and Governance

21. In regard to the temporary standard licence conditions casual traders cannot accrue debt against the street trading account.
22. In regard to the Market Policy additional income can be attained through licensing of all markets held in Southwark.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Food Act 1984	Street Trading Section SAST House Dawes Street London SE17 1EL	Lisa York 0207 525 6000
Markets Strategy	As above	As above

APPENDICES

No	Title
Appendix A	Southwark markets policy
Appendix B	Markets Byelaws
Appendix C	Markets Schedule

AUDIT TRAIL

Lead Officer	Nicky Costin, Road Network and Parking Business Manager	
Report Author	Lisa York, Markets and Street Trading Manager	
Version	Final	
Dated	22 May 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		6 June 2017



Southwark Markets Policy

JUNE 2017

The London Borough of Southwark

Markets Policy



1. Introduction

- 1.1 Southwark Council (“the Council”) recognises the important contribution that markets make to the local economy and the character of the area. They remain an important Council service and contribute in a number of ways to the local communities they serve.
- 1.2 The Council's markets (which are described in more detail in Section 4 of this markets policy) represent an important investment by the Council in delivering economic regeneration and town centre vitality.
- 1.3 The Council is committed to maintaining the balance of markets throughout Southwark and ensuring there is consistency in the way markets are operated. Accordingly, the Council has decided to implement a markets policy which sets out the basis upon which markets are held and the process by which applications for markets shall be considered (“the Markets Policy”).
- 1.4 The Council recognises that there are many different types of market activities and, accordingly, the Markets Policy is intended to cater for each type. In particular, the Markets Policy distinguishes between commercial markets and those that are largely community-based with a strong charitable element. Section 5 of the Markets Policy deals with the different types of market activities and sets out the Council's approach when considering applications in respect of such markets.
- 1.5 During the process of formulating the Markets Policy the Council has consulted the following organisations and departments:
 - National Association of British Market Authorities (NABMA)
 - Southwark Council legal department
 - Southwark Council planning department
 - SAST (Southwark Association Of Street Traders)

- Council Portfolio holder for Markets and Street Trading.

2. What is a market?

- 2.1 The Markets Policy is intended to apply to all market events held in Southwark. Guidance notes are set out below indicating which activities the Council regards as being a 'market'. However, these notes are not intended to cover all potential eventualities and the Council reserves the right to apply additional requirements in appropriate circumstances.
- i. The legal definition of a market is a 'concourse of buyers and sellers'.
 - ii. **A market shall be comprised of not less than five stalls, stands, vehicles (whether moveable or not) or pitches from which articles are sold and normally there shall be a range of different sellers.**
 - iii. A market may be held either outdoors or in a building.
 - iv. There shall be an operator of the market who shall be responsible for the organisation and delivery of the market event.
 - v. A market operator means the person, body or organisation to which a market licence is granted by the Council.
 - vi. Markets include car boot sales, antique and craft markets, general markets, food markets, farmers' markets and charitable markets. However, this list is not exhaustive.
 - vii. A market may sometimes be held as part of a wider event. When this arises the market element (comprising of 5 or more stalls) of the event shall be subject to the Markets Policy. Where a premises licence under the Licensing Act 2003 for a wider event (which includes a market element) has been issued by the Council then a separate market licence may not be required. However the operator would need to provide all consents and licenses required from the Council. This shall be determined on a case-by-case basis.
- 2.2 The Markets Policy differentiates between markets of a commercial nature and community-based markets which have a strong charitable element.
- i. A **commercial market** is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes.
 - ii. **Community-based markets** are organised by local communities or organisations with the intention of raising funds for a specific charity or celebrating a special event. The market must be operated on a non-profit making basis and the operator shall, if requested, supply relevant information as proof of this to the Council. While it is recognised and acknowledged that some traders may be selling goods for their own purposes, the Council shall expect there to be a strong charitable element in the way the event is organised.

- 2.3 This Markets Policy does not apply to street trading activities. Street trading is controlled by a different licensing process and relates to the granting of individual trading licences for identified streets.

3. Market Rights

- 3.1 The Council, by virtue of its statutory powers, enjoys market rights throughout Southwark.
- 3.2 All markets held in Southwark are licenced and operated in accordance with the provisions of Part III of the Food Act 1984.
- 3.3 The statutory powers afforded to the Council under the provisions of Part III of the Food Act 1984 enable the Council to:
- a) implement a markets policy within its area;
 - b) operate markets within Southwark;
 - c) consider applications for other markets; and
 - d) determine whether such markets can be held by way of consent.

4. Council's Markets

- 4.1 The Council licence and operate regular weekly markets under The Food Act 1984. These are
- East Street Market
 - Choumert Road
 - Highshore Road
 - London Bridge
 - Parkstone Road
 - North Cross Road
 - Blue – Southwark Park Road
 - Albion Street
 - Atwell Road
 - Blackwood Street Flower Market
 - Westmoreland Road
 - Deal Porter Square

Southwark Markets Team also licence private operators to operate markets under The Food Act 1984:

- Bermondsey Square Antiques Market
- Camberwell Green (Farmers Market)
- Peckham Square (Farmers Market)
- Druid Street market
- Camberwell Green (Food Market)

- 4.2 In addition to the regular Council markets listed above, the Council also licences occasional market events, such as Christmas Markets, Spring Markets and Summer Markets. When an event coincides with a regular Council licenced market there may be an added cost to the trader to support the cost of the event.
- 4.3 The Council has the power to establish new markets if it so wishes – as either regular or occasional events. Accordingly, the above list is subject to change and shall be updated as part of a periodic review of the Councils Markets Policy. The Council will operate any new markets under the provisions of Part III of the Food Act 1984.
- 4.4 There are a number of isolated pitches (less than 5 pitches) located in the Borough of Southwark. The Council licence these under the London Local Authority Act 1990 (as amended)

5. Licensing Private Markets under the Council's Markets Policy

- 5.1 The Council's consent to a market, by the grant of a market licence, must be given prior to the event taking place. Any market that takes place without such a licence shall be in breach of the Markets Policy and may be subject to the enforcement action described in Section 8 below.
- 5.2 Markets shall only be licensed once an application for a markets licence has been approved (and signed by both the Council and the Market Operator) and the appropriate fee received by the Council.
- 5.3 Market licenses are issued to the market operator identified in the application (“the Market Operator”) and are not transferrable.
- 5.4 The Council shall consider applications in respect of the following categories of market events:
- i) Commercial markets; and
 - ii) Community-based markets with a strong charitable element.

i) Commercial markets

- 5.5 A commercial market is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes. The Council shall consider applications in respect of commercial markets having regard to the following matters:
- a) No market shall be authorised within 6 2/3 miles of an existing licensed market unless it can be demonstrated that the new market shall not undermine the existing market and not prejudice the overall market offer.
 - b) The applicant is required to provide a site plan showing the extent of the proposed market area and proposed layout of stalls.

- c) The applicant is required to undertake a risk assessment in relation to the proposed operation of the market and make this available for inspection by the Council upon request.
- d) The applicant must ensure that all other necessary consents and licences have been obtained prior to the market taking place.
- e) A fee must be paid in respect of any consent given by the Council, which shall be based on both the size of the market and the frequency with which the market is held. The fee must be paid before the market is held.
- f) Fees and charges are reviewed annually and are available on the Southwark Council website.
- g) In respect of any consent the Market Operator must have adequate insurances in place and ensure that all stallholders have their own adequate insurances in place (this should be the **minimum of £5 million**).
- h) All trading standards guidelines, health and safety requirements and any other relevant legislation must be adhered to.
- i) The Council shall look for the proposed market to complement existing retail activity in the local area and support the Council's objective of helping to create thriving town centres that are attractive and welcoming.
- j) Following outline approval of an application a licensing agreement must be entered into between the Operator and the Council and such licensing agreement must be signed by both the Council and the Operator before the market takes place. The licence agreement will cover the issues set out in this section and all other matters the Council deems to be relevant including the following:
 - i. Waste disposal arrangements
 - ii. Road closures and traffic management
 - iii. Noise and nuisance
 - iv. Health and safety issues
 - v. Power usage
- k) The Council shall insist on any other requirements as are deemed appropriate

ii) Community-Based Markets with a Strong Charitable Element

- 5.6 Community-based markets are normally organised by local communities or organisations with the intention of raising funds for a specific charity or celebrating a special event.
- 5.6.1 The Council shall consider applications in respect of community-based markets having regard to the following requirements:

- a) The markets must be operated on a non-profit making basis to assist a charity or community event and the Operator shall supply relevant information to the Council if so requested. While it is acknowledged that some traders shall be selling goods for their own purposes, the Council shall look for the event to have a strong charitable element in the way the event is organised.
- b) The applicant shall be required to provide a site plan showing the extent of the proposed market area and proposed layout of stalls.
- c) The applicant shall be required to undertake a risk assessment in relation to the proposed operation of the market and make this available for inspection by the Council upon request.
- d) The applicant must ensure that all necessary consents (e.g. planning) have been obtained prior to a market taking place.
- e) Where the market is to be operated on a non-profit making basis to assist a charity or community event then the licence fee may be waived.
- f) In respect of any consent the Market Operator must have adequate insurances and all stallholders should have a minimum of £5 million public liability insurance cover in place. Where individual stallholders do not have their own public liability insurance cover in place the insurance cover held by the Market Operator should cover the activities of these stallholders.
- g) All trading standards guidelines, health and safety requirements and any other relevant legislation must be adhered to.
- h) Following outline approval of an application a licensing agreement must be entered into between the Operator and the Council and such licensing agreement must be signed by both the Council and the Operator before the market takes place. The licence agreement will cover the issues set out in this section and all other matters the Council deems to be relevant including the following:
 - i. Waste disposal arrangements
 - ii. Road closures and traffic management
 - iii. Noise and nuisance
 - iv. Health and safety issues
 - v. Power usage
- i) The Council will insist on any other requirements as are deemed appropriate.

5.8 Applications in respect of both commercial markets and community-based markets should be made to:

Markets and Street Trading
 47 – 53 Dawes Street (SAST House)
 London
 SE17 1EL or online at streettrading@southwark.gov

iii) Process for determining market licence applications

- 5.9 An electronic version of the Council's Markets Policy, together with the relevant market licence application form, can be viewed and downloaded from :
streettrading@southwark.gov.uk
- 5.10 The Council will endeavour to deal with applications for a markets licence within a period of twenty working days from receipt of the application. Applicants are urged to submit an application as early as possible to ensure that the Council has adequate time to consider the relevant matters in an appropriate way. In considering the application the Council will require sufficient information to deal with all the issues set out in the criteria listed above and also covered on the application form. Failure to provide such information is likely to lead to a delay in the Council coming to a decision.
- 5.11 If the Council fail to respond to a licence application after a minimum of 20 days after the application has been received the licence will be granted by way of a tacit consent. A licence application can only be considered once the Markets and Street Trading department are in receipt of an application and all required consents.
- 5.12 The authority to grant a market licence is held by the Markets Manager with this power being delegated under the Council's constitution and scheme of delegation.
- 5.13 All decisions to grant market licenses are made at the discretion of Southwark Council.
- 5.14 Once a licence is issued the licence holder will sign the licensing conditions to ensure compliancy while trading on all Southwark markets and isolated pitches.
- 5.15 The licence issued will be either a temporary or permanent licence.
- 5.16 A temporary or permanent market licence will be issued under the Food Act part III (1984).
- 5.17 A temporary or permanent street trading licence will be issued under the London Local Authorities Act 1990 (as amended).

iv) Appeal process

- 5.18 If the Council decides to refuse an application for a market licence it will contact the applicant and set out the reasons for its decision.
- 5.19 There is no statutory right of appeal against refusal to issue a market licence, however, you may appeal against the decision through the Southwark Council Complaints Procedure.
- 5.20 Any appeal against a decision to refuse a market licence must be made in writing to the Council, setting out the reasons the applicant believes the refusal is

unwarranted.

- 5.21 On receipt of an appeal request the decision to refuse the market will be reviewed and the applicant informed of the outcome. The decision will be made by the Markets and Street Trading Manager.
- 5.22 A temporary market licence holder or temporary street trading licence holder does not have the right of appeal to Licensing Committee if the licence conditions are breached. The licence holder will be subject to the licensing conditions and will refer to Appendix 1 penalty points system procedure.
- 5.23 Any disputes regarding the penalty points procedure shall be reviewed by the Markets and Street Trading Manager.

v) Renewing a market licence

- 5.24 Market Operators should re-submit their application every 12 months if they wish to continue to operate a regular market. This must be done at least one month before their current market licence expires.
- 5.25 The Council will not send out reminders for renewals. It is up to the operator to renew their application on time. Lapsed market licenses will be treated as a new application.

6. Market Licence Fees

- 6.1 A licence fee is payable once an application for a market licence has received in principle approval from the Council. A licence agreement will not be drawn-up by the Council until the appropriate fee has been received.
- 6.2 The licence fee will be dependent on the type of market being held:
 - i) Commercial Markets - The licence fee for commercial markets will be based on the size of the market and the frequency of the market.
 - ii) Community-based Markets - Where the market is to be operated on a non-profit making basis to assist a charity or community event then the licence fee may be waived.
- 6.3 Please refer to paragraph 5.5 (f)

7. Other Approvals

- 7.1 It is important to emphasise that any approval given by the Council in accordance with this Market Policy shall not remove the requirement for any other relevant approvals, consents and licences to be obtained by the Market Operator.
- 7.2 Where the market is being held on private land the Market Operator must ensure that the prior approval of the relevant landowner is obtained.
- 7.3 The Market Operator shall be responsible for any temporary road closures and associated traffic management arrangements that may be required in order to facilitate the operation of the market.
- 7.4 The Market Operator should consult with the Council's Planning Department to ascertain whether planning consent is needed for the market to operate. Any market held in the same location for 14 or more days in a calendar year will require planning consent.
- 7.5 Attention is also drawn to the provisions of the Licensing Act 2003 a Temporary Events Notice might be required in respect of the sale of alcohol.
- 7.6 The Council may require evidence of these approvals being obtained prior to the granting of a market licence

8. Enforcement

- 8.1 The Council will monitor the application of its Markets Policy and any market event which is operated after the date of the adoption of this Markets Policy will be subject to the Council's requirements and byelaws.
- 8.2 Any market which is not approved by the Council under Section 5 of its Markets Policy will be subject to legal action and the Council may seek an appropriate remedy in the courts to prevent the market being held and/or damages as appropriate.
- 8.3 Any market operator acting in contravention of any market licence granted by the Council will run the risk of the licence being terminated by the Council with immediate effect on such terms as the Council determines and, in such circumstances, the Council reserves the right to refuse any future applications for market licences submitted by the operator concerned or any person or organisation associated with the operator.
- 8.4 Any costs of, or associated with, enforcement action deemed necessary as a result of the Market Operator's failure to comply with the Market Policy will be recovered from the Market Operator.

9. Review

- 9.1 We will review this policy as necessary. We will continue to evaluate the policy and may update it at any time.



LONDON BOROUGH OF SOUTHWARK BYELAWS FOR MARKETS

Byelaws for markets made by Southwark Council under section 60 of the Food Act 1984 with respect to all Markets listed in the Schedule attached to these byelaws.

INTERPRETATION

1. In these byelaws:

“the council” means Southwark Council

“goods” means anything brought into the market place for the purpose of sale;

“market” means any market maintained by the council and listed in the Schedule to these byelaws;

“market hours” means the hours on a market day appointed by the council for the holding of a market;

“market day” means a day appointed by the council for the holding of a market;

“market officer” means the person or persons appointed by the council to exercise general management, supervision and control of a market;

“sell” and “sale” include exposing and exposure for sale;

“pitch” includes any place or space used or intended to be used for the sale of goods;

“vehicle” means a mechanically propelled vehicle [whether or not] intended or adapted for use on roads but does not include an invalid carriage.

“standard licence conditions” means the regulations to be followed whilst occupying a pitch on Southwark’s markets governed by Food Act 1984

MARKET DAYS AND HOURS

2. No person shall sell in a market place any goods other than during market hours.
3. The market shall operate between the hours set down for that particular market location. There shall be no trading in the event of Christmas Day, Boxing Day or New Years Day falling on a market day unless a prior agreement has been reached with the market officer.
4. All traders must vacate the market area by the end of the market hours, including the packing up time. No trader shall vacate their pitch before 2:00pm other than Bermondsey Antiques Market which will be 1:00pm.
5. The markets officer shall have the right to close the market at his/her absolute discretion on the grounds of public safety. Refunds of pitch fees will only be made if the market is closed prior to 10.00am on the day of trading.

PREVENTION OF OBSTRUCTION

6. No person shall bring a vehicle or ride a cycle into the market place during market hours without reasonable excuse.
7. No person in charge of a vehicle shall, during market hours allow it be halted in the market place, or in its immediate approaches, for longer than is reasonably necessary for the loading or unloading of goods.
8. No person shall bring any goods into the market place more than one hour before the market hours begin or allow them to remain there more than one hour after the market hours end.
9. Any person loading or unloading their vehicles, shall not wilfully obstruct, disturb, hinder or annoy any person using the market. In particular traders must comply with such requirements to ensure emergency access as the market officer deems necessary.
10. No person shall allow or cause any goods to be placed on any pitch or space such that they encroach beyond the allotted limits of the pitch.
11. No person shall do or permit anything to be done which may be or become a nuisance to any person using the market and pitches must be used in a diligent and business like manner.
12. Pitches must be erected in accordance with the pitch layout held by the market officer and the terms of any arrangement to let or allocate the pitch.
13. Pitches are not to be moved from their respective markers or allocated space.
14. Any person carrying out construction, unloading, dismantling or loading operations must ensure that they carry out the operations in such a manner as to safeguard themselves and any person using the market.

AUTHORITY TO USE SPACE

15. No person shall occupy or take possession of any pitch or cause to be deposited any goods, equipment or utensils on any pitch unless and until such pitch has been duly let or otherwise allocated by the market officer for the use of such person.
16. No person shall set up or attempt to set up on a pitch in the market place without the permission of the market officer.
17. All persons occupying pitches shall abide by the Council's standard licencing conditions.
18. Where the council:
 - a) designates any part of the market place for the sale of particular goods or any class of goods, or for sales by auction, and

- b) display in a conspicuous place a public notice to that effect,
- c) no person shall sell goods, or hold sales by auction, except in accordance with the terms of that designation.

FOR PREVENTION OF SPREAD OF FIRE

- 19. No person shall smoke within the pitch area during market hours.
- 20. No person shall keep or sell any explosive or highly flammable substance in the market place

FOR PRESERVATION OF ORDER

- 21. No person shall ring any bell or blow any horn or use any other noisy instrument to attract the attention or custom of any person.
- 22. No persons shall post or display any bill, placard or poster, other than a description of goods advertised for sale, in any part of the market place except with the permission of the market officer.
- 23. No person in the market place or in its immediate approaches shall, except by way of sale, distribute or attempt to distribute to the public any printed matter except with the permission of the market officer.

ANIMALS

- 24. No person shall bring into or allow to remain in the market any dog or other animal belonging to him or in his charge unless it is attached to a lead, or otherwise kept sufficiently secured, and kept at all times under his control .
- 25. (a) No tenant or occupier of a pitch shall keep any dog or other animal at his pitch.

PENALTIES

- 26. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- 27. Other breaches of terms and conditions will be dealt with under penalty points system.

MARKETS SCHEDULE IN THE LONDON BOROUGH OF SOUTHWARK

LOCATION	COMMODITIES	TRADING DAYS
Bermondsey Antiques Market Bermondsey Square SE1 1UN	Antiques	Friday Only
East Street Market East Street SE17 1EL	General	Tue – Sun
Westmoreland Road Market SE17 2AX	General / Bric-a-brac	Mon – Sat
The Blue Market Southwark Park Road SE16 3TT	General	Mon – Sat
Choumert Road Market Peckham SE15 4SE	General	Mon – Sat
Blackwood Street Flower Market Blackwood Street SE17 1DA	Flowers / Plants / Trees / Shrubs	Sunday Only
Dawes Street SE17 1EL	General	Sunday Only
London Bridge Approach SE1	General	Mon – Sat
Atwell Road Peckham SE15 4TW	General	Mon – Sat
Albion Street SE16	General	Mon – Sat
North Cross Road Market Northcross Road SE22 9EU	Arts & Craft / Handmade / Vintage / Organic	Mon – Sat
Highshore Road, Peckham, SE15	General	Mon - Sat
Parkstone Road, Peckahm SE15	General	Mon - Sat
Peckham Square SE15	Arts & Craft / Handmade / Vintage / Organic	Mon - Sun

Camberwell Green, London, SE5	General	Mon - Sat
Canada Water, London, SE16	General	Mon - Sat

The COMMON SEAL OF THE
LONDON BOROUGH OF
SOUTHWARK was hereto affixed
In the presence of

seal



Authorised Signatory

On the 23 day of January 2012



MARKETS SCHEDULE IN THE LONDON BOROUGH OF SOUTHWARK

LOCATION	COMMODITIES	TRADING DAYS
Bermondsey Antiques Market Bermondsey Square SE1 1UN	Antiques	Friday only
East Street Market East Street SE17 1EL	General	Tue – Sun
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Highshore Road, Peckham, SE15	General	Mon - Sat
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Peckham Square SE15	Arts & Craft / Handmade / Vintage / Organic	Mon - Sun
Camberwell Green, London, SE5	General	Mon - Sat
Canada Water, London, SE16	General	Mon - Sat

Item No. 7.	Classification: Open	Date: 20 June 2017	Meeting Name: Licensing Committee
Report title:		Partnership Analysis of Alcohol Related Violence Southwark 2017 & Consideration of Cumulative Impact of Licensed Premises Within Borough & Bankside; Camberwell and Peckham and areas under monitor.	
Ward(s) or groups affected:		Cathedrals; Chaucer, Grange, Riverside, Camberwell Green, Brunswick Park, South Camberwell, Faraday, Peckham, Livesey, The Lane, East Walworth, Newington, South Bermondsey and Nunhead.	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the committee notes the content of the partnership analysis of alcohol related violence in Southwark for 2017 and agrees that on the basis of the analysis, it is appropriate and necessary to maintain the existing saturation policies in:
 - a) Borough and Bankside
 - b) Camberwell
 - c) Peckham.
2. The committee also agrees to keep the following areas under review:
 - Walworth Road / East Street
 - Elephant & Castle
 - Old Kent Road.

BACKGROUND INFORMATION

3. Guidance issued under section 182 of the Licensing Act 2003 by the Home Office, establishes that licensing authorities may introduce special 'saturation policies' where the authority believes there are problems in its area resulting from the cumulative impact of licensed premises.
4. This authority currently has three special saturation policies in place. These cover:
 - Borough and Bankside (established in November 2009. Extended in April 2011)
 - Camberwell (established in November 2008)
 - Peckham (established in November 2008. Extended in November 2009).
5. Decisions to establish each of the special policy area have been taken following consideration of available current information sources and public consultation. The primary source of information throughout has been the annual partnership analysis of alcohol related violence and crime and disorder within Southwark.
6. This report updates the committee on the most recent analysis, for 2017, paying particular regard to the current situation within the three special policy areas.

