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# Merton Council

## Licensing Committee

### Membership

Nick Draper (Chair)

David Simpson CBE (Vice-Chair)

Stan Anderson

Pauline Cowper

Nigel Benbow

Paul Kohler

Mary Curtin

Oonagh Moulton

Janice Howard

Stephen Alambritis MBE

John Dehaney

Russell Makin

A meeting of the Licensing Committee will be held on:

**Date: 14 October 2021**

**Time: 7.15 pm**

**Venue: Council Chamber, Civic Centre, Morden, SM4 5DX**

**This will be followed by a meeting of the Licensing Committee (miscellaneous) to deal with any licensing matters which are not within the scope of the Licensing Act 2003.**

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# Licensing Committee

## 14 October 2021

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# Agenda Item 3

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## LICENSING COMMITTEE

13 JULY 2021

(7.15 pm - 7.43 pm)

PRESENT Councillors Councillor Nick Draper (in the Chair),  
Councillor David Simpson, Councillor Pauline Cowper,  
Councillor Nigel Benbow, Councillor Mary Curtin,  
Councillor Oonagh Moulton, Councillor Stephen Alambritis,  
Councillor John Dehaney and Councillor Russell Makin

ALSO PRESENT Amy Dumitrescu (Interim Democracy Services Manager) and  
Krishna Chapriban (Democratic Services Officer)

ATTENDING

REMOTELY Councillor Paul Kohler

ALSO

ATTENDING Guy Bishop (Senior Lawyer - Litigation and Licensing), Caroline  
REMOTELY Sharkey (Licensing Manager)

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillor Janice Howard and Stan Anderson

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

They were no declarations of interest

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 28 January 2021 were agreed as an accurate record

### 4 REPORT ON THE DRAFT THREE YEARLY REVIEW OF THE COUNCIL'S STATEMENT OF POLICY AND PRINCIPLES UNDER THE GAMBLING ACT 2005 (Agenda Item 4)

The Licensing Manager presented the report, highlighting the changes within the revised statement of principles and answered questions from the Committee. Section 349 of Gambling Act 2005 required the Licensing Authorities before each successive period of three years to prepare and publish a statement of the principles that could be proposed and applied when the functions under the Gambling Act during that period are exercised.

The next successive period would begin on 31<sup>st</sup> January 2022. The statement of principles, if approved, would be adopted as of 31<sup>st</sup> December 2021 and must be

published on the Licensing Authority's website and will also be made available for inspection by the public, four weeks in advance of the date it comes into effect. In addition, the Licensing Authority would publish a notice on the Councils website and a public Notice at the Civic offices.

There were no substantial changes expected to the current statement of principles, however the Licensing Manager confirmed it had been reviewed and strengthened in the number of areas when applications are determined under the Gambling Act. A review on the process that determined applications under the Gambling Act and proposed changes have been detailed under paragraphs 3.3 to 3.10 of the report. If adopted, the new Statement of Principles would commence from 2022 until 2025. This would enable the Council to further scrutinise applications prior to their determination including in relation to gaming machines. *(Post meeting note: The appendices to the report were not available to the committee at the meeting however were circulated following the meeting.)*

A further paper would be brought to the committee in October detailing feedback received from the consultation and if approved would then be referred to Full Council to approve in November 2021. The responsible Authorities would all also be consulted.

In response to questions from members, The Licensing Manager advised that the other Boroughs within the Regulatory Services Partnership also had a no casino policy within their statement of principles and members were supportive of retaining this policy in Merton.

In response to further questions, the Licensing Manager advised that a local area profile had been developed and would also be consulted on and applicants would have to have regard to this prior to submitting any applications to the Licensing Authority.

In relation to enforcement, enforcement compliance visits would be undertaken to check risk documents and to inspect gaming machines locations and the information displayed on them as part of these compliance visits as well as following up on any intelligence received through complaints.

RESOLVED that the Committee:

- A. Approved the Draft Statement of Policy and Principles under the Gambling Act 2005 set out in Appendix A for consultation
- B. Approved the proposal to consult on the re-stating of a 'No Casino' resolution under section 166 of the Gambling Act 2005
- C. Approved the proposed arrangements for consultation on the Draft Statement of Policy and Principles under the Gambling Act 2005 as laid out in paragraphs 3.19 – 3.21.

**Committee: Licensing Committee**

**Date: 14 October 2021**

Wards: All

**Subject: Report on the proposed revised Statement of Principles under the Gambling Act 2005, including consideration on whether to re-state the 'no Casino' Policy, following public consultation.**

**Lead officer:** Chris Lee, Director of Environment and Regeneration.

**Lead member:** Councillor Nick Draper, Chair of the Licensing Committee

**Forward Plan reference number:** N/A

**Contact Officer:** Caroline Sharkey, Licensing Manager, London Boroughs of Merton, Richmond upon Thames and Wandsworth Joint Regulatory Services Partnership and Guy Bishop Senior Lawyer Litigation and Planning Team.