7. Based upon the content of the analysis, the committee is recommended to maintain each of the three saturation areas through to the next analysis. However, it is also open to the committee to consider whether any of the policies should be amended or revoked. If the committee is minded to either amend or revoke any saturation policy, then a round of public consultation will be necessary.
8. The committee is also asked to consider the position in three further areas of the borough where the cumulative impact of licensed premises is under ongoing monitor. These areas were set by the Licensing Committee on 12 June 2013.
9. The areas under review are:
 - The Walworth Road / East Street
 - The Elephant & Castle
 - The Old Kent Road.

KEY ISSUES FOR CONSIDERATION

The Cumulative Impact Policy (CIP) review 2017

10. The analytical report provides full statistical information for 2016 on:
 - Alcohol-related crime, extracted from the Police crime recording information system (CRIS). Domestic abuse allegations were not included in the extraction.
 - Alcohol related ambulance (LAS) calls.
 - For the first time the analysis also covers alcohol related thefts, it is included as theft the main volume crime type, associated with licensed premises, across London.
 - Borough wide hot spot mapping for was used to plot the areas of higher incidents in comparison to the CIP area to ascertain the suitability of the boundaries.
 - More detailed analysis was conducted for each of the CIP areas and monitoring areas.
11. Key findings within established CIP areas:

Borough and Bankside

 - The boundary of the area is suitably placed to capture the highest intensity of alcohol-related violence and theft.
 - Ambulance call-outs to alcohol-related incidents were also concentrated within the boundary.
 - Long term trends show reductions in comparison to 2013 in ambulance callouts, from 460 to 357, and thefts from 133 to 72.

- There is an increase in alcohol related violence in long term trends, from 88 to 127.
- There is a slight increase of alcohol related violence in comparison to 2015 of two additional incidents.

Camberwell

- The Camberwell boundary is suitably placed to capture the highest intensity of alcohol-related violence and theft.
- Ambulance call-outs to alcohol related incidents are also concentrated within the boundary.
- Long-term trends show relative consistency in violence, ranging from 55 to 70 and theft, ranging from 19 to 26.
- In 2016 there were fewer thefts recorded than in 2015, 26 to 19.
- Ambulance callouts showed a long-term increase within the area.

Peckham

- The Peckham area boundary is also suitably placed to capture the highest intensity of alcohol-related violence and theft.
- Ambulance call-outs to alcohol-related incidents were also concentrated within the boundary.
- Long-term trends show a reduction in alcohol-related thefts, from 45 to 20.
- Ambulance alcohol-related callouts also show a reduction from 240 to 174).
- Incidents of alcohol-related violence increased in 2016 compared to 2015 from 61 to 78.

12. Key findings within monitored areas:

Walworth Road / East Street

- The boundary for the area under monitoring is suitably placed to capture the highest intensity of alcohol-related violence and theft.
- Ambulance call outs to alcohol related incidents were also concentrated within the boundary.
- Long term trends show a reduction in alcohol-related ambulance callouts.
- There is an increase in alcohol related violence until 2015 from 62 to 79, followed by a reduction of 10 violent incidents recorded in 2016.
- Alcohol-related thefts have been in decline since 2014, from 28 to 14.

Elephant & Castle

- The Elephant & Castle boundary is suitably placed to capture the highest intensity of alcohol-related violence and theft.
- Ambulance call outs to alcohol related incidents are also concentrated within the boundary.
- Overall incidents remained the most consistent within this CIZ compared with the others.
- Theft and violence both recorded reductions in 2016 compared with 2015.

Old Kent Road

- The Old Kent Road corridor boundary is suitably placed to capture the highest intensity of alcohol-related violence and theft from the area.
 - Ambulance call outs to alcohol-related incidents were also concentrated within the boundary.
 - The long term trend depicted a reduction in alcohol-related thefts from 20 to 14 and violence from 34 to 31.
 - Ambulance callouts also show a long term trend of reduction from 97 to 68.
 - Ambulance incidents and alcohol violence increased before reducing in 2016.
 - Thefts increased through 2014 to 2016, from 9 to 14, but remained under 2013 levels of 20.
13. Appendix A to this report provides the analysis data with comparison to an overview across Southwark and details of each CIP areas and areas under review.

Community Impact Statement

14. This report considers the extent to which saturation policies continue to be appropriate and necessary within the Borough and Bankside, Camberwell and Peckham areas, in helping to control the direct impacts of the leisure and night-time economy on the local community.
15. Saturation policies have the potential to place a check on identified and escalating concerns relating to crime and disorder, anti-social behaviour and nuisance. In doing so a policy may also contribute toward reducing the fear of crime and making Southwark a better place to live, work and visit.
16. While, conversely, saturation policies may also impact on business growth and development of the area concerned, it should be understood that the existence of a policy does not prevent responsible operators from becoming established within the area or from developing existing businesses. However, operators will have to demonstrate that their business proposals do not further impact on the identified concerns within the locality.
17. The existence of a special policy does not automatically mean that applications made within a special policy area will be refused. If no representations are received, it will remain the case that an application must be granted in the terms that are consistent with the operating schedule submitted.

18. Applicants will be expected to provide information in their operating schedules to address the special policy issues in order to rebut the presumption of refusal. Applicants will need to demonstrate why the operation of their premises will not add to the cumulative impact being experienced.

Resource implications

19. This report does not contain any new resource implications. Work undertaken in relation to maintenance of saturation areas may be contained within existing resources.

Consultation

20. No public consultations have taken place as part of the preparations of this report. Any decision to amend or remove any of the current saturation areas will initiate public consultation in accordance with section 5(3) of the Licensing Act 2003.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

21. Pursuant to section 5 of the Licensing Act 2003, each licensing authority at least every 5-years must determine its policy in respect to exercise its licensing functions and publish a statement of that policy (a "licensing statement").
22. The council's statement of licensing policy may include saturation policies in respect of particular areas, which address issues relating to the "cumulative impact" of a number of licensed premises in that area.
23. Although the Licensing Act 2003 ("the 2003 Act") does not contain specific statutory provisions relating to the review and revision of saturation policies, the council must have regard to the general requirements of the 2003 Act and the statutory guidance issued by the Secretary of State under s.182 of the 2003 Act.
24. Section 5(4) of the 2003 Act states that the council must keep its licensing policy under review and make appropriate revisions where necessary.
25. Paragraph 14.32 of the section 182 Licensing Act 2003 guidance goes further and states that saturation policies should be reviewed regularly to assess whether they are still needed or whether they need to be expanded.
26. If, following a review, the council considers it appropriate to revise the saturation policies contained within the licensing policy then it must follow the statutory procedure contained in s.5 of the 2003 Act.
27. Sections 5(3) and 5(5) of the Act require that before revising any such policy the licensing authority must first consult with the local police, fire service and representative bodies of local residents, businesses and premises licence holders. The council must also publish details of any revisions.
28. Any decision to revise a saturation policy within the statement of licensing policy should have an evidential basis which demonstrates that the cumulative impact of licensed premises in an area is having an impact on crime and disorder and/or public nuisance.

29. If the council wishes to extend any saturation policy within the borough, it must first be satisfied that there is sufficient evidence to show that the cumulative impact of premises in the area is having an impact on local crime and disorder and/or public nuisance.
30. The decision to expand a saturation policy should only be made where, after considering the available evidence and consulting those individuals and organizations listed in Section 5(3) of the Act, the licensing authority is satisfied that it is appropriate and necessary.
31. There are limitations associated with special policies. Most important of these are:
 - It would not normally be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for the consumption off the premises. The inclusion of such types of premises must be justifiable, having regard to the evidence obtained through the consultation process.
 - A special policy should never be absolute, i.e. cannot have a blanket policy to refuse all applications but rather a rebuttable presumption that they will be refused. Each application will have to be considered on its own merits and should only be refused if after receiving representations, the licensing authority is satisfied that the grant of the application would undermine the promotion of the licensing objectives and, that necessary conditions would be ineffective in preventing the problems involved.
 - Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises, i.e. by way of a review. A review must relate specifically to individual premises whereas cumulative impact relates to the effect of a concentration of many premises.
 - A special policy cannot be used to justify rejecting applications to vary an existing licence except where the proposed changes are directly relevant to the policy and the refusal is necessary for the promotion of the licensing objectives.
 - Special policies cannot justify and should not include provisions for a terminal hour in a particular area.
 - Special policies must not impose quotas that would restrict the consideration of any application on its individual merits.
32. The statement of licensing policy must not be inconsistent with the provisions of the 2003 Act and must not override the right/s of any individual as provided for in that Act. Nor must the statement of licensing policy be inconsistent with obligations placed on the council under any other legislation, including human rights legislation. The council also has a duty under Section 17 of the Crime and Disorder Act 1998, when carrying out its functions as a licensing authority under the 2003 Act, to do all it reasonably can to prevent crime and disorder within the borough.
33. Whilst yet to be given a commencement date, section 141 of the Policing and Crime Act 2017 amend the Licensing Act 2003 to include alcohol impact assessment

areas, giving them a new statutory footing. Section 141 of the Act expected to be commenced later in 2017.

34. The council must have due regard to its Public Sector Equality Duty ("PSED") under the Equality Act 2010 ("the 2010 Act"), in particular the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity for those with protected characteristics and foster good relations between those with and without such characteristics. The list of protected characteristics is set out in the 2010 Act.
35. An Equality Impact Assessment ("EQIA") has been carried out in relation to the council's Statement of Licensing Policy, to ensure that the council's public sector equalities duties are complied with. The EQIA has identified no issues in relation to the PSED. These recommendations do not propose any change to that policy, however an EQIA would need to be carried out if changes were proposed.

Decision-making Arrangements

36. Saturation polices form part of the statement of licensing policy.
37. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, decisions relating to licensing matters cannot be the responsibility of an authority's executive.
38. The 2003 Act provides that whilst the majority of the functions of the licensing authority, are to be taken or carried out by its licensing committee, decisions relating to the statement of licensing policy cannot be delegated in such a way. The decision on whether to amend the statement of licensing policy must therefore be taken by council assembly.
39. If the licensing committee felt that changes to the licensing policy, such as amending a saturation policy, were appropriate this would need to be referred to council assembly.

Strategic Director of Finance and Governance

40. This report recommends that the licensing committee agrees to maintain the existing saturation policies in the Borough and Bankside, Camberwell and Peckham areas; and to continue to monitor the cumulative impact of licensed premises.
41. The strategic director of finance and corporate services notes the resource implications contained within the report and that there are no financial implications as a result of accepting the proposals. Officer time to effect the recommendations will be contained within existing budgeted revenue resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Associated secondary regulations Home Office Guidance to the Act Southwark Statement of Licensing Policy Latest partnership analysis reports	Licensing Unit Hub 2 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read (020 7525 5748)

APPENDICES

No.	Title
Appendix A	Cumulative Impact Policy (CIP) review 2017

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	David Franklin, Licensing Team Leader	
Version	Final	
Dated	31 May 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		6 June 2017

Cumulative Impact Policy (CIP) review 2017

Examining levels of recorded alcohol-related offending and ambulance call-outs in designated parts of Southwark.

Using crime data from the MPS (Metropolitan Police Service) and call-out data from LAS (London Ambulance Service), the analysis contained within this document has been prepared to inform the decision making process surrounding maintaining, revising or removing the existing CIZs (cumulative impact zones) and the additional three CIZs under review.

Julian Pepper
Community Safety Analyst – Regulatory Services
julian.pepper@southwark.gov.uk

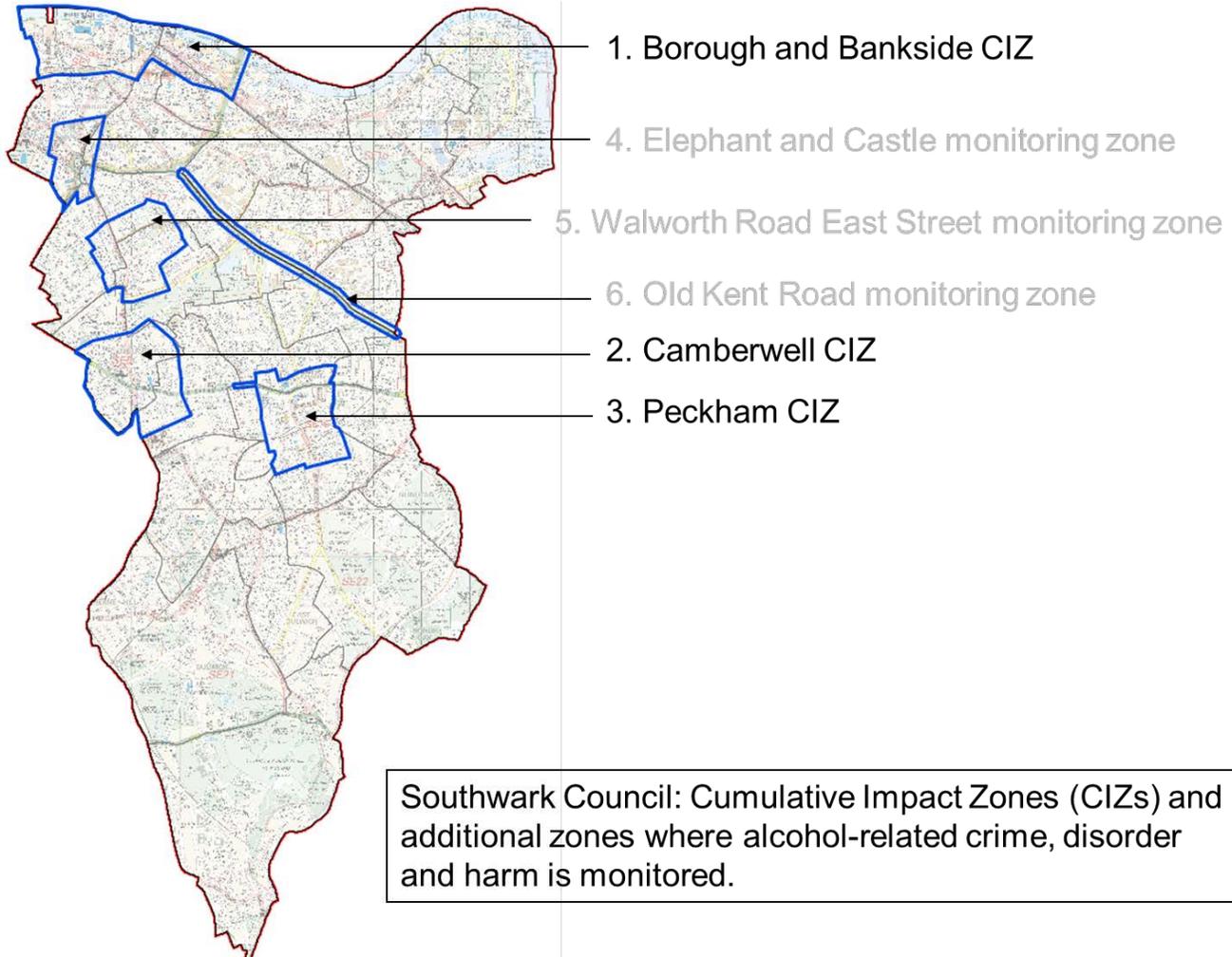


Background

The Home Office states that across the UK more than 100 local authorities operate Cumulative Impact Policies paired to geographical control zones to help manage alcohol availability.

In November 2008 two CIPs were designed and implemented, resulting in Cumulative Impact Zones in Camberwell and Peckham. A year later a further CIZ was brought into being in the north of the borough to include the Bankside area.

Three further zones are monitored by the council. These zones are not governed by CIP conditions, but share similar characteristics to the established CIZs. These are Elephant and Castle, Walworth Road East and the Old Kent Road.





Method

Alcohol-related crime data was extracted from the Metropolitan Police Service (MPS) crime recording information system (CRIS). A query was written to identify all recorded crimes which had been marked with one or more feature codes related to alcohol. Domestic abuse allegations were not included in the extraction.

Two crime types were chosen for this review: violence and theft:

- Violence has proven links with alcohol and is of prime concern to licensees; many of whom work closely with Licensing Officers from the council and the police to limit its impact on their premises. Alcohol-related violence was the prime data set used in the previous review
- Theft was added to this review because it's the main volume crime type, associated with licensed premises, across London. (Thefts also had a condition applied to the extraction query to only include allegations containing alcohol-related feature codes.)

London Ambulance Service (LAS) data was extracted from the Safe Stats website. All LAS call-outs to locations in Southwark, where alcohol featured, were included.

The date range for MPS data included January 2013 to the end of December 2016.

The date range for LAS data included January 2013 to the end of December 2015.

This document was intended to be read as a continuation of the previous version published in 2015.

Limitations

Crime data was extracted from CRIS to include map reference data. This was present in most recorded crimes, but not all. From the violence dataset 4% did not contain location information and from the theft dataset 6% did not contain location information. The crimes without location information were not included in this review.

LAS data is provided to a post code level of accuracy. This is worth remembering when looking at performance by CIZ because of the inconsistency between CIZ boundaries and postcode boundaries. This limitation also brings about a challenge in analyzing geographical anomalies. An analytical LAS contact was not established to help with understanding some of the call types from the LAS data set. *This would be beneficial going forward.*

The two datasets were not extracted to the same temporal range due to limitations of what was available at the time of writing. Specifically LAS data does not run for a full calendar year and is therefore excluded from the 2016 count (see fig 1).

CCTV data was considered for inclusion. However the reports captured by officers didn't contain location information which could easily be applied to a graphical information system (GIS) for mapping. *As a consideration for future iterations of this product the location accuracy of CCTV incidents could be reviewed.*



Key findings – within established CIZs

- Long-term increase in alcohol-related violence
- Long-term reduction alcohol-related thefts
- Long-term reduction in alcohol-related LAS call-outs in Bankside and Peckham but a long-term increase was recorded in Camberwell
- The geography of alcohol-related incidents of violence, theft and LAS call-outs remained quite consistently within each CIZ suggesting their positioning is appropriate.

Key findings – within monitor areas

- Long-term increase in alcohol-related violence however all three monitor areas recorded improvements in 2016 compared with 2015
- Long-term reduction in alcohol-related thefts in the three monitor areas, however Old Kent Road recorded an increase in 2016 compared with 2015
- Long-term reduction in alcohol-related LAS call-outs in Walworth and Old Kent Road. Increase recorded within Elephant & Castle
- As with the established CIZs, the placement of the three monitor areas is appropriate.

Based on the level of consistency of incidents across both the established CIZs and the areas under monitor, there is not enough evidence to warrant the discontinuation of either CIZs or monitoring zones.

All alcohol-related crime and ambulance pick-ups by area and by calendar year						
Established Cumulative Impact Zones	Bankside		Year			
	Minor crime type	2013	2014	2015	2016	
	Alcohol-related violence	88	116	125	127	
	Alcohol-related theft	133	97	104	72	
	LAS pick-ups (alcohol)	460	416	357	n/a	
	Camberwell		Year			
	Minor crime type	2013	2014	2015	2016	
	Alcohol-related violence	55	65	68	70	
	Alcohol-related theft	24	21	26	19	
	LAS pick-ups (alcohol)	219	224	252	n/a	
	Peckham		Year			
	Minor crime type	2013	2014	2015	2016	
	Alcohol-related violence	69	64	61	78	
	Alcohol-related theft	45	32	30	20	
	LAS pick-ups (alcohol)	240	191	174	n/a	
Monitor areas	Walworth		Year			
	Minor crime type	2013	2014	2015	2016	
	Alcohol-related violence	58	62	79	69	
	Alcohol-related theft	19	28	17	14	
	LAS pick-ups (alcohol)	170	178	144	n/a	
	Old Kent Road		Year			
	Minor crime type	2013	2014	2015	2016	
	Alcohol-related violence	34	42	43	31	
	Alcohol-related theft	20	9	11	14	
	LAS pick-ups (alcohol)	97	111	68	n/a	
	Elephant & Castle		Year			
	Minor crime type	2013	2014	2015	2016	
	Alcohol-related violence	59	74	79	67	
	Alcohol-related theft	37	40	27	21	
	LAS pick-ups (alcohol)	236	233	245	n/a	

Figure 1 - tabled alcohol-related crime and LAS data for both CIP groups by calendar year



Mapping – alcohol-related incidents including CIZ and secondary zone boundaries

Generating a hotspot map for each alcohol-related data set helped to highlight the long term geographical trend. Figure 2 shows alcohol-related violent crime (left), theft (centre) and LAS pick-up sites.

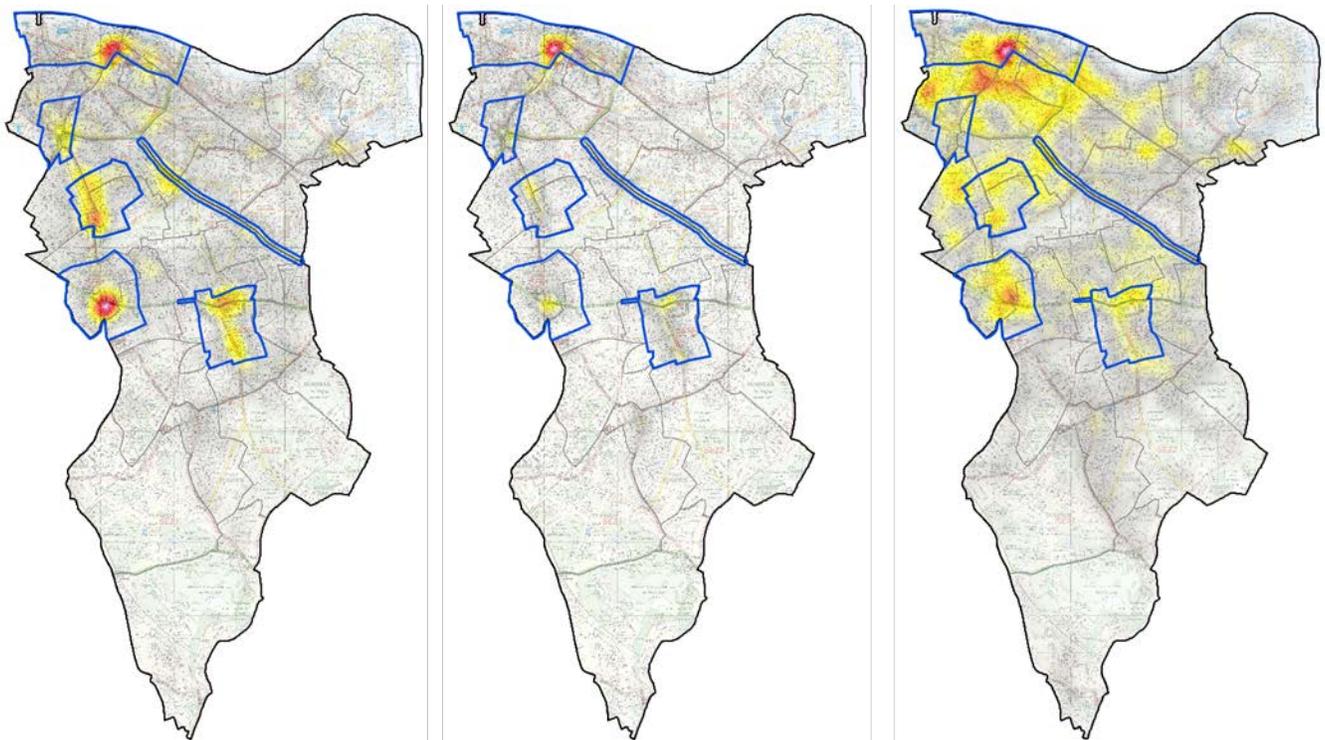


Figure 2 - thematically mapped alcohol-related crime and LAS data - Jan 2013 to December 2016. Left to right: violence, theft, LAS.

Both violence and theft (left and centre) data sets generated hotspots which fell within the three CIZs and the monitor areas. LAS data generated a slightly different picture with both the Bankside CIZ area populated with activity and an additional area of interest just south of the Bankside CIZ. This area contained 64 incidents were recorded from 2013 - 2015. The data set didn't contain enough detail to establish what the root cause of this secondary concentration was – a consideration for future reviews might be to consult with a LAS representative to help identify anomalies.

To offer up a little more detail with thematic mapping, figure 3 shows four individual maps, each displaying a single year of data by type. This can help to highlight geographical change on a shorter time scale which might otherwise be missed when 'hotspotting' several years of data in one map. In this



instance, year by year the majority of high intensity of alcohol-related violence fell within the boundaries of the CIZs and monitor areas.

The geographical information is only part of the picture; figure 4 presents a count of each alcohol-related violent crime type across Southwark for the years shown.

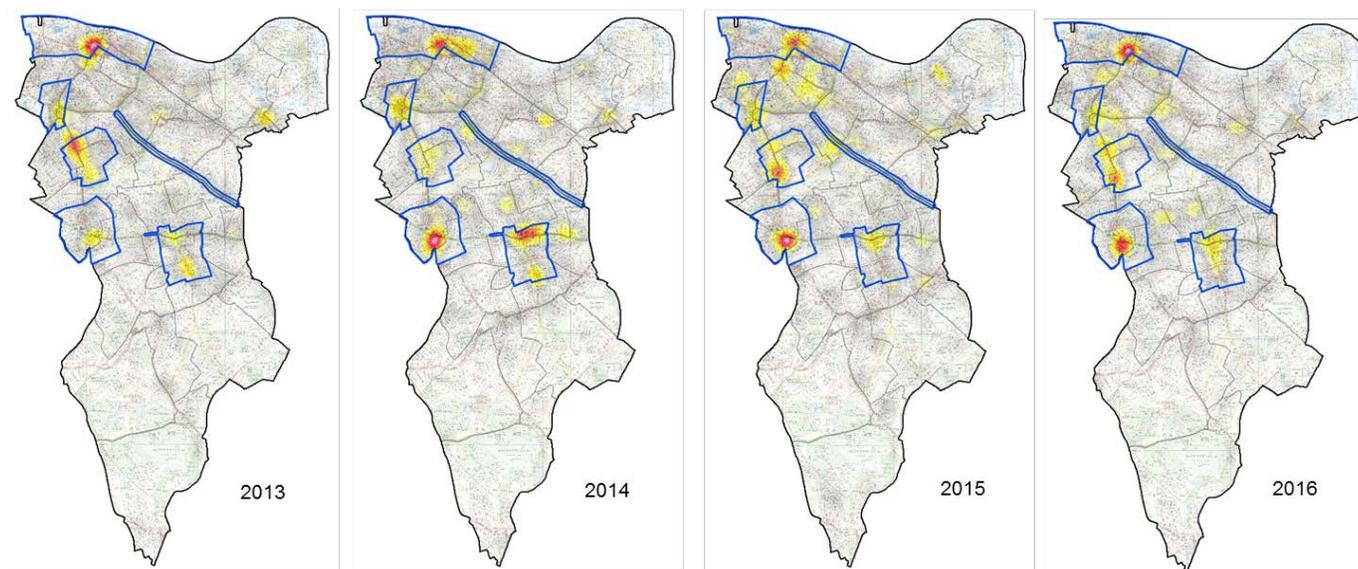


Figure 3 - thematically mapped alcohol-related violence by calendar year

Although *Serious Wounding* was the most prominent alcohol-related type of violence recorded in Southwark throughout the period shown, it is important to note the reduction in this crime type throughout 2016 to 23% from 30% compared with the previous 24 months.

Assault with injury and common assault both recorded a slight increase in proportionality across Southwark for the period shown.

Whole borough									
Violence	2013	Prop %	2014	Prop %	2015	Prop %	2016	Prop %	Total
Serious Wounding	199	24%	295	30%	287	27%	225	23%	1006
Assault with Injury	203	25%	225	23%	229	22%	243	25%	900
Common Assault	166	20%	202	21%	231	22%	230	24%	829
Harassment	183	22%	173	18%	225	21%	201	21%	782
Other Violence	43	5%	51	5%	55	5%	51	5%	200
Offensive Weapon	22	3%	25	3%	26	2%	26	3%	99
Murder	1	0%		0%	1	0%	2	0%	4
Total	817	100%	971	100%	1054	100%	978	100%	3820

Figure 4 - table showing count of alcohol-related violence across Southwark by calendar year

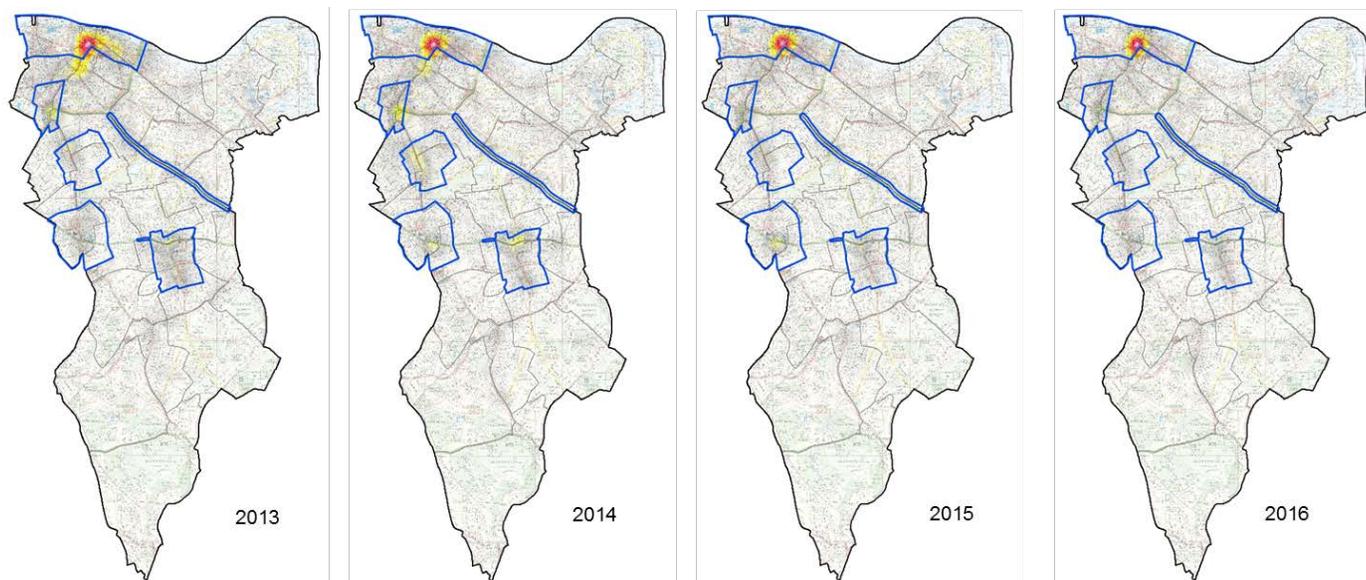


Figure 5 – thematically mapped alcohol-related thefts by calendar year

Presenting data in map form with a hotspot theme can be misleading if certain geographical areas are more heavily affected than others. Alcohol-related thefts are much more frequently reported as having taken place in the most northerly part of Southwark, in and around the Bankside CIZ containing high footfall areas such as Borough Market, London Bridge BR station and the many pubs and cafes which contribute to the vibrant day and night time economy there.

Figure 5 demonstrates this quite clearly, highlighting Bankside above other CIZs and monitor areas due to the high volume of offending.

To add to the effectiveness of this type of thematic mapping, the Bankside CIZ crime count has been excluded from figure 6 to help show where the remaining hotspots exist for alcohol-related thefts. These fall quite readily within the CIZs and monitor areas, demonstrating their appropriate placement.

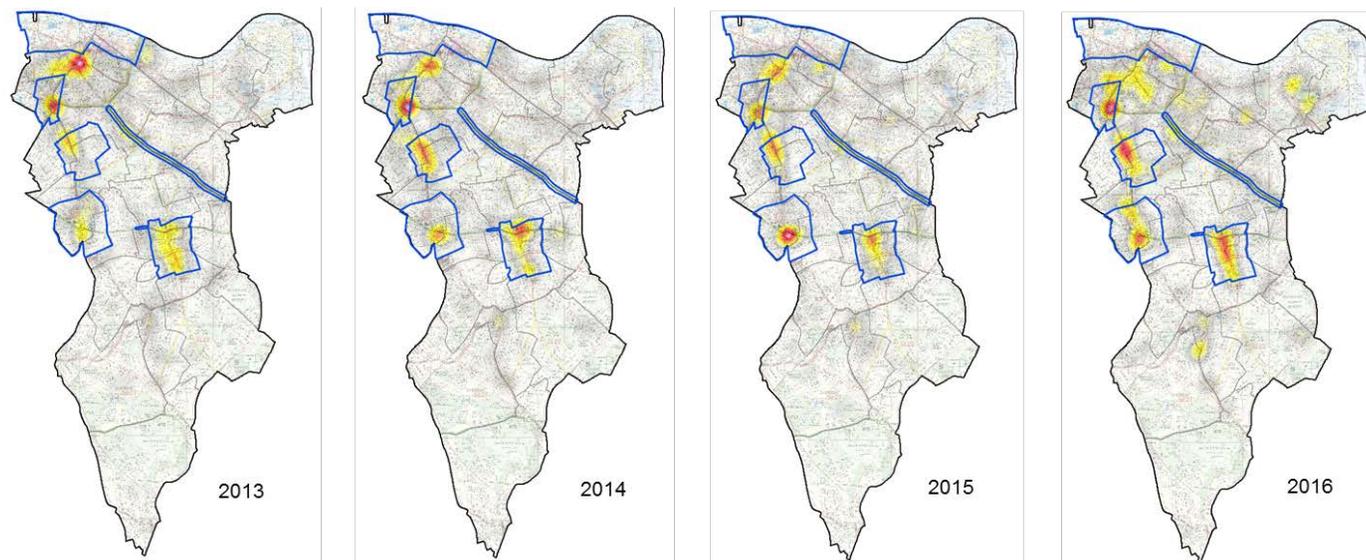


Figure 6 - thematically mapped alcohol-related theft, excluding the Bankside CIZ



The hotspot shown between Bankside and Elephant and Castle (see figure 6), has decreased in intensity throughout 2016 compared with previous years. This particular hotspot saw 26 crimes in 2013 down to 4 crimes throughout 2016. Three individual premises contributed to that hotspot: Tesco Express, 34 Long Lane, Sainsbury's, 116-118 Borough High Street and The Blue Eyed Maid, 173 Borough High Street. All three premises have shown significant reductions in alcohol-related theft over the past three years.

Alcohol-related thefts have followed a steady decline since 2013 (figure 7) with the greatest improvement seen throughout 2016. 'Theft/taking of MV' bucked the downward trend and returned to a previous high of 15 incidents in 2016. No clear reasoning behind this, however motor vehicle theft, especially two wheeled motor vehicle theft, did increase in Southwark throughout 2015 and '16 contributing to moped-enabled snatches.

Whole borough									
	2013	Prop %	2014	Prop %	2015	Prop %	2016	Prop %	Total
Theft									
Other Theft	261	51%	233	51%	206	50%	161	49%	861
Theft From Shops	98	19%	94	21%	94	23%	74	22%	360
Other Theft Person	119	23%	91	20%	76	19%	58	18%	344
Theft/Taking of M/V	15	3%	9	2%	7	2%	15	5%	46
Theft From M/V	12	2%	12	3%	8	2%	8	2%	40
Theft/Taking of Pedal Cycles	5	1%	7	2%	9	2%	7	2%	28
M/V Interference & Tampering	2	0%	5	1%	6	1%	6	2%	19
Handling Stolen Goods	4	1%	4	1%	3	1%		0%	11
Total	516	100%	455	100%	409	100%	329	100%	1709

Figure 7 - table showing count of alcohol-related thefts across Southwark by calendar year



Thematic mapping and long-term trends – established CIZs detailed view

Throughout this section the thematic mapping has been re-drawn. Each CIZ boundary has been used independently for the corresponding ‘hotspot’ layer, allowing a more realistic view of the geographical intensity of incidents.

Bankside theft

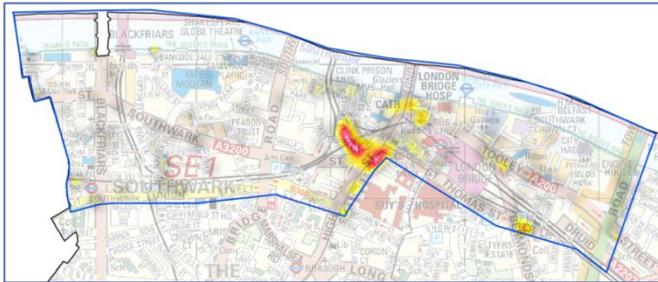
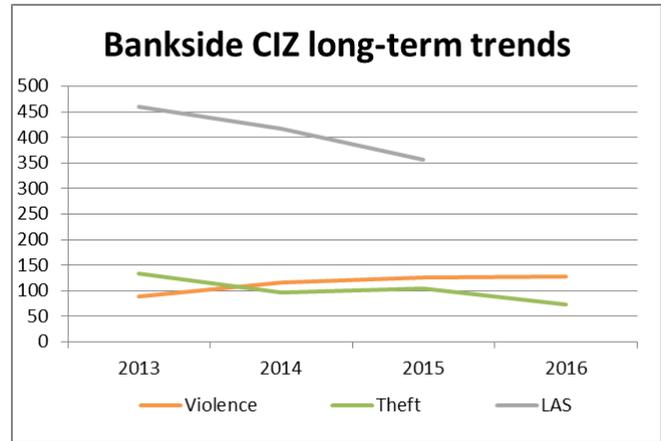


Figure 8 - Bankside CIZ thefts



Bankside violence

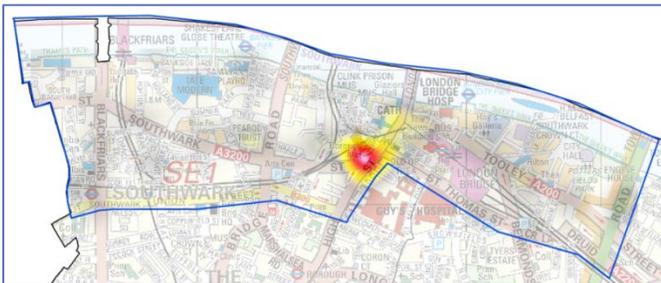


Figure 9 - Bankside CIZ violence

In Bankside the CIZ boundary is suitably placed to capture the highest intensity of alcohol-related violence and theft. LAS call-outs to alcohol-related incidents were also concentrated within the boundary. Long-term trends show reductions in LAS callouts (n=460 to 357) and thefts (n=133 to 72), whereas a slight increase was seen in violence (n=88 to 127). It is worth noting there were only two additional incidents of alcohol-related violence in 2016 than there were in 2015.

Bankside LAS

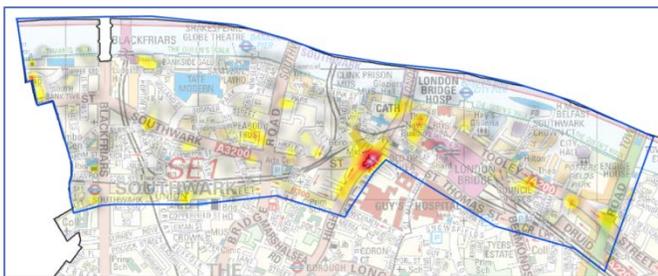


Figure 10 - Bankside CIZ LAS pickups (data only accurate to postcode level)



Camberwell theft

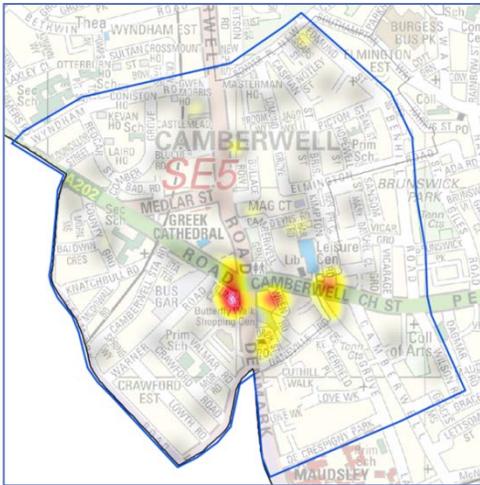


Figure 12 – Camberwell CIZ thefts

Camberwell violence

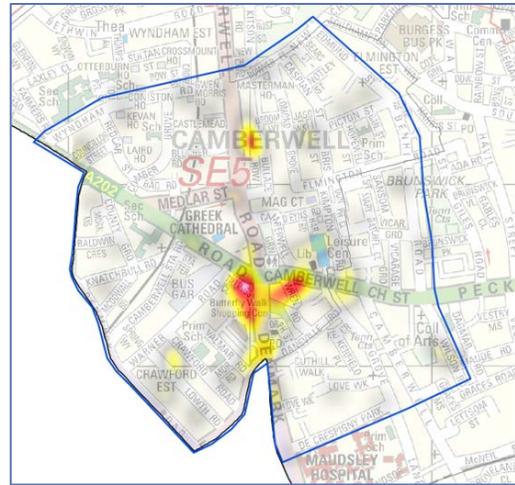


Figure 11 – Camberwell CIZ violence

Camberwell LAS

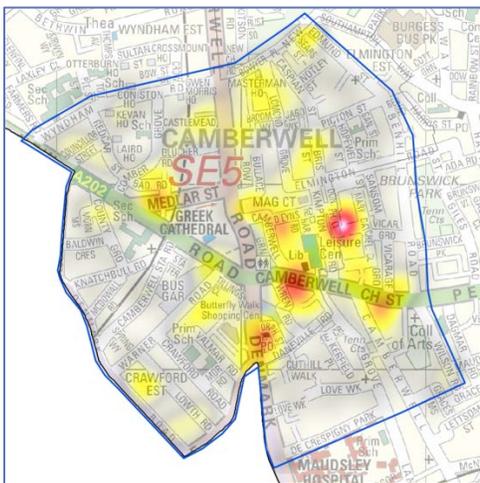
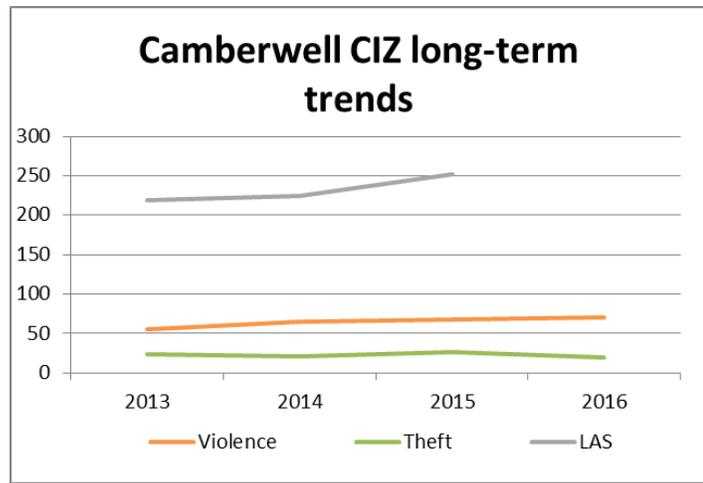


Figure 13 – Camberwell CIZ LAS pick-ups (data only accurate to postcode level)



At Camberwell the CIZ boundary is suitably placed to capture the highest intensity of alcohol-related violence and theft. LAS call-outs to alcohol-related incidents are also concentrated within the boundary. Long-term trends show relative consistency in violence (ranging from 55 to 70) and theft (ranging from 19 to 26), although in 2016 there were fewer thefts recorded than in 2015 (n=26 to 19). LAS callouts showed a long-term increase within the CIZ.