**Recommendations:**

- 
- A. Re-state the no casino resolution and recommend it for adoption by full Council on 17 November 2021;
  - B. Consider the comments received during the public consultation process on the draft Gambling Statement of Principles, which took place between 19 July and 27 September 2021;
  - C. Approve the Statement of Principles 2022-2025 attached at Appendix A of the report (subject to any amendments required by this Committee);
  - D. To recommend if for adoption by full Council on 17 November 2021.
- 

## **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 Section 349 of the Gambling Act 2005 (the 'Act') requires licensing authorities before each successive period of three years to  
“(a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and  
(b) publish the statement”
- 1.2 The next “successive period” starts on 31st January 2022. However, the Statement needs to be adopted by 31st December 2021 as it must be published at least 4 weeks before the date on which it comes into effect on the authority's website and also be available for inspection by the public. In addition, a notice

advertising the publication must be placed on the Council's website and on a public notice board in the Town Hall.

- 1.3 Before determining its Statement of Principles, the Authority is required to consult with the police, persons who represent the interests of gambling businesses and those who represent the interests of persons who are likely to be affected by gambling businesses. The consultation took place between the 19 July 2021 and 27 September 2021.
- 1.4 The comments have been collated and suggested changes arising from the consultation are shown in the proposed Statement attached at Appendix A of this report. Once approved the final Statement of Principles will be put to full Council on the 17 November 2021 for adoption.

## **2. DETAILS**

- 2.1 The London Borough of Merton, as the Licensing Authority under the Gambling Act 2005, is required to publish every three years a Statement of Principles, which it must apply when exercising its function under the Act.
- 2.2 The Gambling Act 2005 (the Act) came into effect on 1st September 2007 and, amongst other changes, gave to Local Authorities new and extended powers for licensing premises for gambling, including betting shops, casino gaming, bingo premises and gaming machine arcades. Local Authorities are also responsible for registering small society lotteries and for issuing permits to pubs and clubs for gaming machines.
- 2.3 The Act contains three licensing objectives which underpin the functions that the Commission and the licensing authority must perform. They are: -
- (a) preventing gambling from being a source of crime or disorder, being associated with crime and disorder, or being used to support crime;
  - (b) ensuring that gambling is conducted in a fair and open way; and
  - (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.4 In making a decision about a premises licence, Licensing Authorities must aim to permit its use provided it is
- In accordance with any relevant code of practice issued by the Gambling Commission
  - In accordance with any relevant guidance issued by the Gambling Commission
  - Reasonably consistent with the licensing objectives; and
  - In accordance with the authority's statement of licensing policy
- 2.5 Section 166 of the Gambling Act 2005 allows a Licensing Authority to resolve not to issue a Casino Premises Licence or allow operators to make application for premises licences for casinos in its area. The decision must be taken by the authority as a whole and cannot be delegated to the Licensing Committee. In passing such a resolution the Authority may take into account any principle or matter, not just the licensing objectives. Where a resolution is passed it must be published by the Authority in its three year licensing Statement of Principles

2.6 The resolution must apply to casino premises generally so that the authority cannot limit its effect to geographic areas or categories of casinos. The resolution must specify the date it comes into effect. The authority may revoke the resolution by passing a counter-resolution. The resolution will, in any event, lapse after three years when, if they wish to do so, the authority would be required to pass another resolution to keep the policy in place.

### 3. CONSULTATION

3.1 The Licensing Committee approved the draft Statement of Principles under the Gambling Act 2005 on 13 July 2021 for the purposes of public consultation.

3.1 Public consultation took place between 19 July 2021 and 27 September 2021

3.2 During the consultation period, the Licensing Authority received ten responses to the consultation through the on-line survey. In addition, four responses were received directly.

3.3 A summary of the on-line responses, including free text comments, can be seen at Appendix B of the report. A précis of the comments received directly is attached as Appendix C to this report. In both cases a comment has been made, where appropriate, indicating whether amendments have been proposed to the policy and, if not, reasons given.

3.4 The majority of people responding to the consultation were supportive of the proposed Statement of Principles. All who commented supported the retention of the 'no casino policy'. There was no dissent.