Peckham theft

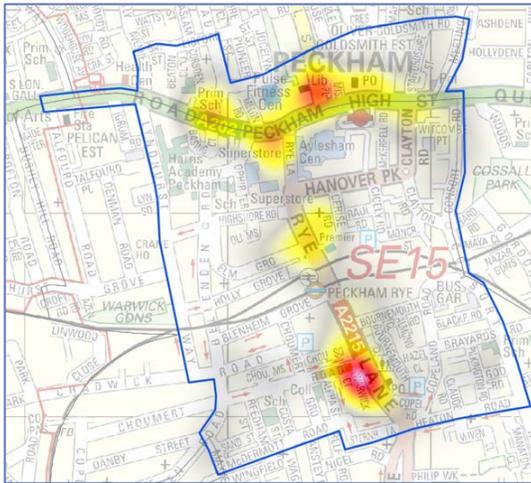


Figure 14 – Peckham CIZ thefts

Peckham violence

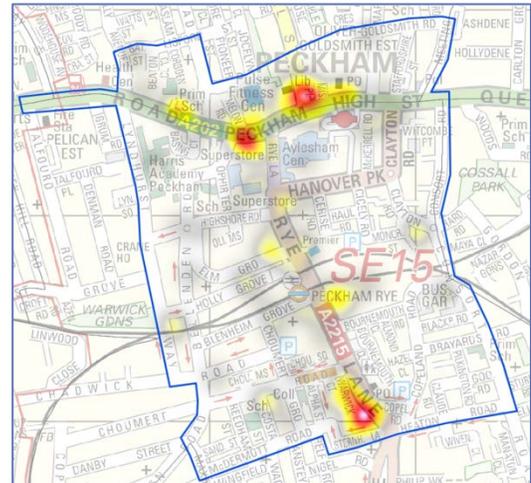


Figure 15 – Peckham CIZ violence

Peckham LAS

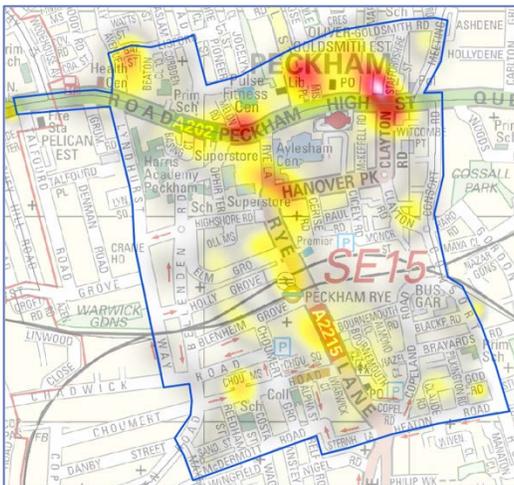
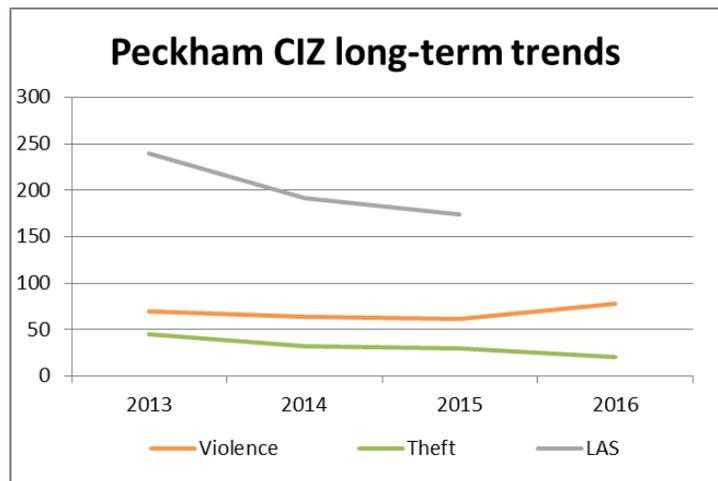


Figure 156 – Peckham CIZ LAS pick-ups (data only accurate to postcode level)



In Peckham the CIZ boundary is suitably placed to capture the highest intensity of alcohol-related violence and theft. LAS call-outs to alcohol-related incidents were also concentrated within the boundary.

Long-term trends show a reduction in alcohol-related thefts (n=45 to 20) and LAS alcohol-related callouts (n=240 to 174).

Incidents of alcohol-related violence increased in 2016 compared to 2015 (from 61 to 78).



Walworth theft

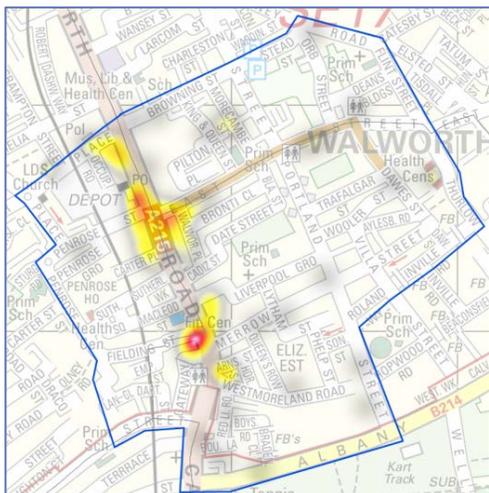


Figure 16 - Walworth monitoring area thefts

Walworth violence

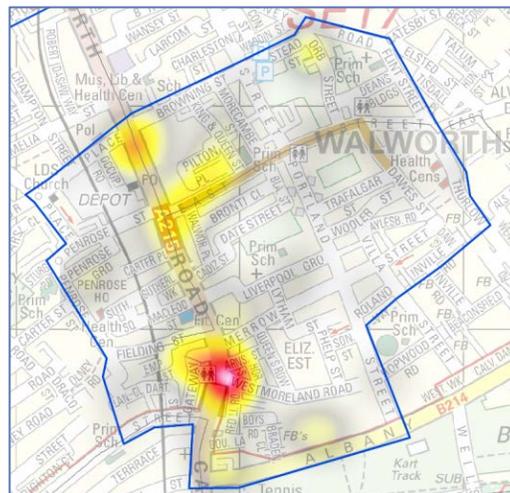


Figure 17 - Walworth monitoring area violence

Walworth LAS

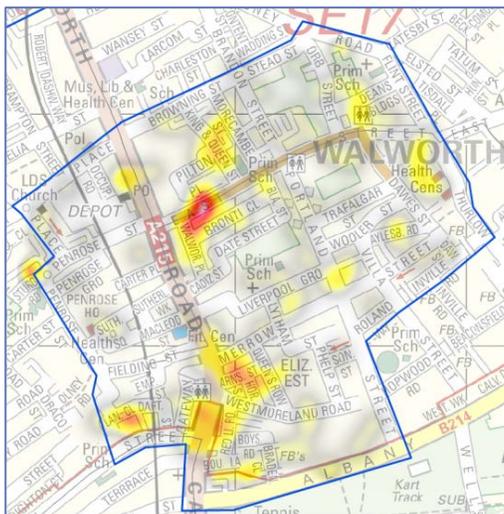
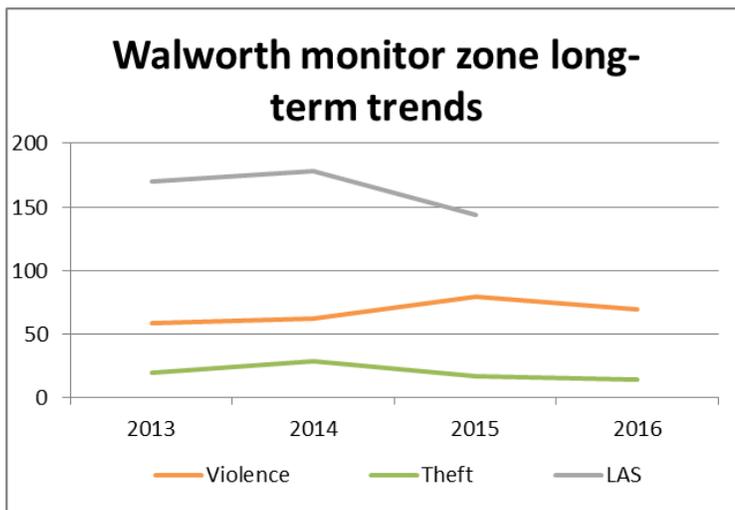


Figure 18 - Walworth monitoring area LAS pick-ups (data only accurate to postcode level)



The Walworth monitoring area boundary is suitably placed to capture the highest intensity of alcohol-related violence and theft. LAS call-outs to alcohol-related incidents were also concentrated within the boundary. Long-term trends show a reduction in alcohol-related LAS callouts but an increase in alcohol-related violence until 2015 (n=62 to 79), after which a reduction of 10 violent incidents was recorded in 2016. Alcohol-related thefts have been in decline since 2014 (from 28 to 14).



Elephant & Castle theft

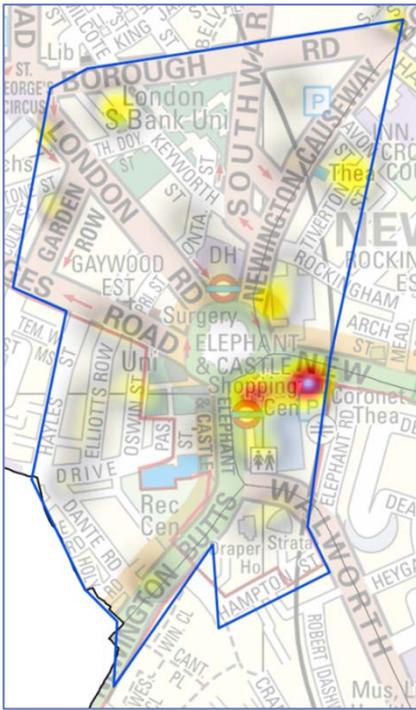


Figure 20 - Elephant & Castle monitoring area theft

Elephant & Castle violence

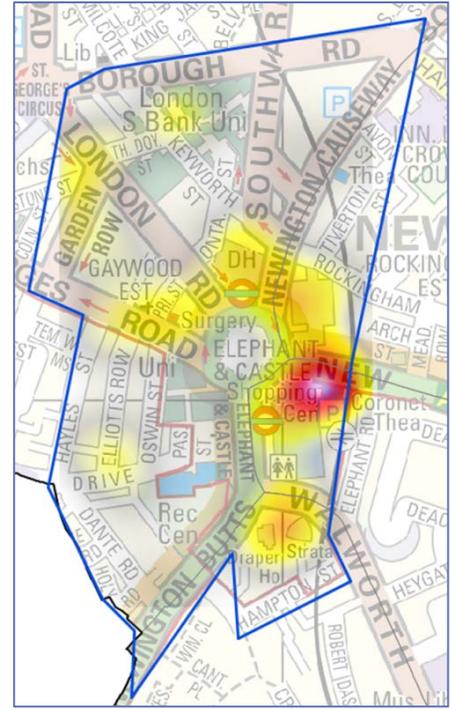


Figure 21 - Elephant & Castle monitoring area violence

Elephant & Castle LAS

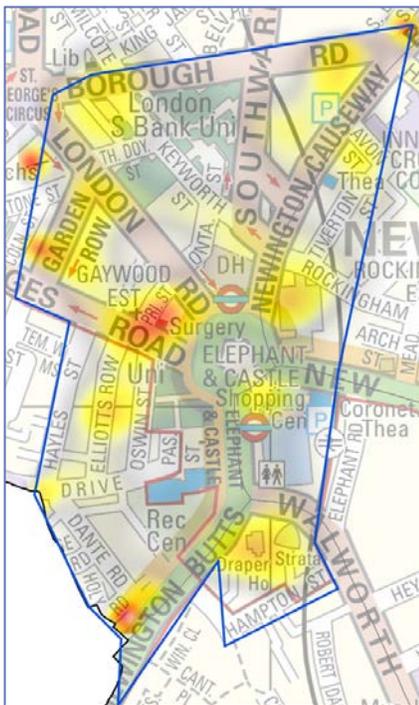
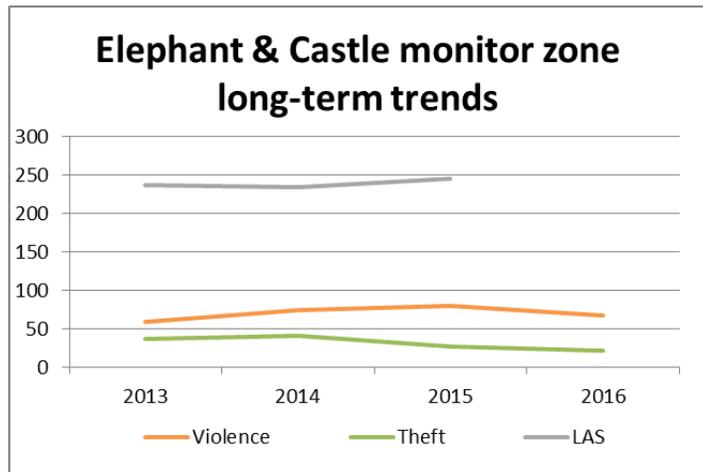


Figure 19 – Elephant & Castle monitor area LAS pick-ups (data only accurate to postcode level)



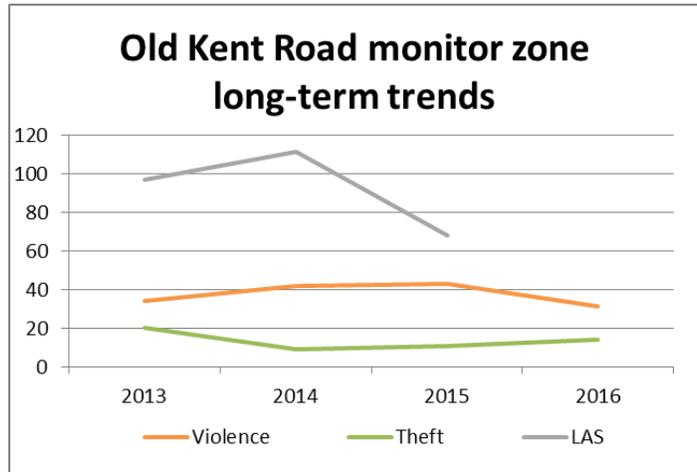
The Elephant & Castle CIZ boundary is suitably placed to capture the highest intensity of alcohol-related violence and theft. LAS call-outs to alcohol-related incidents are also concentrated within the boundary. Performance remained the most consistent within this CIZ compared with the others. Theft and violence both recorded reductions in 2016 compared with 2015.



Old Kent Road theft



Figure 22 - Old Kent Road CIZ theft



Old Kent Road violence

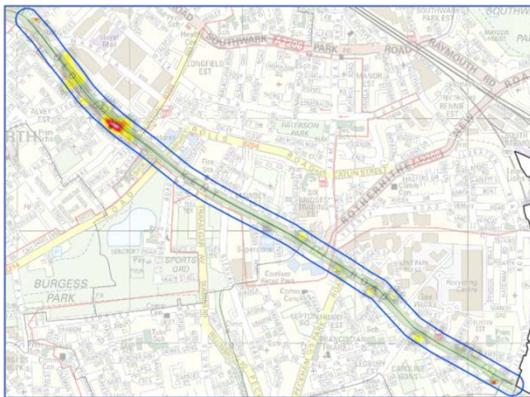


Figure 23 - Old Kent Road CIP violence

The elongated Old Kent Road CIZ boundary is suitably placed to capture the highest intensity of alcohol-related violence and theft from the area. LAS call-outs to alcohol-related incidents were also concentrated within the boundary. The long-term trend depicted a reduction in alcohol-related thefts (n=20 to 14), violence (n=34 to 31) and LAS callouts (n=97 to 68), although within the period shown LAS incidents and violence increased before both reducing in 2016. Thefts increased through 2014 to 2016 (from 9 to 14) but remained under 2013 levels (n=20).

Old Kent Road LAS

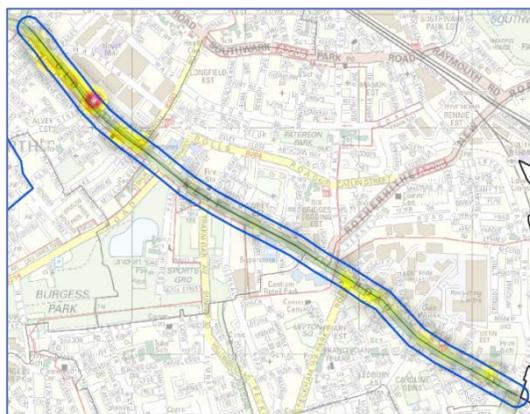


Figure 24 - Old Kent Road CIP LAS pick-ups (data only accurate to postcode level)

Item No. 8.	Classification: Open	Date: 20 June 2017	Meeting Name: Licensing Committee
Report title:		The Gambling Act 2005: Statement of Gambling Licensing Policy 2016-2019	
Ward(s) or groups affected:		All wards	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the committee agrees to consult on the revision of the Southwark statement of gambling licensing policy for 2016-2020.

BACKGROUND INFORMATION

2. The Gambling Act 2005 introduced a licensing regime for gaming and betting administered through a combination of the Gambling Commission and local licensing authorities.
3. The Act regulates the following sectors:
 - Arcades
 - Betting
 - Bingo
 - Casinos
 - Gambling software
 - Gaming machines
 - Lotteries
 - Remote (online) gaming.
4. The Gambling Commission is responsible for licensing operators and individuals involved in providing the above activities.
5. Licensing authorities are responsible for:
 - Issuing gambling operators with premises licences
 - Issuing gambling operators with permits (which allow low stakes gambling in venues which are primarily not for gambling)
 - Registering societies – allowing them to hold small lotteries
 - Compliance and enforcement of the Act locally.
6. Licensing authorities are required to prepare and publish, every three years, a statement of the principles which they propose to apply when exercising their licensing functions. The Act requires that before the licensing authority publishes its statement of licensing principles it must carry out a public consultation exercise.
7. Section 153 of the Act provides that licensing authorities shall aim to permit the use of premises for gambling in so far as they think it is:

- in accordance with relevant codes of practice
 - in accordance with the guidance for licensing authorities issued by the Gambling Commission
 - reasonably consistent with the licensing objectives
 - in accordance with the authority's statement of licensing policy.
8. This authority's statement of principles (The Southwark statement of gambling licensing policy) was first published in January 2007. It was compiled having regard to a broad range of contributions from responsible authorities; representatives of the industry; and of the community. It has been subject of several reviews and amendments as policy and guidance has changed over the years. The current version of the policy (2013-2016) was approved by council assembly in July 2013. On 25 November 2015, the council assembly agreed to 'carry over' the Southwark statement of gambling licensing policy for the period 2016-2019. The policy was due for renewal but this coincided with the release by the Gambling Commission of its guidance to local licensing authorities. Because the new release contains both additional and developed information that is central to the revision of this authority's policy, the decision to 'carry over' the policy was taken to enable a full review of the policy to take place in light of the new guidance.
9. In September 2015, the Gambling Commission issued the fifth edition of its guidance to local licensing authorities, with parts 17 (casinos), 18 (bingo) and 19 (betting premises) amended in September 2016.
10. The revision of the guidance includes guidance on the Commission's licence conditions and codes of practice (GLCCP) which makes a requirement for gambling premises licence applicants to consider a local area risks to the gambling objectives and allows licensing authorities to set local area profiles.

KEY ISSUES FOR CONSIDERATION

Revisions to the content of the policy

11. Changes in the Gambling Commission licence conditions and codes of practice (LCCP) requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities in each of their premises. They also must have in place policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of policy, such as any identified vulnerable groups and areas where the location of a gambling premises could have a higher risk to the licensing objectives.
12. Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:
- When applying for a variation of a premises licence
 - To take account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy
 - When there are significant changes at a licensee's premises that may affect their mitigation of local risks.
13. Local area profiles were introduced in the current edition of the Gambling Commission guidance for Local Authorities September 2015.

14. The guidance states that there is no mandatory requirement to have a local area profile, but there are a number of benefits:
- It enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it.
 - There is greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application.
 - It enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge.
 - It encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.
15. It is for licensing authorities to determine whether to include a local area profile within the body of their statement of policy or separately. If included in the statement of policy, the Licensing Authority's view of local risks would be a consideration for local gambling regulation in the context of section 153 of the Act. Licensing authorities may consider this is best achieved by making reference to the local area profile, so that it can be reviewed and updated without the need for full consultation.
16. A copy of the draft Southwark statement of gambling licensing policy 2017-20 is attached at Appendix A.

Southwark local area profile

17. The local area profile for Southwark was formulated by the Southwark regulatory services analyst in consultation with the council's public health and licensing teams.
18. The document provides an overall profile in the form of hot spot maps of the borough to alert prospective applicants where there are areas of higher risk to the licensing objectives.
19. The analysis of the borough was conducted in four steps,
- Identifying the special consideration in relation to the proximity of gambling premises within the current statement of gambling licensing policy.
 - Establish who the other vulnerable persons would be. A study conducted by Heather Wardle at the Geofutures Gambling and Place Research Hub, found that although anyone could be vulnerable to gambling-related harm, there was sufficient to strong evidence to suggest that, in addition to young people, other groups of people could potentially be more vulnerable as follows:
 - Problem gamblers who are seeking treatment
 - Those living in the most deprived areas
 - Those with financial difficulties / debt
 - Those affected by substance abuse / misuse; those affected by poor mental health
 - Those who are unemployed; those who are homeless
 - Those from minority ethnic groups.

- Identify the datasets relevant to the locations and vulnerable persons criteria listed under steps 1 and 2 relevant to Southwark.
 - Map the datasets, the mapping consists of two sets of maps, hot spot and grid maps of 600 metre square.
20. On request, a prospective applicant for a new grant, or variation, of a gambling premises licence can request a local area profile to assist the applicant in addressing the licensing objectives in their operating schedule. If contested the profile can provide members of the licensing sub-committee with information on the local area to assist them with considering the application.
 21. This approach has been proposed as the number of relevant gambling applications received is minimal, enabling a more accurate and up to date local area profile at the time without using excessive Council resources in compiling the profile information.
 22. There have been 15 relevant gambling applications in the last five years, averaging at three per year.
 23. Further details of the Southwark gambling local area profiles document are available in appendix B. As a result of the Southwark gambling local area profile, proposed amendments to the Statement of gambling licensing policy can be found at paragraphs 136-138 of Appendix A.

Community impact statement

24. The Southwark statement of gambling licensing policy recognises that as long as gaming and betting premises are well run and premises management acknowledges the value of working together with the local community, they can make a significant contribution toward building community cohesion and cultural development.
25. The policy equally recognises that negative impacts can also occur if good management practices are not followed. Potential negative impacts may arise in the form of noise, nuisance, disturbance and crime and disorder problems. With gaming and betting establishments there are also risks of individual gambling addiction.
26. The policy seeks to provide the necessary balance between responsible business operators contributing toward a thriving business and late night economy whilst ensuring that the quality of life of those who live and work in the borough is protected and enhanced through the licensing system. We believe these aims are achievable if all parties concerned work together.
27. Central to this, is a licensing process which aims to be inclusive and ensures that local community concerns are understood, debated and resolved. This is supported by offering broad support to licensees, through the range of involved authorities, to establish best practice management, and by a strong directed enforcement resource.
28. The equalities impact assessment has been revisited as part of the revision of this policy. As the extension of this policy document is primarily a technical matter, no new issues are identified at this stage.

Resource implications

29. This cost of consultation on changes to the Southwark statement of gambling licensing policy and the resource costs of managing this process may be borne within the current licensing budget.

Consultation

30. The Gambling Act 2005 requires that each revision of the licensing authorities statement of policy is subject to consultation which is required to take place with
- Chief officer of police for the authority's area
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions.
31. Notification of this authority's intention to seek to extend the 2013-1016 policy enabling proper consideration of the revised Commission guidance in advance of a full review of the policy has been given to relevant parties. Details of the public consultation on the eventual review and revision of the policy will be agreed with the committee at the time that the draft revision is presented to it.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

32. The Gambling Act 2005 ("the 2003 Act") requires the council, as the licensing authority, to prepare and publish a statement of its gambling licensing policy every three years.
33. In determining its policy, the council is exercising a licensing function and as such must have regard to with codes of practice issued under section 24, the guidance issued by the Secretary of State under section 25 of the 2005 Act. It must also give appropriate weight to the views of those persons/bodies listed in the Act which it is required to consult before determining its policy.
34. Although the guidance represents best practice, it is not binding on the council. As long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so. In this event they will need to give full reasons for their decisions, which must be consistent with the objectives of the 2003 Act.
35. The council is required to have regard to the statement of licensing policy and make decisions in accordance with it. Licensing authorities may depart from their policy if the individual circumstances of any case merit such a decision in the interests of promoting the licensing objectives. In this event it is important that full reasons are given for departing from the published statement of licensing policy.
36. Members should note that the 2005 Act imposes a duty on the council, as the Licensing Authority, to carry out its functions under the Act with a view to promoting the 3-licensing objectives, namely:
- 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.
37. Each of these objectives is of paramount and equal importance. There are no other licensing objectives and therefore the council cannot reject an application for a licence or impose conditions on a licence for any purpose unrelated to the promotion of these objectives.

38. The statement of gambling licensing policy cannot seek to impose blanket conditions. Each application must be considered on its own merits. Conditions can only be imposed on a licence if they are necessary to promote the licensing objectives in relation to the specific premises and are a proportionate response to the specific situation to be addressed. The guidance provides that if the situation the condition is intended to address is already addressed by a provision in the 2005 Act or any other legislation then the condition cannot be said to be 'necessary'.
39. The licensing is about regulating the carrying on of gambling activities within the terms of the 2005 Act. The statement of gambling policy should make it clear that gambling law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business carrying on gambling activities. However, the guidance also states that gambling law is a key aspect of such control and should always be part of a holistic approach to the management of the evening and night-time economy. It is therefore desirable that the statement of licensing policy is in line with the council's wider objectives and consistent with other policies.
40. Members should note that the statement of gambling policy must not be inconsistent with the provisions of the 2005 Act and must not override the rights of any individual as provided for in that Act. Nor must the statement of gambling policy be inconsistent with obligations placed on the council under any other legislation, including human rights legislation. Members should also note that the council has a duty under section 17 of the Crime and Disorder Act 1998, when carrying out its functions as a Licensing Authority under the 2005 Act, to do all it reasonably can to prevent crime and disorder within the borough.
41. Positive equalities obligations are placed on local authorities, sometimes described as equalities duties, with regard to race, disability and gender. Race equality duties were introduced by the Race Relations Amendment Act 2000 which amended the Race Relations Act 1976. Gender equalities duties were introduced by the Equality Act 2006, which amended the Sex Discrimination Act 1975. Disability equality duties were introduced by the Disability Discrimination Act 2005 which amended the Disability Act 1995.
42. Equality impact assessments are an essential tool to assist councils to comply with our equalities duties and to make decisions fairly and equalities and human rights impact assessments that are carried out should be mindful of the protected characteristics under the Equality Act 2010.
43. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, decisions relating to licensing matters cannot be the responsibility of an authority's executive. The 2005 Act provides that whilst the majority of the functions of the Licensing Authority, are to be taken or carried out by its licensing committee, decisions relating to the statement of licensing policy cannot be delegated in such a way. The decision on whether to adopt the statement of licensing policy must therefore be taken by council assembly.

Strategic Director of Finance and Governance

44. The Strategic Director of Finance and Governance notes the recommendations for the continuation of the Southwark statement of gambling licensing policy for 2013-2016 pending a full review and that the head of service has confirmed that the cost implications of this updated policy will be contained within the existing licensing revenue budget for the division.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Gambling Act 2005 plus secondary regulations The Gambling Commission Guidance to Local Licensing Authorities 2015	The Licensing Service, C/O PO BOX 64529 London SE1P 5LX	Name: Mrs Kirtikula Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Draft of the amended Southwark Statement of Licensing Policy 2016-2019
Appendix B	Local Area Profile analysis

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	David Franklin, Licensing Team Leader	
Version	Final	
Dated	26 May 2017	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		7 June 2017

**THE SOUTHWARK
STATEMENT OF
GAMBLING
LICENSING POLICY
2016 – 2019**

DRAFT

Amended September 2017



LEGAL BACKGROUND TO THIS DOCUMENT

The Gambling Act 2005 (the Act) received royal assent on 7 April 2005. It repealed the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusement Act 1976 and provided a new regulatory system to govern the provision of all gambling in Great Britain other than the national lottery and spread betting.

The Act introduced a new unified regulator for gambling in Great Britain, the Gambling Commission. The commission replaced the gaming board of Great Britain.

The Act came into effect in 2007. Since 2007 the commission has been responsible for granting operating and personal licences for commercial gambling operators and personnel working in the industry. It also regulates certain lottery managers and promoters.

Licensing authorities have responsibility for licensing gambling premises in their area, as well as undertaking functions in relation to lower stake gaming machines and clubs and miners' welfare institutes.

Licensing authorities are required by the Gambling Act 2005 to consult upon and publish a statement of the principles, which they propose to apply when exercising their functions under the act. This statement must be published at least every three years and be reviewed from "time to time". Any amendments must be subject of further consultation.

Southwark council's original statement of licensing policy was first published on 3 January 2007, following approval by council assembly on 6 December 2006. This second revision of the policy was compiled in 2012. In producing this revision, this authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance to the licensing authorities issued by the Gambling Commission, and any responses from those consulted on the policy statement.

A list of those parties with whom the council consulted directly is attached at appendix A to this document. It should be noted that unsolicited comments were received also.

The consultation followed the Revised Code of Practice (which came into effect in April 2004) and the cabinet office guidance on consultations by the public sector.

The full list of comments made and the consideration by the council of those comments is available by request to

The licensing & environmental protection unit manager
 C/O Southwark council
 Environmental health and trading standards business unit
 PO Box 64529, SE1 5LX
 Tel contact – The customer service centre on 020 7525 2000 or
 E-mail – licensing@southwark.gov.uk

This policy was approved by the full council assembly on 10 July 2013. Hard copies are available from the licensing service. Copies will be placed in the public libraries of the area as well as being available in the town hall.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the address given above.

Note (for inclusion in the event of the agreement of the council assembly): On 25 November 2015 the council assembly extended this policy beyond the scheduled renewal date of 31 January 2016, with only minor amendment for inaccuracies, in order to give sufficient time for the content of the revised Commission Guidance (September 2015) to be considered in advance of a full review of this policy.

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SECTION ONE – EXECUTIVE SUMMARY

This policy, alongside our complementary (alcohol, entertainment and late night refreshment) licensing policy recognises the change that is taking place within Southwark and how recent development and regeneration projects are adding to the growing value and importance of our borough. It recognises also the extent of the contribution of the leisure and entertainments industry.

Southwark enjoys a widespread and diverse selection of licensed premises and venues. Some 1,200 premises are currently licensed for either the sale or supply of alcohol; the provision of regulated entertainment; and / or the provision of late night refreshment. These range from off-licences, shops and supermarkets; restaurants, cafes and take-away establishments; to pubs, bars, members clubs, night clubs, theatres, cinemas and indoor sports facilities. There are in excess of 100 additional gaming and betting facilities, comprising of bingo halls, amusement arcades and betting offices. Together they combine to provide a wide-range of leisure and cultural opportunities; support tourism; provide employment; and make a significant economic contribution to the local community.

As long as premises are well run and premises management acknowledges the value of working together with the local community, they can make a significant contribution toward building community cohesion and cultural development.

Of course, negative impacts can also occur if good management practices are not followed. Potential negative impacts may arise in the form of noise, nuisance, disturbance and crime and disorder problems. With gaming and betting establishments there are also risks of individual gambling addiction.

Our policy seeks to provide the necessary balance between responsible business operators contributing toward a thriving business and late night economy whilst ensuring that the quality of life of those who live and work in the Borough is protected and enhanced through the licensing system. We believe these aims are achievable if all parties concerned work together.

The opening sections of this policy help establish how we set out to address our licensing responsibilities under the Act. Section two of our policy provides an introduction to our Borough and our Council, while section three sets out the purpose and scope of the policy. Section four covers our administrative arrangements for determining applications (including consultations), confirming the bodies the authority recognises as competent to advise on issues of child protection and protection of vulnerable adults, and the principles this authority will apply in determining whether someone qualifies as an interested party.

Section five deals with premises licences in some detail and applicants for such licences are urged to read this section, in particular, carefully. It provides advice on 'primary gambling activity'; and 'definition of premises' and helps clarify the position on 'provisional statements'. It goes on to examine issues relevant to the three licensing objectives (with particular consideration given to the third objective of preventing harm to children and vulnerable people) and, importantly, gives advice and information of the expectations of the licensing authority and the other responsible authorities around these objectives. This includes access arrangements; age identification schemes; restrictions on advertising; and social responsibility.

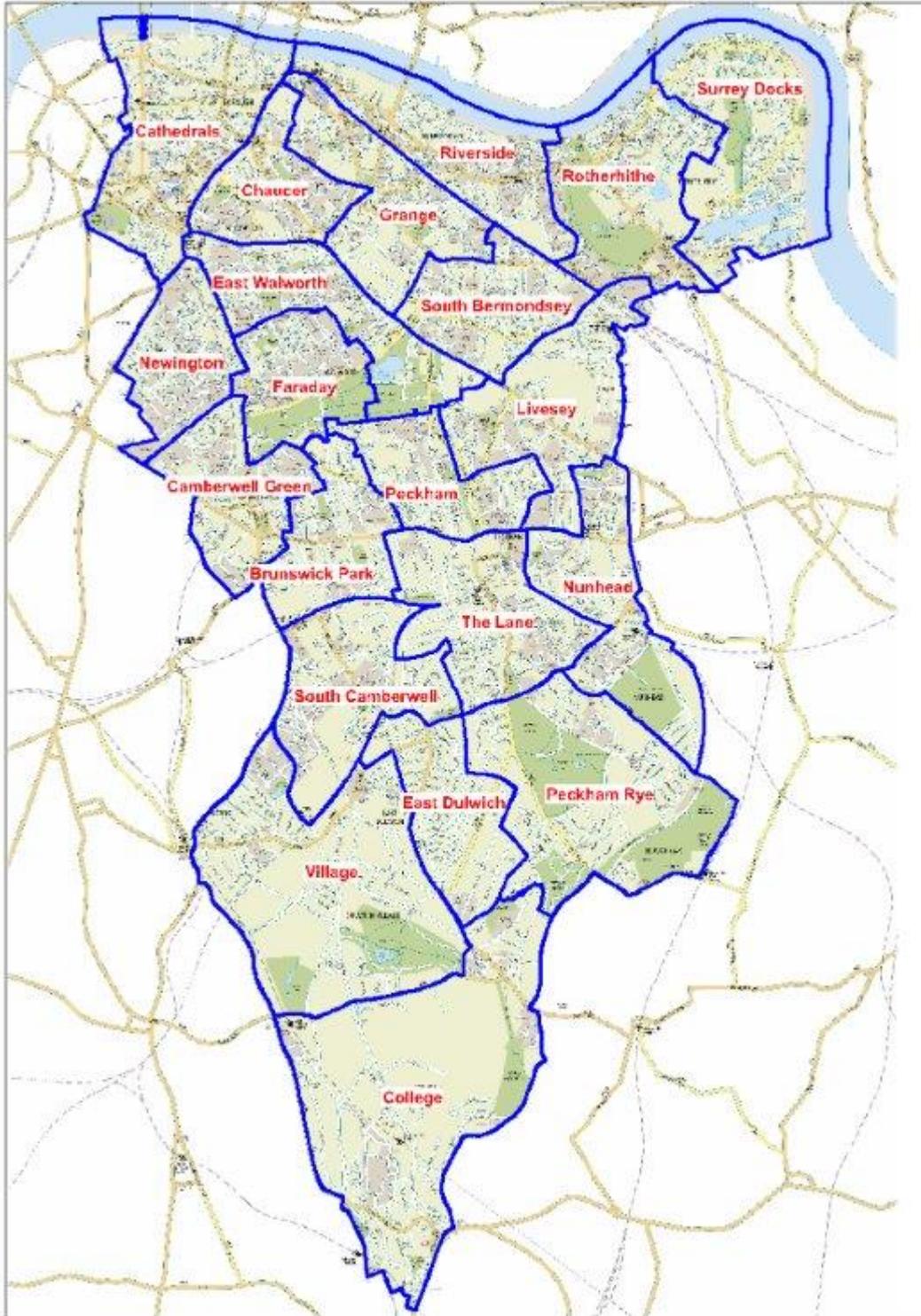
Section five also sets out this authority's policy on location of licensed premises. This section also covers issues around social responsibility and sets out requirements for access arrangements across categories of premises.

Section six of this policy provides a statement of the principles this authority will consider when considering applications for permits, temporary and occasional use notices. Section seven of the document deals with small society lotteries.

Section eight of our policy sets out our approach to regulation, examining how we aim to ensure that our enforcement actions are targeted where they are needed most and co-ordinated together with our partners. It also sets out how we aim to ensure that our enforcement actions are carried out in a fair, consistent and transparent manner.

This policy will be regularly reviewed and will be subject of public consultation at least every three years. We welcome your thoughts on its content and the manner in which we undertake our responsibilities under it.

SECTION TWO – ALL ABOUT SOUTHWARK



1. Southwark is London's most historic borough. It has witnessed and participated in a wide variety of important events over the centuries, playing a crucial role not only in London's history but shaping the very world we live in today.
2. Southwark is made up of eight very distinctive neighbourhoods that extend along the river Thames and down into southeast London. The borough encompasses some of London's top attractions (e.g. Tate Modern, the Globe Theatre and the London Dungeons); creative hotspots (e.g. Camberwell College of Arts and the Design Museum); and acclaimed green spaces (e.g. Peckham Rye and Dulwich Park).
3. Southwark also offers a wide-range of leisure and cultural opportunities, including a vibrant late night-economy; which makes a significant economic and employment contribution to the local community. The north of the Borough, with considerable development currently taking place (e.g. the London Bridge and Blackfriars Station redevelopments; the Shard; and More London) is recognised as one of London's fastest growing tourist quarters and a thriving business location.
4. The 2011 census indicated that Southwark's population had reached 288,300, representing a 12.3% increase since the 2001 census. Southwark has a large percentage of its population aged between 25 and 34. 12.4% of residents are aged between 25 and 29, the single highest five year age band in Southwark. The total number of households in Southwark is estimated as 120,400, an increase of 13.8% since 2001. Southwark has the ninth highest population density in England and Wales at 9,988 per square kilometre.
5. The population has a young demographic profile and demonstrates rich ethnic and cultural diversity, with around one-third of the population from black or ethnic minority communities. Southwark is arguably one of the most diverse areas in the capital.
6. Southwark has its fair share of challenges. The 2010 Index of Multiple Deprivation (IMD) shows that Southwark, overall, is the 4th most deprived London borough and the 33rd nationally. Consequently, the Borough faces many challenges associated with meeting the complex health and social needs of an inner-city population. Southwark's unemployment rate is 10.5% compared with the London rate of 9.1% and 7.7% nationally. The percentage of the working population claiming benefits in Southwark is 14.2%

Leading Southwark

7. Southwark is made up of 21 wards, with 63 councillors; three from each ward. These councillors sit on the Council Assembly, which is the "sovereign" body of the Council. The assembly is chaired by the Mayor of Southwark and is responsible for approving the budget and policy framework. Currently Labour holds 48 seats, the Liberal Democrats hold 13 and the Conservatives hold 2 seats. The council has a Labour administration.
8. The council operates a leader / cabinet model. The Cabinet is headed by the Leader of the Council and the Deputy Leader. Thirteen members hold individual portfolios.
 - Children's services;
 - Business, Employment & Culture

- Finance, Modernisation & Performance
 - Adult Care and Financial Inclusion
 - Public Health, Parks and Leisure
 - Regeneration and New Homes
 - Children and Schools
 - Housing
 - Environment & Public Realm
 - Communities and Safety
 - Digital Strategy
 - Excellence in Design
 - Careers and Employability
 - Young People
9. The Cabinet is responsible for leading the community planning and consultation process, drafting the budget and policy framework, and taking most decisions on resources and priorities.
 10. Scrutiny committees take a close look at council decisions and activities and calls for the council to be open and accountable. They examine services provided by the council and review the council's budget and policies. Scrutiny can look at, or 'call-in' decisions made by the cabinet and recommend decisions are changed or reconsidered.
 11. A licensing committee is established to consider licensing policy. Contested licence applications are considered by sub-committees of the main committee (see table 1 in Section 4 of this document). Licensing matters fall under the responsibility of the cabinet member for communities and safety. ;
 12. Community councils are part of the council's decision making process. They provide a focal point for discussion on local matters. Local ward councillors sit on the community councils and take decisions relating to key areas that have a direct local impact.
 13. Community Council meetings also provide a forum for consultation with local people and an opportunity for residents to influence how council services are delivered.
 14. The five community councils are:
 - Bermondsey and Rotherhithe;
 - Borough, Bankside and Walworth;
 - Camberwell;
 - Dulwich; and
 - Peckham and Nunhead

SECTION THREE – PURPOSE AND SCOPE OF THE POLICY

Purpose of the policy

15. This policy has four main objectives
- **To reinforce to elected members on the Licensing Committee, the boundaries and power of the local authority as licensing authority and provide the parameters under which these licence decisions are made**
 - **To inform licence applicants of the parameters under which this authority will make licence decisions and how a licensed premises is likely to be able to operate within an area**
 - **To inform residents and businesses of the parameters under which licence decisions will be made and how their needs will be addressed**
 - **To support licensing decisions that may be challenged in a court of law**

Scope of the policy

16. This policy covers matters arising from the range of functions and duties falling to the licensing authority under the Gambling Act 2005. .
17. The main functions of the licensing authority are to:
- Licence premises for gambling activities;
 - Consider notices given for the temporary use of premises for gambling;
 - Grant permits for gaming and gambling machines in clubs and miners' welfare institutes;
 - Regulate gaming and gaming machines in alcohol-licensed premises;
 - Grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines;
 - Grant permits for prize gaming;
 - Consider occasional use notices for betting at tracks; and
 - Register small societies' lotteries.
18. The authority also has an obligation to provide information to the Gambling Commission, including details of licences, permits and registrations issued.

Definitions

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

Principles to be applied

The licensing objectives

20. In exercising most of their functions under the Gambling Act 2005, the licensing authority must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Other considerations

21. This Licensing Authority also understands that, in carrying out its functions under the Act, it must have regard to the guidance issued by the Gambling Commission. This general principle applies to a number of the authority's functions, including considering temporary use notices and occasional use notices and issuing permits. 'Must have regard' does not mean that the authority must always follow the Guidance to the letter, however, the expectation is that there should be strong and defensible reasons for departing from it.
22. However, the Guidance has a particular role and significance in the context of the principles that must be applied by licensing authorities when exercising their functions in relation to Part 8 of the Act, including premises licences. Section 153 of the Act provides that licensing authorities shall aim to permit the use of premises for gambling in so far as they think it:
- In accordance with any relevant code of practice under section 24;
 - In accordance with any relevant guidance issued by the gambling commission under section 25;
 - Reasonably consistent with the licensing objectives; and
 - In accordance with the authority's own statement of licensing policy.
23. Thereby a licensing authority has no discretion in exercising its function under Part 8 of the Act to grant premises licences where that would mean taking a course which it did not think accorded with the Guidance provided by the Gambling Commission, any relevant code of practice or its own statement of policy; or be consistent with the licensing objectives. In reaching a view that a grant would be in accordance with such Guidance, code of practice or statement of policy, the authority is obliged to act fairly and rationally
24. The authority may depart from its own policy if the individual circumstances of a case merit such decision in promoting the licensing objectives. Where such a decision is taken, full reasons for the departure from the policy will be given.
25. While this statement sets out the council's general approach to the making of licensing decisions, nothing in this statement overrides the right of any person to make an application; make representations about an application; or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

'Demand' for gaming premises

26. Previous legislation required that the grant of certain gambling permissions should take account of whether there is unfulfilled demand for the facilities. Section 153 of the Act makes it clear that unmet demand is not a criterion for licensing authorities in considering applications for premises licences.

Duplication

27. This Authority gives a firm commitment to avoid duplication with other regulatory regimes, as far as is possible. For instance, this Authority recognises that a range of general duties are imposed on the self-employed, employers and operators of gambling premises, both in respect of employees and of the general public, by legislation governing health and safety at work and fire safety. Therefore, such requirements need not be covered in this statement of policy.

Human Rights Act 1998

28. In considering applications and taking enforcement actions under the Act, this authority will bear in mind that it is subject to the Human Rights Act and, in particular:
- Article 1, Protocol 1 – Peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest;
 - Article 6 – The right to a fair hearing;
 - Article 8 – Respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life; and
 - Article 10 – Right to freedom of expression.
29. When applying this licensing policy this Authority will consider whether, in the light of relevant representations made to it, exceptions to these policies should be made in any particular case. In deciding to reject any application this authority shall rely on reasons that demonstrate that the licensing objectives are not being met, or are unlikely to be, met. Moral or ethical reasons are not valid reasons to reject applications for premises licences.

SECTION FOUR – ADMINISTRATION, EXERCISE AND DELEGATION OF THE FUNCTION

30. The ability to provide gaming and betting facilities is dependent upon a range of licences and consents being obtained from the gambling commission and the local licensing authority. This document does not set out to deal with the circumstances under which any one of the available licences or consents may be required, nor does it attempt to set out the applications process.
31. Full information is provided on each of the licences and consents relevant to each individual gambling sector on the gambling commission web site at www.gamblingcommission.gov.uk . All potential operators are referred to this information in the first instance.
32. Further advice on licences and consents issued by this authority may be obtained, together with copies of application forms, from our own web site at http://www.southwark.gov.uk/info/200127/apply_for_a_licence or from the licensing team (see contact details at the end of this document).

Applications – general

33. Applications for any of the variety of licences and consents available from this authority must be made on the form prescribed in regulations laid down by the Secretary of State. Copies may be downloaded from our web site. Applications shall not be progressed until the form has been completed in full and this, together with the relevant fee, and all other required information has been received by the Licensing Authority. Applications will be progressed in accordance with the Act. Prospective applicants should refer to the relevant guidance document for further information.

Provision of scale plans

34. Section 51 of the Act requires applicants to submit plans of the premises with their applications, in order to ensure that the licensing authority has the necessary information to make informed judgement about whether the premises are fit for gambling. The plan will also be used by the licensing authority to plan future premises inspection activity.
35. Applicants should note that this Council requires that current plans in scale 1:100 be submitted with all new applications for premises licences and for any application for a variation of a premises licence, unless otherwise agreed by this authority in writing. Plans need not be professionally drawn but must include all required detail.

Responsible authorities

36. Responsible authorities are public bodies that must be notified of applications and that 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 licensing objectives. Section 157 of the Act identifies the bodies that are to be treated as responsible authorities. They are:
 - Each licensing authority within whose area the premises is wholly or partly situated;

- The Gambling Commission;
 - The Commissioner of the Metropolitan Police Authority;
 - The Chief Officer of the London Fire and Emergency Planning Authority;
 - The local planning authority;
 - The local environmental health service;
 - The Southwark Childrens' Social Care Service (being the body designated in writing by this authority as being competent to advise about the protection of children from harm);
 - The Southwark Safeguarding Adults Partnership (being the body designated in writing by this authority as being competent to advise about the protection of vulnerable adults; and
 - HM Revenue & Customs.
37. The principles applied by this authority in exercising its powers under section 157(h) of the Act to designate, in writing, bodies competent to advise the authority about the protection of children and vulnerable adults from harm are:
- The need for the body to be responsible for an area covering the whole of Southwark; and
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc
38. Section 211 (4) of the Act provides that in relation to a vessel, but no other premises, responsible authorities also include navigation authorities, that have statutory functions in relation to the waters where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated at a time when used for licensable activities. This includes:
- The Environment Agency;
 - The British Waterways Board; and
 - The Secretary of State
39. The contact details of all the responsible bodies under the Gambling Act 2005 are provided at the end of this document.

Interested parties

40. Interested parties are also entitled to make representations concerning applications for premises licences, or apply for a review of an existing licence. Interested parties are defined in the Act as follows:
41. "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 application is made, the person:
- ***Lives sufficiently close to the premises to be likely to be affected by the authorised activities;***
 - ***Has business interests that might be affected by the authorised activities; or***
 - ***Represents persons in either of these two groups."***
42. This authority will consider whether a person is an interested party on a case by case basis, taking all relevant factors into account.

People living close to the premises

43. The factors that this Authority will take into account when determining what 'sufficiently close to the premises' means will include:
- The size of the premises;
 - The nature of the premises;
 - The distance of the premises from the location of the person making the representation;
 - The potential impact of the premises (number of customers, routes likely to be taken by those visiting the premises);
 - The circumstances of the complainant. This is not to be taken as the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it may be reasonable to conclude that 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident; (b) residential school for children with truanting problems; and (c) a residential home for vulnerable adults.

The nature and scope of business interests that could be affected

44. When considering the matter of business interests, this Authority will give the term the widest possible interpretation and include such as partnerships, faith groups, educational establishments; and medical practices.
45. As to whether a person has business interests that might be affected by the premises under consideration, factors that are likely to be relevant will include:
- The size of the premises;
 - The catchment area of the premises (that is how far people travel to visit the premises); and
 - Whether the person making the representation making the representation has business interests in that catchment area that might be affected.

People representing those in the above categories

46. Interested parties includes democratically elected representatives, including local ward councillors; the Community Council; and MPs.
47. Any other relevant representation made on behalf of qualifying interested parties will also be considered for acceptance on a case by case basis with all relevant matters taken into account. The authority will generally require written evidence that the person / body concerned does represent the interested party or parties stated. In the case where a meeting has been convened at which the decision to raise a representation has been made a copy of the formal minute of the meeting should be supplied. For cases where a representation is to be submitted by a friend, family member, advocate or similar, a proforma authorisation form is available on the licensing web site or upon request from the licensing office.
48. If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the licensing sub-committee dealing with the licence application. If there are any doubts then please contact the licensing service (*see contact details provided at the end of this document*).

Consultation arrangements

49. This authority considers it important that the local community is fully aware of local licensing applications being made within its area. Requirements for applicants to advertise applications for new and varied premises licences by way of a public notice displayed at the premises and in the local press are laid down under statute. No applications for licences will be progressed by this Council unless all public consultation requirements are met in full. Checks will be made to ensure that notices at application premises are displayed, so as to be clearly seen by passers by and maintained in position for the length of the consultation period.
50. As an additional aide to community awareness the licensing service has established a public register at <http://app.southwark.gov.uk/licensing/licenseregister.asp> upon which detail of all current licence applications under consideration (alongside detail of currently licensed premises) will be maintained. It is open to any person who wishes to be kept abreast of the latest applications to subscribe to "licensing alerts", by which e-mail notifications will be sent to those who have registered, when a new licence application is made within the relevant ward. Furthermore, the licensing service will ensure that local ward councillors are informed of all new applications in their area.

Representations

51. It is open to any "responsible authority" or "interested party", to lodge representations in respect of an application for a premises licence during the set consultation period. A representation would only be "relevant" if it relates to one or more of the licensing objectives, or raises issues under the policy statement, or under the commission's guidance or codes of practice.
52. The commission's guidance for local authorities advises that "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' see section on casinos) and also that unmet demand is not a criterion for a licensing authority.
53. It is also for the licensing authority to determine on its merits whether any representation by an interested party is "frivolous" or "vexatious".
54. When considering whether any representation made to it is "frivolous" or "vexatious" the authority will consider matters such as:
- Who is making the representation, and whether there is a history of making representations that are not relevant;
 - Whether it raises a "relevant" issue" or
 - Whether it raises issues specifically to do with the premises that are the subject of the application.
55. Representations must be received in writing at the licensing service office by the last date for representations. Representations must be signed, dated, provide the grounds of representation in full and include the name and address of the person / body making the representation.
56. Where representations are being made by a trade association, trade union, residents' and tenants' association, or similar, information must be provided on

the membership that live sufficiently close to the premises to be classed as interested parties.

57. Further information, including an outline of the process that is followed at public hearings, can be found in the separate document, "Guidance to the Hearing of Representations and Licence Reviews".

Determinations

58. Section 154 of the act provides that all decisions relating to premises licences are delegated to the licensing committee of the authority that has been established under section 6 of the Licensing Act 2003 except:
- A resolution not to issue casino licences;
 - Functions in relation to the three year licensing policy; and
 - Setting fees.
59. Decisions that are delegated to a Licensing Committee may be further delegated to a sub-committee of the Licensing Committee. The Council's Licensing Committee is established with provision for sub-committees of three members to be drawn from the overall pool of the main committee membership.
60. The Council intends to establish a speedy, efficient and cost-effective licensing system and, thereby, where the Act carries a presumption of grant for non-contentious applications, these matters will be delegated to officers. All such matters will be reported for information and comment only to the next full licensing committee meeting.
61. Where matters are subject of representations, this Council will normally attempt to reach a negotiated outcome through our conciliation process. Conciliation is offered as we recognise that the best solutions are normally ones that all concerned parties can sign up to and in order to attempt to save the time and costs associated with holding a public hearing. Conciliation will be attempted up until 24 hours before the arranged hearing date. Where it is not possible to reach agreement, the application and representations will be determined by the sub-committee.
62. Table 1 below sets out proposals for the delegation of decisions and functions to licensing committee, sub-committees and officers. This form of delegation is without prejudice to the council's right to redirect an application as appropriate in the circumstances of any particular case.

Table 1 – Delegation of decisions and functions			
Matter to be dealt with	Full council	Sub-committee of licensing committee	Officers
Final approval of three year policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)	X		
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received or representations withdrawn
Application for a variation to a premises licence		Where representations have been received and not withdrawn	Where no representations received or representations withdrawn
Application for a transfer of a premises licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received or representations withdrawn
Review of a premises licence		X	
Application for a club gaming / club machine permit		Where objections have been made (and not withdrawn)	Where no objections have been made / objections have not been withdrawn.
Cancellation of a club gaming / club machine permit		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Licence reviews

63. Requests for a review of a premises licence can be made by interested parties or responsible authorities. Such applications must be submitted to the licensing authority in the prescribed form, stating the reasons why a review is being requested.
64. An application for a review may be rejected if this authority thinks that the grounds on which the review is requested:
- Are not relevant to the principles that must be applied by the licensing authority;
 - Are frivolous or vexatious;
 - Will certainly not cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
 - Are substantially the same as the grounds cited in a previous application relating to the same premises; or
 - Are substantially the same as representations made at the time the application for a premises licence was considered.
65. The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
66. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:
- Add, remove or amend a licence condition imposed by the licensing authority;
 - Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - Suspend the premises licence for a period not exceeding three months; and
 - Revoke the premises licence.
67. In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
68. In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
69. 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

70. Further information, including an outline of the process that is followed at review hearings, can be found in the separate document "Guidance to the Hearing of Representations and Licence Reviews".

Exchange of Information

71. Licensing authorities are required to include in their policy statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the gambling commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
72. The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any guidance issued by the gambling commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
73. Should any protocols be established as regards information exchange with other bodies then they will be made available.

SECTION FIVE – PREMISES LICENCES

Introduction

74. This section considers the licensing objectives and some of the matters that this licensing authority may consider when determining applications for premises licences under the Act. It also sets out this authorities approach to the setting of conditions on premises licences.
75. When considering matters in this section, the authority will have regard to any guidance or codes of practice issued by the Secretary of State and / or the Gambling Commission which may relate to a specific premises or category of premises.
76. In the interests of good practice, this licensing authority will expect applicants to offer their own measures to meet the licensing objectives based on a risk-assessment approach. However, advice may be obtained from any of the responsible bodies when preparing a licence application.
77. While this section sets out some of the expectations of the authority and the responsible bodies, the authority will, however, always treat each case on its own individual merits

Primary gambling activity

78. In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:
- Casino premises;
 - Bingo premises;
 - Betting premises, including tracks;
 - Adult gaming centres; and
 - Family entertainment centres.
79. By distinguishing between premises types the Act makes it clear that the primary activity of the premises should be that described. For instance, in a bingo premises, the primary activity should be bingo, with gaming machines as an ancillary offer on the premises.
80. This authority will refer to current advice provided by the Gambling Commission in establishing compliance with primary gambling requirements.

Definition of “premises”

81. In the Act, “premises” is defined as “any place”.
82. Section 152 prevents more than one premises licence applying to any place. However, there is no reason in principle why a single building could not be subject to more than one premises licence, provided each licence is for a different part of the building and each part of the building can be reasonably regarded as being different premises. This approach allows large, multiple unit premises such as a pleasure parks, tracks or shopping malls to obtain discrete premises licences, where appropriate safeguards are in place. However, this

authority will pay particular attention to issues around sub-division of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

83. 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 team. However, it should be noted that this authority does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises.
84. This authority also takes particular note of the Commission's guidance which states that: licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating;
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit; and
 - Customers should be able to participate in the activity named on the premises licence.
85. Factors that this authority might consider in determining whether two or more premises are truly separate, include:
- Is a separate registration for business rates in place for the premises?
 - Is the neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?

Relationship between planning permission, building regulations and granting of a premises licence

86. In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, in effect those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities are advised to bear in mind that a premises

licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, 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. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them.

87. As the Court has held in the case of *The Queen (on the application of) Betting Shop Services Ltd V Southend on Sea Borough Council* (2008), operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process;
- Firstly, licensing authorities must decide whether, as a matter of substance after applying the principles in section 153 of the Act, the premises ought to be permitted to be used for gambling; and
 - Secondly, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place. An 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.
88. For example, where the operator has still to undertake final fitting out of the premises but can give a reasonably accurate statement as to when the necessary works will be completed, it may be sufficient to simply issue the licence with a future effective date. The application form allows the applicant to suggest a commencement date and the notice of grant allows the licensing authority to insert a date indicating when the premises licence comes into effect. In other cases, it may be appropriate to issue the licence subject to a condition that trading in reliance on it shall not commence until the premises have been completed in all respects in accordance with the scale plans that accompanied the licence application. If changes to the pre-grant plans are made, then parties who have made representations should be able to comment on the changes made.
89. If the plans submitted at the time of the application for a premises licence are changed in any material respect during the fitting out of the premises after the grant of the licence, then the applicant will be in breach of the licence. If the applicant wishes to change the proposed plans after grant then, in order to avoid breaching the licence, it will be necessary for the applicant to either make a fresh application under section 159 or seek an amendment to a detail of the licence under section 187 of the Act. If there are substantive changes to the plans, then this may render the premises different to those for which the licence was granted. In such a case, variation of the licence under section 187 is not possible. For this reason, and while this is a matter of judgement for the authority, we consider it would be more appropriate in the case of any material post grant change, for the applicant to make a fresh application under section 159 to preserve the rights of interested parties and responsible authorities to make representations in respect of the application.

90. This authority will need to be satisfied in any individual case that the completed works comply with the original, or changed, plan attached to the premises licence. Depending upon circumstances, we consider that this could be achieved either through physical inspection of the premises or written confirmation from the applicant or surveyor that the condition has been satisfied.
91. Requiring the building to be complete before trading commences would ensure that the authority could, if considered necessary, inspect it fully, as could other responsible authorities with inspection rights under Part 15 of the Act. Inspection will allow authorities to check that gambling facilities comply with all necessary legal requirements. For example, category C and D machines in a licensed family entertainment centre must be situated so that people under 18 do not have access to the category C machines. The physical location of higher stake gaming machines in premises to which children have access will be an important part of this, and inspection will allow the authority to check that the layout complies with the operator's proposals and the legal requirements.
92. If faced with an application in respect of uncompleted premises which it appears are not going to be ready to be used for gambling for a considerable period of time, this authority will consider whether, applying the two stage approach advocated in section 86 above, it should grant a licence or whether the circumstances are more appropriate to a provisional statement application. For example, the latter would be the case if there was significant potential for circumstances to change before the premises opens for business. In such cases, the provisional statement route would ensure that the limited rights of responsible authorities and interested parties to make representations about matters arising from such changes of circumstance are protected.
93. When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the 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.

Provisional statements

94. S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- Expects to be constructed:
 - Expects to be altered; or
 - Expects to acquire a right to occupy.
95. Developers may wish to apply to this authority for provisional statements before they enter into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. It is also possible for an application to be made for premises that

already have a premises licence (either for a different type of gambling or the same type).

96. Applicants for premises licences must fulfil certain criteria. They must hold or have applied for an operating licence from the Commission (except in the case of a track) and they must have the right to occupy the premises in respect of which their premises licence application is made. However, these restrictions do not apply in relation to an application for a provisional statement.
97. Once the premises are constructed, altered or acquired the holder of a provisional statement may then apply for a premises licence. The licensing authority will be constrained in the matters it can consider when an application for a premises licence is made subsequently in relation to the same premises. No further representations from relevant authorities or interested parties can be taken into account unless:
 - They concern matters which could not have been addressed at the provisional statement stage, or
 - They reflect a change in the applicant's circumstances
98. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
 - Which could not have been raised by objectors at the provisional statement stage;
 - 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 application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

The Licensing Objectives

99. Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the gambling commission's guidance to local authorities and some comments are made below.

Objective 1 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

100. This licensing authority is aware that the gambling commission takes a leading role in preventing gambling from being a source of crime and that licensing authorities will not need to investigate the suitability of an applicant.
101. The commission's guidance does, however, envisage that licensing authorities may need to consider the location of premises in the context of this licensing objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, for example, this authority will consider what controls (if any) might be appropriate to prevent those premises being a source of crime.
102. Thereby, where representations are received to premises licence applications under the crime and disorder objective, this authority will give appropriate

consideration to the location of the premises (see separate section below) and also to issues such as:

- The configuration, design and layout of the premises, paying particular attention to steps taken to “design out” crime;
- Security arrangements within the premises, including whether CCTV is installed and, if so, the standard of the CCTV and the positioning of cash registers;
- Training provided to staff around crime prevention measures
- The level of staffing provided at the premises, including whether door supervisors are employed;
- The arrangements in place to conduct age verification checks
- Steps taken to redress the recurrence of any historical crime and disorder issues; and
- The likelihood of any violence, public disorder or policing problems if the licence is granted.

103. The above list is not exhaustive.

104. Where it is considered necessary for the promotion of the crime and disorder objective, this authority will impose appropriate conditions. In doing so, this licensing authority would note that it is aware of the distinction between disorder and nuisance in the case of gambling premises licences and that disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.

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

105. This licensing authority has noted that the gambling commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

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

106. With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and be prevented from entering those gambling premises which are adult-only environments.

107. The third objective refers to protecting children from being harmed or exploited by gambling. That means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children in such a way that makes them attractive to children, excepting Category D machines.

108. This authority is aware that the Gambling Commission’s general licence conditions and associated codes of practice under the Gambling Act 2005 (8 May 2015) include requirements made under operating licences that licensees must have and put into effect social responsibility policies and procedures designed to prevent underage gambling and monitor the effectiveness of these.

109. In order that this authority and the other responsible authorities are able to make a proper informed judgement as to the effectiveness of these policies and procedures, it is requested that copies of the relevant documents are submitted for consideration as part of the application for any new, varied or transferred premises licence. These will be considered upon their individual merits.
110. Where concerns are raised under the representation system, consideration will be given to whether specific measures are required at particular premises with regard to this licensing objective.

Preventing children from taking part in gambling

111. It is noted that the Act allows children (under 16) and young persons (16 – 17) to take part in private and non-commercial betting and gaming, but places the following restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place:
- Casinos cannot admit anyone under 18;
 - Regional casinos cannot permit under 18s into the gambling area;
 - Betting shops cannot admit anyone under 18;
 - Bingo clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines;
 - Adult entertainment centres cannot admit those under 18;
 - Family entertainment centres and premises with liquor licences (eg pubs) can admit under 18s, but they must not play category C machines which are restricted to those over 18;
 - 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;
 - Horse and dog tracks can admit under 18s and they may have access to gambling areas on race days only. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.
112. Accordingly, this authority will wish to ensure that these restrictions are complied with.
113. This licensing authority will expect applicants to offer their own proposals to achieve the licensing objective. However, there are a range of measures and controls that this authority and the other responsible authorities would recommend that consideration is given to where appropriate:
- The use of proof of age schemes;
 - The installation of CCTV systems with the maintenance of a 31 day library of recordings;
 - The supervision of entrances to the premises and / or machine areas;
 - The physical separation of areas;
 - Careful consideration as to the location of entrances;
 - The provision of suitable notices / signage; and
 - Setting of specific opening hours
114. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

115. As assistance to prospective licensees, the minimum expectations of this authority and the responsible bodies in relation to proof of age are given in table 2 below with issues shown as being, in our view, either essential or desirable.

Table 2 – Proof of age schemes	
Essential	That notices shall be displayed informing customers and staff that under 18s will not be admitted to the premises or will not be permitted to take part in gambling activities (as applicable) and that age identification will be required
Essential	That a proof of age compliance scheme shall be established and maintained. The scheme shall require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff to be under the age of 18 and who is attempting to enter the premises or, where admission of under 18s is permitted, who is attempting to take part in gambling. Evidence of this scheme (in the form of documented procedures) shall be made available for inspection by authorised officers.
Desirable	That a “Challenge 25” or “Think 25” proof of age compliance scheme shall be established and maintained. The scheme shall require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff to be under the age of 25 and who is attempting to enter the premises or, where admission of under 18s is permitted, who is attempting to take part in gambling. “Think 25” or “Challenge 25” notices shall be displayed informing customers and staff that admission to the premises will not be given to anyone appearing to be under 25 unless they can prove they are 18 or over. Evidence of this scheme (in the form of documented procedures) shall be made available for inspection by authorised officers.
Essential	That all staff shall be trained in the premises proof of age compliance scheme and records of such training shall be retained on the premises and made available for inspection by authorised officers.
Essential	That an incident log shall be maintained and details of all age related refusals recorded. This book shall be reviewed monthly by the nominated responsible member of staff and any actions taken recorded in the book and signed off by that member of staff. This log shall be retained on the premises and made available for inspection by authorised officers.
Desirable	That, if a CCTV recording system is installed inside the premises, it shall be so arranged as to monitor each entrance and exit and the gaming areas. A library of recordings taken by the system shall be maintained for 31 days and made available to authorised officers upon request.

The Southwark proof of age London (PAL) card

116. In order to assist businesses avoid illegal underage sales and gambling the council's trading standards service administers a local PASS approved proof of age card. PASS approved proof of age cards are supported by the Home Office and ACPO (Association of Chief Police Officers).

117. The PAL card is available to 16-25 year olds by direct application or may be issued via their school or other educational establishment.
118. There are currently around 6,000 PAL cards in circulation and many of Southwark secondary schools and colleges have a process in place to make the card available to all students.
119. Further information on introducing a proof of age compliance scheme, and free in store signage, can be obtained by contacting the trading standards service - for contact details see section 9.
120. Note: In detailing the council's recommended approach to underage sales, it is recognised that some sales may be made through intimidation or fear. Licensees experiencing such problems are advised to discuss their situation with licensing or trading standards officers. Furthermore, the Council's health and safety team offers conflict resolution training aimed at helping deal with the threat of violence and aggression in the workplace. For details please contact the licensing service - for contact details see section 9.

Restriction to areas where category C or above machines are on offer

121. This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance; and
 - Only adults are admitted to the area where the machines are located; and
 - Access to the area where machines are located is supervised at all times, either by one or more persons whose responsibilities include ensuring that under 18s do not enter the area or by CCTV observed by one or more persons whose responsibilities include ensuring that under 18s do not enter the area; or
 - The areas where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - A notice stating that no person under the age of 18 is permitted to enter the area must be displayed in a prominent place at the entrance to the area.
122. These considerations, will apply to premises including buildings where multiple premises licences are applicable.

Restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children

123. The Gambling Act 2005 removed virtually all of the existing statutory restrictions on the advertising of lawful gambling conducted in Great Britain. Responsibility for the advertising by gambling operators will be shared by the Secretary of State, the Commission, and the advertising regulatory bodies. We note, however, that the commission's codes of practice require all advertising of gambling products to be undertaken in a socially responsible manner, consistent with the advertising codes of practice which apply to the form and

media in which they advertise their gambling services. This authority understands that the following general principles apply:

- Not to encourage irresponsible or excessive gambling;
- Not to seek to harm or exploit children, the young, or other vulnerable persons;
- Not to direct advertisements at those under 18; and
- Only to feature in their advertisements people who are, and seem to be, over 25

124. This authority may accept that further conditions on this matter should not normally be necessary, but all issues of non-compliance with the code will be rigorously investigated and reported to the relevant authorities.

Protection of vulnerable people

125. The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children.

126. This authority notes that the Commission does not seek to define 'vulnerable people', but it does for regulatory purposes assume that this group includes 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 health needs learning disability or substance misuse relating to alcohol or drugs. This licensing authority will consider this licensing objective on a case by case basis.

127. This authority notes that the commission's codes of practice place general requirements on operators to put into effect policies and procedures which promote socially responsible gambling. In particular, the codes of practice place responsibilities upon licensees to make information available to their customers on how to gamble responsibly and how to access information about, and help in respect of, problem gambling. The information is required to cover:

- Any measures provided by the licensee to help individuals monitor or control their gambling, such as restricting the duration of a gambling session or the amount of money they can spend;
- Timers or other forms of reminders or reality checks where available;
- Self-exclusion options; and
- Information about the help of further help or advice.

128. Again, the codes of practice do not require an operator to inform the licensing authority and other responsible authorities of these policies and procedures when applying for the premises licence. However, in order that this authority and the other responsible authorities are able to make a proper informed judgement as to the suitability of these policies and procedures, this authority asks that copies of the relevant documents be submitted to the appropriate authorities for consideration as part of the application for any new, varied or transferred premises licence. These will be considered upon their individual merits. If concerns are raised under the representations system then, consideration will be given to additional relevant conditions.

129. This authority and the other responsible authorities would expect that:

- Self-exclusion schemes introduced are clearly publicised on licensed premises; and
- That information is made publically available about organisations that can provide advice and support, both in relation to gambling itself and to debt, for example for gambling addiction - Gamcare, Gamblers Anonymous, and the Gordon House Association; and for debt counselling Blackfriars Advice Service and National Debtline.

130. While the value of self-exclusion schemes is recognised, the authority would emphasise that these should not relieve responsibility from staff to be alert to any customers who are exhibiting signs of 'problem gambling' and from providing support where possible.

Location

131. This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's guidance to licensing authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

132. In pursuit of these objectives, when determining applications for premises licences, this authority will have regard to the location of the premises. The authority will give special consideration in relation to the proximity of premises to

- **Local schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families;**
- **Places where vulnerable people are housed or treated, including clinics, recovery centres, outpatients clinics and homes;**
- **Residential areas where there is a high concentration of children and young people or vulnerable people;**
- **Areas where there is a high level of organised crime;**
- **Places of worship, community facilities or public buildings; and**
- **Areas where there is considered to be an over concentration of similar existing licensed operation**

133. This list is not exhaustive.

134. It should be noted, however, that this policy does not preclude any application being made and each application will be decided upon its own merits, with the onus being on the applicant showing how potential concerns can be overcome.

135. Although this authority recognises that nuisance is not one of the three stated licensing objectives and that the guidance to the Act states that disorder is intended to mean activity that is more serious and disruptive than nuisance, this authority will receive information from the Council's environmental protection team on nuisance issues as being relevant to matters of location of premises.

Local area profiles

136. The Gambling Commission Licence Conditions and Codes of Practice (LCCP) requires all applicants to assess the local risks to the licensing objectives posed

by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of policy.

137. To assist operators in conducting their risk assessments and Members of the Licensing Committee in determining contested application the Licensing Authority has conducted a Local Area Profile.
138. In line with the current Gambling Commission statutory guidance for Local Authorities the Local Area Profile is available as a separate document attached to this Policy to enable the consultation on updating of the Local Area Profile to take place independently from a consultation to amend the full gambling policy.

Conditions generally

136. This authority understands that mandatory conditions will be attached to all premises licences. The mandatory conditions specify the number of gaming machines of particular categories in each type of gambling premises. They also require that:

- The summary of the terms, conditions and restrictions of the premises licence issued by the licensing authority must be displayed in a prominent place on the premises;
- The layout of the premises must be maintained in accordance with the plan that forms part of the premises licence;
- Neither national lottery products nor tickets in a private or customer lottery may be sold on the premises; and
- That, facilities for gambling must not be provided on Christmas Day.

137. Section 169 of the Act gives licensing authorities:

- The ability to exclude from premises licences any default conditions that have been imposed under s168; and
- The power to impose additional conditions on the premises licences they issue.

138. However, this authority understands that it has a duty to act in accordance with the principles set out in section 153 of the Act and that as it must aim to permit the use of premises for gambling, it may not attach conditions that limit the use of premises for gambling, except where that is necessary as a result of the requirement to act:

- In accordance with the guidance issued by the commission, the commission's codes of practice or it's own licensing policy statement; and
- In a way that is reasonably consistent with the licensing objectives.

139. This authority also understands that it should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

140. This authority also notes that it is the Commission's view that the conditions necessary for the general good conduct of gambling premises are those set as default and mandatory conditions by the Secretary of State.

141. This authority will attach individual additional conditions to licences, however, where there are specific, evidenced risks or problems associated with a particular locality, or specific premises, or class of premises.
142. This authority will aim to ensure that such conditions imposed upon premises licences will be proportionate to the circumstances it is sought to address. In particular, premises licence conditions should be:
- Relevant to the need to make the proposed building suitable as a gambling facility;
 - Directly related to the premises and the type of licence applied for;
 - Fairly and reasonably related to the scale and type of premises: and
 - Reasonable in all other respects.
143. This authority will take decisions on individual conditions on a case-by-case basis, against the background of the general policy set out in guidance and the statement of licensing policy.
144. It is noted that there are conditions which the licensing authority cannot attach to premises licences. These are:
- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
 - Conditions relating to gaming machine categories, numbers, or method of operation;
 - Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
 - Conditions in relation to stakes, fees, winning or prizes.

Door supervisors

145. Where this authority chooses to attach a condition to a premises licence in respect of for door supervision (i.e. a condition requiring someone to be responsible for guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage) any requirement for that person to be licensed under the Private Security Industry Act 2001 must be treated as though it were a condition of the premises licence.

Casinos

146. This licensing authority has not passed a 'no casino' resolution under section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be taken by the full council assembly.

Adult gaming centres

147. This authority notes that the following specific mandatory conditions must be added to each AGC premises licence:
- That a notice must be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises:
 - That there can be no direct access between an AGC and any other premises licensed under the Act or premises with a family entertainment

centre, club gaming, club machine or licensed premises gaming machine permit;

- Any Automated Telling Machine (ATM) made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so; and
- The consumption of alcohol in AGCs is prohibited at any during which facilities for gambling are being provided on the premises. A notice stating this should be displayed in a prominent place at every entrance to the premises.

148. This authority will wish to have specific regard to the location of and entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised for example, where an AGC is in a complex, such as a shopping centre.

Bingo premises

149. This authority notes that the following specific mandatory conditions must be attached to each bingo premises licence:

- That a notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises;
- That no customer shall be able to enter bingo premises direct from a casino, an adult gaming centre or betting premises;
- That over 18 areas within bingo halls that admit under 18s must be separated by a barrier with prominently displayed notices stating that under 18s are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines. Supervision may be done by placing the terminals within the line of sight of an official of the operator or via monitored CCTV;
- That any admission charges, the charges for playing bingo games and the rules of bingo must be displayed in a prominent position on the premises. Rule scan be displayed on a sign, by making available leaflets or other written materials containing the rules, or running an audio-visual guide to the rules prior to any bingo game being commenced; and
- That any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.

150. This authority notes that the following default condition will be placed upon bingo premises licences unless this authority chooses to exclude it:

- That bingo facilities within bingo premises may not be offered between the hours of midnight and 0900. However, there are no restrictions on access to gaming machines in bingo premises.

151. This authority will need to satisfy itself that bingo can be played in any bingo premises for which it issues a premises licence. This is a relevant consideration where the operator of an existing bingo premises applies to vary their licence to excludes an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

152. Children and young people are allowed into bingo premises, however, they are not permitted to participate in bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

Betting premises

153. This authority notes that the following mandatory conditions must be attached to each betting premises licence (non-track):

- That a notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 years will be admitted. The notice should be clearly visible to people entering the premises;
- There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as any bridge, road, lane, footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a thorough fare or not);
- That any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
- That no apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:
 - Information about the coverage of sporting events, including information relating to betting on such events (and incidental information including advertisements); or
 - Information relating to betting (including results) on any event in connection with which bets may have been effected on the premises.
- No music, dancing or other entertainment is permitted on betting premises;
- The consumption of alcohol is prohibited;
- The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications; and
- That a notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.

154. This authority notes that the following default condition will be placed upon bingo premises licences unless this authority chooses to exclude it:

- That gambling facilities may not be offered in betting premises between the hours of 2200 on one day and 0700 on the next day, or any day.

155. Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and circumstances in which they are made available by attaching a licence condition to betting premises licence. When considering whether to impose such condition, this authority will take into account, among other things, the size of the premises; the number of counter positions available for person to person transactions, and the ability of employees to monitor the use of the machines by children and young people or by vulnerable people.

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

(Licensed) family entertainment centres

157. This authority notes that the following mandatory conditions must be attached to each family entertainment centre premises licence:

- The summary of the terms, conditions and restrictions of the premises licence issued by the licensing authority must be displayed in a prominent position within the premises;
- The layout of the premises must be in accordance with the plan;
- The premises must not be used for the sale of tickets in a private lottery or customer lottery, or the National Lottery;
- No customer shall be able to enter the premises directly from a casino, an adult gaming centre or betting premises (other than a track);
- Any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so;
- Over 18 areas within FECs that admit under 18s must be separated by a barrier with prominently displayed notices at the entrance stating that under 18s are not allowed in that area and with adequate supervision in place to ensure that children and young persons are not able to access these areas or the category C machines. Supervision may be done by placing the terminals within the line of sight of an official of the operator or via monitored CCTV. And
- The consumption of alcohol in licensed FECs is prohibited at any time during which facilities for gambling are being provided. A notice stating this should be displayed in a prominent position on the premises

158. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

159. Given that this category of premises is one to which children may properly have access, operators should also consider measures / training for staff on how to deal with suspected truant school children upon the premises.

SECTION SIX – PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

Introduction

160. The following part of this policy considers the various permits that this licensing authority is responsible for issuing under the Act. These are:

- Family entertainment centre gaming permits;
- Club gaming permits and club machine permits;
- Prize gaming permits; and
- Notifications from holders of alcohol licences that they intend to exercise their automatic entitlement to two gaming machines.

161. Licensing authorities may only grant or reject an application for a permit. There is no provision to attach conditions.

Unlicensed family entertainment centre gaming machine permits (statement of principles on permits – schedule 10 paragraph 7)

162. Where a FEC does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for a permit.

163. The licensing authority may grant or refuse an application for a permit, but cannot add conditions. An application for a permit may only be granted if the authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted. Applicants must show that the premises will be used wholly or mainly for making gaming machines available for use.

164. As unlicensed FECs are not subject to scrutiny by the commission, applicants will also be asked 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; and

- That employees are trained to have a full understanding of the maximum stakes and prizes.
165. The Commission's guidance for local authorities also states that within its "statement of licensing policy a licensing authority may include a statement of principles that it proposes to apply when exercising its function in considering applications for permits. In particular, it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises will particularly appeal to children and young persons, licensing authorities may want to give weight to matters relating to child protection issues."
166. This licensing authority has duly prepared a statement of principles, which is that each applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits.
167. Copies of these policies and procedures must be submitted with any application for a permit. Applicants are advised that the minimum expectations of the local safeguarding children board are that policies and procedures will demonstrate:
- **How employees or contracted agencies will be made aware of the company's / organisation's policy / statement on keeping children safe from harm;**
 - **That recruitment processes for staff who may have to deal direct with children under the age of 18 seek to ensure, as best the company / organisation can, that the appointed applicant has not been known to have harmed children;**
 - **That there will be clear expectations on staff with regard to their personal conduct in direct relations with children under 18 and guidance on what is appropriate in dealing with specific situations which may arise;**
 - **That there are systems in place and that staff are aware of them for dealing with possible abuse or violence to children from other users of the licensed facility;**
 - **That there are clear and accessible complaints systems for children to report if they have been harmed and that there are clear whistle-blowing procedures for staff who may have concerns about the welfare of children on the premises; and**
 - **That all duty managers or staff in charge of the premises are aware of how to refer any concerns about the welfare of children to the local police, education authority or social services as necessary.**
168. It is expected that policies and procedures will be consistent with the position set out in the London Safeguarding Children's Board 'Safeguarding Children Policy for Licensed Premises' which can be viewed using the link provided http://www.londoncp.co.uk/chapters/sg_licensed.html . All unlicensed family centre operators are asked to agree to display a copy of the procedure and accompanying poster available upon the premises. Policies and procedures may also include appropriate measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

(Alcohol) Licensed premises gaming machine permits – (schedule 13 para 4(1))

169. There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and / or D. In such cases the premises licence holder under the Licensing Act 2003 must give notice to the licensing authority of their intention to make the gaming machines available for use and pay the relevant fee.
170. This authority understands that it has no discretion to consider the notification or reject it. 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 (for example that gaming machines have been made available in a way that does not comply with requirements in the commission's code of practice on the location and operation of gaming machines);
 - The premises are mainly used for gaming; or
 - An offence under the Gambling Act has been committed on the premises

Permit for 3 or more machines

171. If a premises wishes to have more than 2 machines, then an application must be made for a permit and the licensing authority must consider that application based upon the licensing objectives; guidance issued by the gambling commission; and other matters considered relevant to the application.
172. This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
173. Measures which will satisfy the authority may include:

- **That adult machines are located within a bar or segregated area to which under 18s are not admitted; and**
- **That procedures are in place to ensure that under 18s are not admitted (see advice in section five of this policy); or**
- **That adult machines are situated in full sight of the bar staff, or other staff who will monitor that the machines are not being used by those under 18; and**
- **That procedures are in place that will ensure that under 18s are not able to play upon the machines (see advice in section 5 of this policy).**
- **Additionally, notices and signage may also be of help in both circumstances**

174. Applicants should also see advice provided in s168 of this policy regarding the LCSB policy. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as gamcare.

175. It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an adult gaming centre premises licence.
- 176.. It should be noted that 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.
177. It should also be noted that the holder of a permit must comply with any code of practice issued by the gambling commission about the location and operation of the machine.

Prize gaming permits

178. The Act states that a licensing authority should include a statement of the principles that it proposes to apply in considering applications for permits and, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit. Given that the premises will particularly appeal to children and young persons, licensing authorities may want to give weight to matters relating to child protection issues.
179. This licensing authority has prepared a statement of principles, which is that each applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. Prospective applicants are directed toward the information contained in sections 161 and 162 of this statement.
180. This licensing authority has prepared a statement of principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- **That they understand the limits to stakes and prizes that are set out in regulations;**
 - **That the gaming offered is within the law; and**
 - **Clear policies that outline the steps to be taken to protect children from harm.**
181. In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any gambling commission guidance.
182. It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- **The limits on participation fees, as set out in regulations, must be complied with;**
 - **All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are**

allocated; and the result of the game must be made public in the premises on the day that it is played;

- **The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and**
- **Participation in the gaming must not entitle the player to take part in any other gambling.**

Club gaming and club machines permits

183. Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a clubs gaming machines permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (three machines of categories B, C or D).

184. Gambling commission guidance for local authorities 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 restricted to bridge and whist. 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."

185. The commission's guidance also notes that "licensing authorities may only refuse an application on 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 ten years; or**
- **An objection has been lodged by the commission or the police**

186. There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. As the Gambling Commission's guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the commission or the police, and the ground upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

- 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; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

187. 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.

Temporary use notices

188. Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. The Commission's guidance suggests that premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues.
189. Section 218 of the Act refers to 'a set of premises' and provides that a set of premises is the subject of a temporary use notice if 'any part' of the premises is the subject of a notice.
190. 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", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. A large exhibition centre, for example, would be likely to come within the definition as it is properly one premises, and should not be granted a temporary use notice for 21 days in respect of each of its halls. But in relation to other covered areas, such as shopping centres, this authority will need to consider different units are in fact different 'sets of premises', given that they may be occupied and controlled by different people. This authority 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.

Occasional use notices

191. The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

SECTION SEVEN – SMALL SOCIETY LOTTERIES

192. The Act sets out a definition of a lottery and provides that promoting or facilitating a lottery is illegal, unless it falls within one of 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); and
 - Exempt lotteries (including the small society lottery).
193. The local licensing authority is responsible for registering societies to run small society lotteries.
194. This authority will define ‘society’ as the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and will need to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation. Section 19 of the Act defines a society as such if it is established and conducted:
- For charitable purposes;
 - For the purpose of enabling participation in, or supporting sport, athletics or a cultural activity; or
 - For any other non-commercial purpose other than that of private gain.
195. Applicants for registration of a small society lottery must apply to the licensing authority in the area in which their principal office is located. Where this authority believes that the society’s principal office is situated in another area, it will inform the society as soon as possible and where possible, will inform the other licensing authority.
196. Applications must be made in the form prescribed by the Secretary of State and be accompanied by both the required regulation fee and all documents necessary to assess the application. To this effect, this authority will wish to receive a copy of each applicant societies’ terms and conditions and constitution so as to establish that the society is a non-commercial society.

197. This authority notes that the Commission advises that in a case where a society applies for more than one registration, care should be taken to ensure that the applicant societies have separate and different aims and objectives. Where a society applies for more than one registration, the aims and objectives of the applicant societies are the same and the combined proceeds are likely to exceed the threshold limits for small society lotteries, the applicant will be advised to apply to the Commission for a society operating licence, instead of obtaining society lottery registrations.
198. Lotteries will be regulated through a licensing and registration scheme; conditions imposed on licences by the gambling commission; codes of practice and guidance issued by the Gambling Commission. In exercising its functions with regard to small society and exempt lotteries, the licensing authority will have due regard to the Gambling Commission's guidance.
199. The licensing authority will keep a public register of all applications and will provide information to the gambling commission on all lotteries registered by the licensing authority. As soon as the entry on the register is completed, the licensing authority will notify the applicant of his registration. In addition, the licensing authority will make available for inspection by the public the financial statements or returns submitted by societies in the proceeding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not breached. If there is any doubt, the licensing authority will notify the gambling commission in writing, copying this to the society concerned. The licensing authority will accept return information either manually but preferably electronically by emailing licensing@southwark.gov.uk
200. This authority may refuse applications for registration if either
- An operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant has been refused in 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; or
 - Information provided in or with the application for registration is found to be false or misleading.
201. Where this authority intends to refuse registration of a society, it will give the society an opportunity to make representations and will inform the society of the reasons why it is minded to refuse registration, and supply evidence on which it has reached that preliminary conclusion.
202. This authority may determine to revoke the registration of a society if it thinks that it would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.
203. However, no revocation will take place unless the society has been given the opportunity to make representations. The licensing authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

204. Where a society employs an external lottery manager, it will need to satisfy itself that the manager hold an operator's licence issued by the Gambling Commission, and the licensing authority will expect this to be verified by the society.

SECTION EIGHT – REGULATION

205. Under the Legislative and Regulatory Reform Act 2006, any person exercising a specified regulatory function has a legal duty to have regard to the statutory principles of good regulation in the exercise of the function. These provide that regulatory activity should be carried out in a way which is:
- **Proportionate:** Remedies should be appropriate to the risk posed, and costs identified and minimised;
 - **Accountable:** Decisions should be justified and subject to public scrutiny;
 - **Consistent:** Rules and standards must be joined up and implemented fairly;
 - **Transparent:** Regulators should be open, and keep regulations simple and user friendly; and
 - **Targeted:** Regulation should be targeted only at cases in which action is needed and focused on the problem, and minimise side effects
206. This authority will have regard to these principles in relation to its activities under the Gambling Act 2005 and also to the requirements of the Regulators' Compliance Code. The purpose of the Code is to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.
207. In order to ensure that this authorities enforcement activities are targeted and make the best use of resources, 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 Part 36; and
 - The principles set out in this statement of licensing policy.
208. Our risk methodology is available upon request.

209. The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
210. This authority will work together with the Gambling Commission to identify and investigate organised or persistent illegal activity and will exchange information on non-compliance with licences and permits to ensure that any action taken is co-ordinated.
211. It remains the over-riding intention, however, of this authority to work together with other enforcement agents, in support of responsible licence holders and operators to help them run a successful business that play a positive role within the local community. Where operators are acting responsibly we will look to provide support, advice and education and we will look to give early warning of any concerns identified at any premises. However, the authorities will use the range of enforcement powers made available under the Act where individuals act with disregard to their responsibilities.

SECTION NINE – CONTACT DETAILS

Southwark Licensing Service

You can contact the Licensing Service in a number of ways

By post or in person by appointment during office hours

Southwark Licensing Team (personal callers – by appointment only)

C/O Licensing & Environmental Protection Unit
Environmental Health & Trading Standards Business Unit
Third Floor, Hub C
160 Tooley Street
London, SE1 2QH

Postal Address

Southwark Council
PO Box 64259
SE1P 5LX

By telephone: (Via the Customer Contact Centre 24/7) 020 7525 5000

By e-mail: licensing@southwark.gov.uk

By visiting our web site at www.southwark.gov.uk/businesscentre/licensing

Other responsible authorities

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham, B2 4BP
Email: info@gamblingcommission.gov.uk
Tel: 0121 230 6666

Commissioner of Police for the Metropolis

Southwark Police Licensing Unit

Southwark Police Station
 323 Borough High Street
 London, SE1 2RL
 Tel: 020 7232 6210

The London Fire and Emergency Planning Authority

Fire Safety Regulation
 South East Area 3
 169 Union Street
 London, SE1 0LL
 Tel: 020 8555 1200

The following council services are now all based at the Tooley Street address shown above for the licensing service

The Council's Building & Development Control Services (including Planning)

The Occupational Health and Safety Team

The Trading Standards Team

The Environmental Protection Team (dealing with nuisance issues)

C/O Southwark Community Safety Enforcement Business Unit

The Local Safeguarding Vulnerable Adults Board

Safeguarding Adults Manager
 Southwark Safeguarding Adults Partnership
 Tel: 0207 525 3733
 Fax: 0207 525 3236

Southwark Childrens' Social Care Services

Interim Practice Group Lead QAU and
 Local Authority Designated Officer (LADO)
 Southwark Council
 Sumner House
 Sumner Road
 Peckham
 SE15 5QS
 Telephone: 0207 525 0689
SafeguardingChecks@southwark.gov.uk

Please note that in the case of applications made in respect of vessels a different set of responsible authorities apply. Please contact the Licensing Service for information.

OTHER AGENCIES

Southwark Disablement Association

Southwark Disablement Association
 10 Bradenham Close
 London

SE17 2QB
Tel: 020 7701 1391

Appendix A – Consultation

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The chief officer of police
- One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

In preparing this Statement of Gambling Licensing Policy this authority

- Placed public notices in the local media and on the council's web site advertising the opportunity to comment on the draft policy;
- Wrote directly to all known potential licence applicants;
- Wrote directly to all known tenants and residents organisations;
- Wrote directly to all known gambling business representatives;
- Wrote directly to all known community representative and other interest groups;
- Wrote directly to all ward councillors; and
- Provided information to each community council.

Detail of the written submissions received and analysis of those submissions can be obtained from the licensing service.

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	3. Areas in Southwark of greater risk to gambling-related harm	pages 5 & 6
	4. Implementation	page 7

1. Introduction

The purpose of this document is to, in accordance with the Gambling Commission's **Gambling Guidance for Local Authorities**¹ and Southwark's current **Statement of Gambling Licensing Policy**², highlight areas in the borough inhabited or frequented by people who might be more at risk of being harmed or exploited by gambling.

As stated in the Gambling Commission's **Licence Conditions and Codes of Practice (LCCP)**³, licensees have a social responsibility to assess local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. Although not a requirement for licensing authorities to complete a risk assessment of the local environment, it is emphasised by the Gambling Commission that such risk assessments, referred to as **local area profiles**, are of significant benefit to both the licensing authority and operators. The benefits, as listed under section 6.53 of the **Gambling Commission's guidance**¹, are:

- (i) it enables licensing authorities to better serve their local community, by **better reflecting the community and the risks within it**;
- (ii) **greater clarity** for operators **as to the relevant factors in licensing authority decision-making**, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application;
- (iii) it **enables** licensing authorities to make **robust but fair decisions**, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge; and
- (iv) it encourages a proactive approach to risk that is likely to result in **reduced compliance- and enforcement action**.

Based on the appreciation of having a better awareness of the local area and its associated risks, whether potential, actual, or emerging, **Southwark Council**

- **will provide a local area profile for each gambling licence application it receives**, and
- **has provided**, under **section 3** of this document, **an overview of the geographical areas in the borough identified as currently being of greater risk to gambling-related harm**.

2. Southwark's approach to local area profiles

This section describes steps ① to ④ of the process followed by Southwark Council to identify areas of greater risk to gambling-related harm in the borough.

① The process started with the **Gambling Act 2005**⁴, which prescribes in its licensing objectives the **protection of children and other vulnerable persons from being harmed or exploited by gambling**. Southwark Council has thereupon expressed in its **Statement of Gambling Licensing Policy**² that special consideration is given in relation to the proximity of gambling premises to

- local schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families;
- places where vulnerable people are housed or treated, including clinics, recovery centres, outpatient clinics and homes;
- residential areas where there is a high concentration of children and young people or vulnerable people;

- areas where there is a high level of organised crime;
- places of worship, community facilities or public buildings; and
- areas where there is considered to be an over-concentration of similar existing licensed operation.

② The second step was to establish who the **other vulnerable persons** would be. A **study**⁵ conducted by Heather Wardle at the Geofutures Gambling and Place Research Hub, found that although anyone could be vulnerable to gambling-related harm, there was sufficient to strong evidence to suggest that, in addition to young people, the following groups of people could potentially be more vulnerable:

- problem gamblers who are seeking treatment;
- those living in the most deprived areas;
- those with financial difficulties / debt;
- those affected by substance abuse / misuse;
- those affected by poor mental health;
- those who are unemployed;
- those who are homeless; and
- those from minority ethnic groups

③ The third step was to identify the **datasets** relevant to the location- and vulnerable persons criteria listed under steps ① and ②. Tables 1A and 1B provide, by criteria, summaries of the data relevant to Southwark.

Table 1A: Location criteria	Identified datasets and data sources
• local schools	Register of educational establishments in England and Wales ⇒ Department for Education, http://www.education.gov.uk/edubase/home.xhtml
• youth clubs	Youth clubs listed on Southwark Council and Community Southwark webpages ⇒ http://www.2.southwark.gov.uk/info/200246/activities_and_things_to_do/1439/youth_clubs ⇒ https://www.communitysouthwark.org/organisations-venues/venues
• shops used by families / children	List of shopping centres, supermarkets, and stores relevant to children / families ⇒ Southwark Council's APP premises database
• parks (including play areas)	MapInfo files for parks, open spaces, play areas and adventure playgrounds ⇒ Southwark Council's GeoStore, maintained by the council's Corporate GIS Team
leisure and recreational establishments used by families / children	Amenities listed on Southwark Council and Community Southwark webpages, and APP ⇒ http://www.2.southwark.gov.uk/info/200006/arts_in_southwark/1122/theatres ⇒ http://www.2.southwark.gov.uk/info/200087/sports_and_leisure/919/leisure_centres ⇒ http://www.southwark.gov.uk/events-culture-and-heritage/museums-and-galleries-in-southwark ⇒ https://www.communitysouthwark.org/organisations-venues/venues ⇒ Southwark Council's APP premises database
• vulnerable people housed or treated: Please see Table 1B	
• residential areas with high concentration of children / young people / vulnerable people: Please see Table 1B	
• areas with a high level of organised crime	List of suspected and actual child sexual exploitation offences, human trafficking / modern slavery offences, and drug trafficking offences committed between 1 st April 2014 and 28 th February 2017 ⇒ Metropolitan Police Service's Crime Report Information System (CRIS)
• places of worship	List of faith premises in Southwark ⇒ Southwark Council's APP premises database (Usage codes E06, E17, F76)
• community facilities / public buildings	Community centres / tenants' halls, libraries and other public buildings listed on Southwark Council and Community Southwark webpages ⇒ http://www.southwark.gov.uk/libraries/find-a-library ⇒ https://www.communitysouthwark.org/organisations-venues/venues
areas with an over-concentration of similar existing licensed operation	List of current licensed gambling premises in Southwark ⇒ Southwark Council's APP premises database

Table 1B: Vulnerable persons criteria	Identified datasets and data sources
<ul style="list-style-type: none"> children (under the age of 18 years) and young people (students in higher education) 	<ul style="list-style-type: none"> ① Number of residents aged under 18 years ⇒ https://www.nomisweb.co.uk/census/2011/qs103ew ② Register of educational establishments in England and Wales ⇒ Department for Education, http://www.education.gov.uk/edubase/home.xhtml ③ Student accommodation in Southwark <ul style="list-style-type: none"> ⇒ Southwark Council's APP premises database ⇒ http://www.arts.ac.uk/study-at-ual/accommodation/halls-of-residence/ ⇒ http://www.crm-students.com/crm-accommodation/london/ ⇒ https://housing.london.ac.uk/find-accommodation/registered-private-halls-residence/south-east-london-halls ⇒ http://www.kcl.ac.uk/study/accommodation/residences/index.aspx ⇒ http://www.lsbu.ac.uk/professional-services/accommodation-office
<ul style="list-style-type: none"> problem gamblers seeking treatment 	no data available for Southwark
<ul style="list-style-type: none"> living in the most deprived areas 	English indices of deprivation 2015 ⇒ https://www.gov.uk/government/statistics/english-indices-of-deprivation-2015
<ul style="list-style-type: none"> financial difficulties / debt 	<ul style="list-style-type: none"> ① List of food banks in Southwark ⇒ https://southwark.foodbank.org.uk/locations/ ② List of pawnbrokers in Southwark ⇒ Southwark Council's APP premises database ③ List of pay day loan shops in Southwark ⇒ Southwark Council's APP premises database
<ul style="list-style-type: none"> substance abuse / misuse 	List of drug and alcohol treatment services, narcotics and alcoholics anonymous meetings, and needle exchange services ⇒ Southwark Council's Drug and Alcohol Action Team (DAAT)
<ul style="list-style-type: none"> poor mental health 	List of GP practices treating patients for schizophrenia, bipolar affective disorder and other psychoses ⇒ Health & Social Care Information Centre (HSCIC) http://www.hscic.gov.uk/catalogue/PUB18887/qof-1415-prac-MHNeurogroup.zip
<ul style="list-style-type: none"> unemployed 	<ul style="list-style-type: none"> ① Job centres listed through Directgov's search engine ⇒ http://los.direct.gov.uk ② Economically active unemployed residents ⇒ Census 2011 economic activity data on Nomis, https://www.nomisweb.co.uk/census/2011/qs601ew
<ul style="list-style-type: none"> homeless 	List of hostels, supported housing, registered care, and temporary accommodation sites in Southwark ⇒ Vulnerable People Location document compiled by Southwark Council's Public Health Team
<ul style="list-style-type: none"> minority ethnic groups 	Number of residents from Asian / Asian British, Black / African / Caribbean / Black British, and Arab or other ethnic groups ⇒ http://www.nomisweb.co.uk/census/2011/lc2101ew

Section 2 continues on the next page...

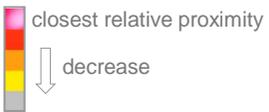
④ The fourth step was to **map** the datasets. This entailed making all the records in the datasets mappable by either extracting or creating the necessary co-ordinates (Eastings and Northings). For records relating to buildings, co-ordinates at address point level were used and for records relating to areas (i.e. parks and Census output areas) centroid co-ordinates were used. To better illustrate the geographical distribution of locations and vulnerable persons across the borough, two types of maps were produced:

- ① hotspot maps to show the **proximity** of locations or vulnerable persons to one another
- ② grid maps to show the **count** of locations or vulnerable persons per grid cell

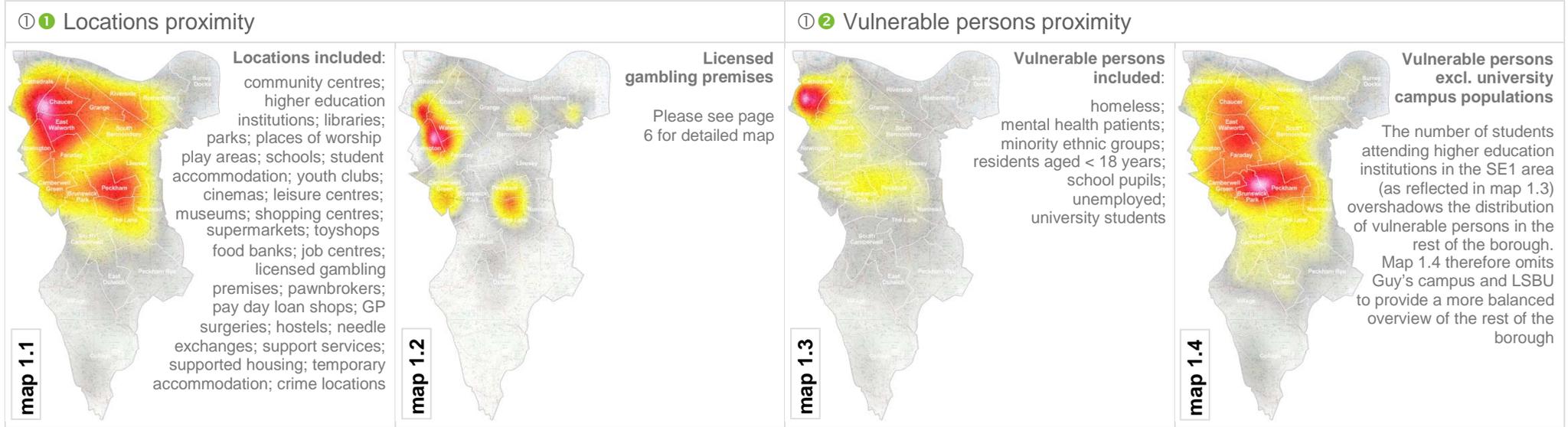
The distance used for measuring proximity and grid cell size is 600m. This distance is based on the upper-average of the distances measured between residents' homes and local facilities (post office, primary school, general store or supermarket, and GP surgery), as published by the **Department for Communities and Local Government**⁶.

Please see **sections 3** and **4** for maps as described above. The hotspot and grid maps on **page 5** provide a summary of vulnerable persons and locations in the borough. The map on **page 6** shows the combined vulnerable persons- and locations grid maps overlaid with the current licensed gambling premises in Southwark. The map on **page 7** is an example of a local area profile that will be provided by the council in response to a licence application.

3. Areas in Southwark of greater risk to gambling-related harm

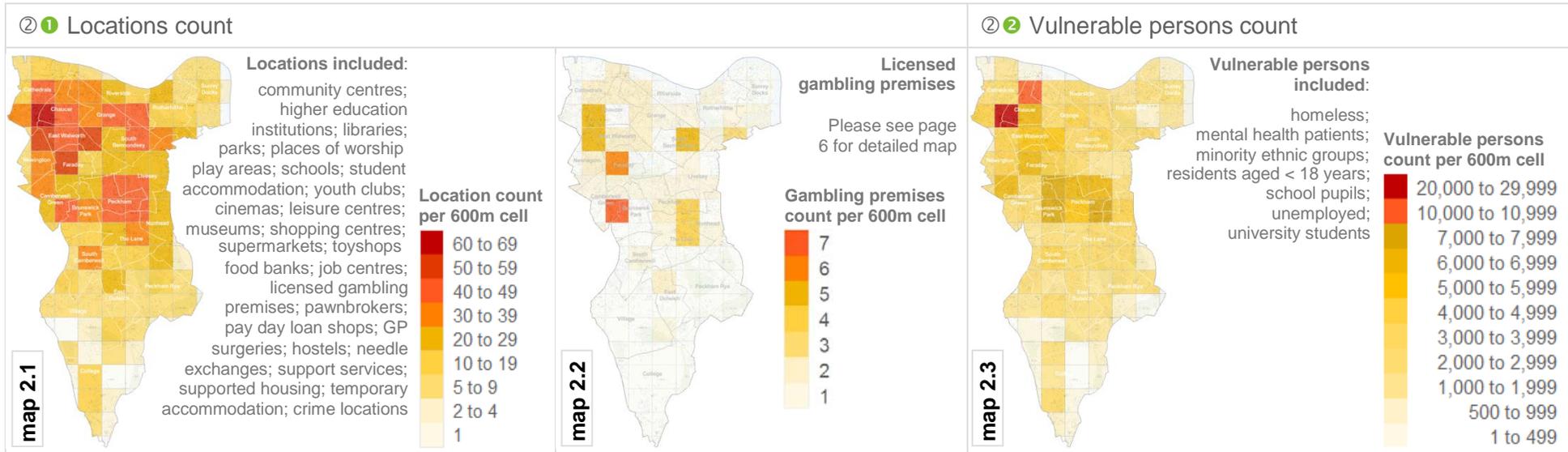
proximity based on 600m bandwidth
 closest relative proximity
 ↓ decrease

① Maps based on the **proximity** of ① locations and ② vulnerable persons in the borough



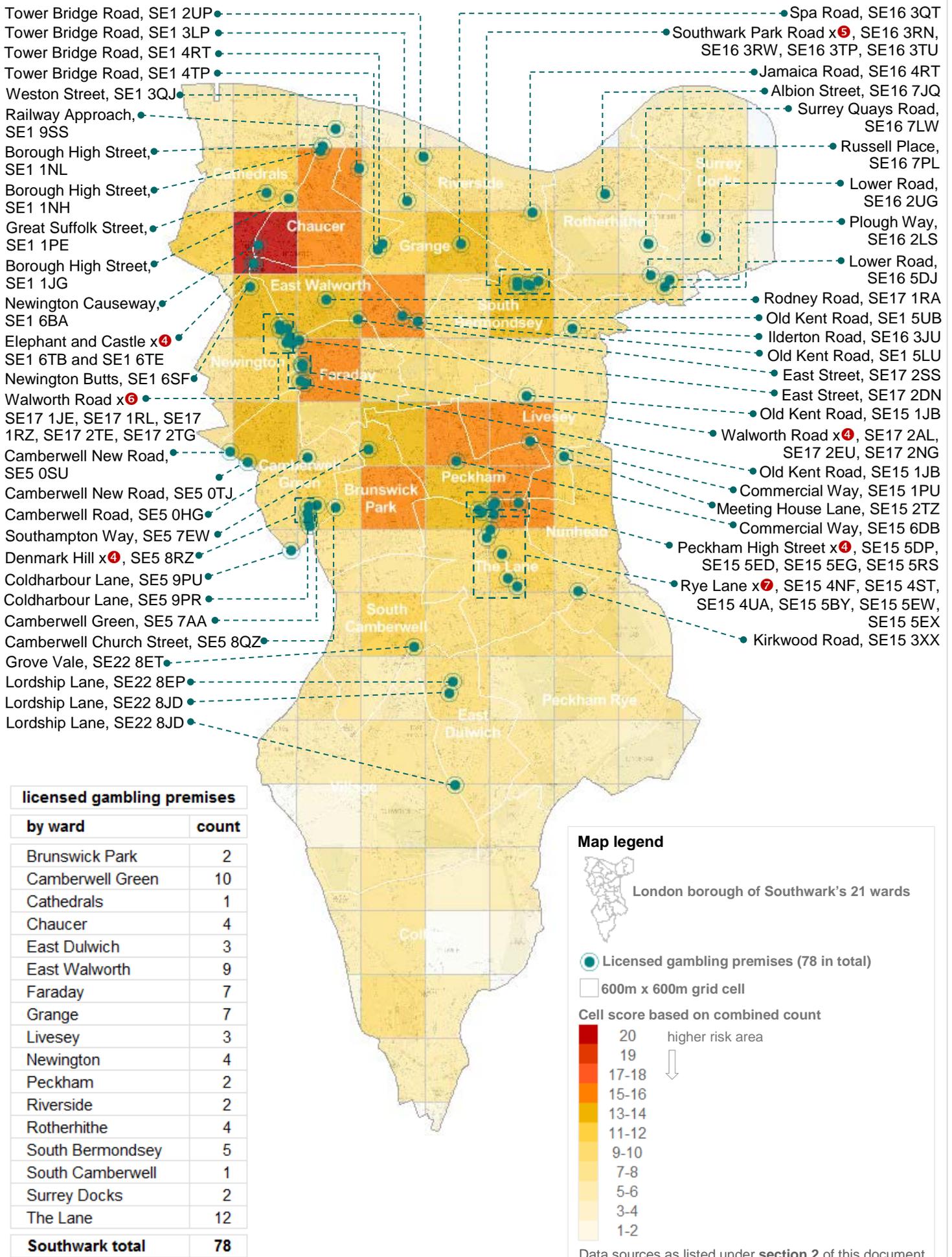
Data sources as listed under **section 2** of this document

② Maps based on the **count** of ① locations and ② vulnerable persons in the borough



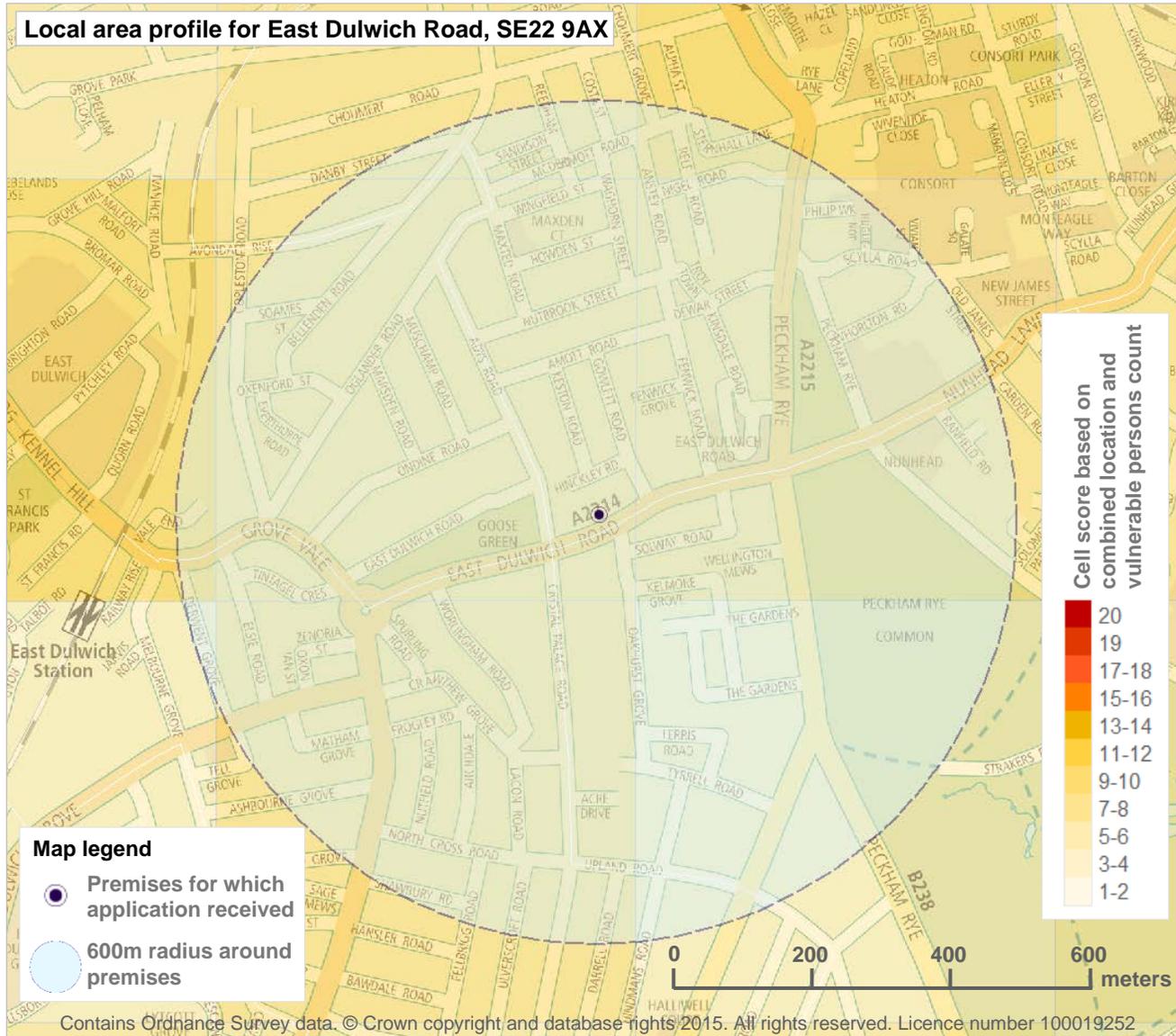
Data sources as listed under **section 2** of this document

Map 3 Combined vulnerable persons and locations count overlaid with current licensed gambling premises



4. Implementation

Upon receipt of a gambling licence application, the licensing authority (Southwark Council in this instance) will provide a **local area profile** (LAP) relevant to the premises for which the application has been received. The profile will consist of a summary of the locations and vulnerable persons found within the **600m radius** of the premises. Based on this information, the council can make a more informed decision. Please see sample LAP below.



Summary of 600m buffer area (including intersecting output areas)

- Cell score: 9
- Intersecting ward/s: The Lane, Peckham Rye, East Dulwich, South Camberwell

Locations summary

Number of

- schools: 5
- play areas: 5
- parks / open spaces: 3
- leisure centres: 1
- places of worship: 4
- multi-use premises: 1 (community centre used for alcoholics anonymous and narcotics anonymous meetings, and for faith worshipping)
- toysthops: 1
- licensed gambling premises: 2
- crime reports relating to child sexual exploitation: 10
- crime reports relating to drug trafficking: 9

Vulnerable persons summary

Number of

- pupils at local school/s: 1,732
- residents aged under 18 years: 2,353
- economically active unemployed residents: 496
- residents from minority ethnic groups: 4,073
- residents with poor mental health: 174

Contains data as specified under **section 2** of the 'Local area profiles for gambling licensing in Southwark' document

References

- ¹ Gambling Commission's Gambling Guidance for Local Authorities
⇒ <http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>
- ² Southwark Statement of Gambling Licensing Policy
⇒ http://www.2.southwark.gov.uk/download/downloads/id/13142/southwark_statement_of_gambling_licensing_policy_2016-2019
- ³ Gambling Commission's Licence Conditions and Codes of Practice (LCCP)
⇒ <http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice.aspx>
- ⁴ Gambling Act 2005
⇒ http://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga_20050019_en.pdf
- ⁵ Exploring area-based vulnerability to gambling-related harm: Who is vulnerable?
⇒ http://transact.westminster.gov.uk/docstores/publications_store/licensing/final_phase1_exploring_area-based_vulnerability_and_gambling_related_harm_report_v2.pdf
- ⁶ English Indices of Deprivation 2015 File 8: Underlying indicators
⇒ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467775/File_8_ID_2015_Underlying_indicators.xlsx

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