3.5 Of those who responded, a number indicated their general opposition to gambling premises, concerned about the impact gambling has on individuals, particularly those who can least afford it. However, other than for casinos, it is not possible for a local authority to introduce a policy banning new gambling premises in the borough. As it currently stands, a local authority is required to grant an application unless there is a compelling case not to, based upon the licensing objectives. In addition, it is not possible to reduce the number of existing gambling outlets in the borough or to add a condition restricting hours of operation, beyond any laid out in the legislation. Existing premises may only have their licence removed by the Council or have conditions added or amended following a review. It is, however, proposed to accept the comment from Gamble Aware in its submission encouraging local authorities to signpost people to the National Gambling Helpline and the Gamble Aware website both of which are part of the National Gambling Treatment Service by including this information on the Council's website.

3.6 It is not proposed to alter the draft Statement of Principles to any great extent other than to:-

a) Update the consultation details

b) Update the list of consultees

c) Incorporate the comments from Gamble Aware so that applicants will be directed to the published interactive maps showing the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms in order to use the information in their risk assessment process. This will also mean that the Local Authority will take note of this information when making their decision in respect of applications (paragraph 12.26 of the Statement of Principles).

- 3.7 A copy of the proposed final Statement of Principles is attached at Appendix A with the amendments proposed as a result of the consultation process shown as tracked changes.

#### **4. Local Area Profile**

- 4.1 In 2015 the Gambling Commission published a revised version of its Licence Conditions and Codes of Practice (LCCP) which formalised the need for operators to consider local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies, procedures and control mechanisms to mitigate those risks. In making their assessments, licensees have to take into account relevant matters identified in the council's licensing policy.
- 4.2 In order to assist operators in the risk assessment process, it was agreed that the Statement should include a local area profile. The information has now been updated in the Statement at Appendix C and comprises:
- i) a map indicating the location of existing gambling premises
  - ii) a map indicating the location of schools, colleges and youth centres
  - iii) a map indicating the location of community centres, libraries, leisure centres and places of worship
  - iv) a map indicating the location of money loan stores and money transfer services
  - v) a map indicating the location of pawnbrokers
- Note: If possible these maps will be amalgamated into one prior to approval by full Council on the 17<sup>th</sup> November
- vi) a map showing deprivation indices in the borough 2019 by Lower Layer Super Output Area (LSOA) boundaries. Deprivation levels shown are relative to the country as a whole where 1 is the most deprived and 10 the least deprived area.
  - vii) a map of reported anti-social behaviour in the borough between April 2019 – March 2020 by Ward. Note: the year 2019-2020 was chosen to reflect average crime figures most accurately for the borough as the following year's figures were affected by Covid restrictions.
  - viii) a table showing deprivation indices by Ward
  - ix) a table indicating the age profile of the borough by Ward

#### **5 Timetable.**

- 6.1 Following this meeting, the final Statement of Principles under the Gambling Act, including the 'no casino' resolution will be presented to Full Council meeting for adoption on the 17<sup>th</sup> November 2021. The Statement will then be published in accordance with the legislation for at least 4 weeks and come into effect on the 31<sup>st</sup> January 2022.

#### **7. Financial, resource and property implications.**

- 7.1 None for the purposes of this report

#### **8. Legal and statutory implications.**

- 8.1 Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish as Statement of Licensing Policy every 3 years. The next Statement

must be come into effect by the 31<sup>st</sup> December 2021 when the previous policy expires.

8.2 Section 349(3) of the Gambling Act 2005 the lists the persons the Licensing Authority is required to consult in preparing its Statement as set out at paragraph 3.18 of this report. . This has now been carried out as set out above.

8.3 Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission's Guidance when preparing its Statement of Gambling Principles.

## **9. Human rights, equalities and community cohesion implications.**

9.1 These are statutory functions and are applied globally.

## **10. Crime and Disorder Implications.**

10.1 The service has a statutory duty to contribute to the reduction of crime and disorder within the London Borough of Merton under Section 17 Crime and Disorder Act 1988. Preventing gambling from being a source of crime or disorder, being associated with crime and disorder, or being used to support crime and protecting children and other vulnerable persons from being harmed or exploited by gambling are two of the three licensing objectives as defined in the Gambling Act 2005 and form the main principles of the Council's Statement under the Gambling Act

## **11. Risk management and health and safety implications.**

11.1 All risk and health and safety implications have been considered when compiling this report. None are apparent.

## **12. Appendices – the following documents are to be published with this report and form part of the report.**

12.1 Appendix "A" Draft revised Statement of Principles under the Gambling Act 2005 following consultation.

12.2 Appendix "B" Responses to the on-line consultation

12.3 Appendix "C" Precis of the comments received to the consultation sent in directly to the Council.

## **13. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report.**

13.1 The Gambling Act 2005  
[https://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga\\_20050019\\_en.pdf](https://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga_20050019_en.pdf)

13.2 Gambling Commission Guidance to Licensing Authorities  
<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

13.3 Existing Statement of Policy under the Gambling Act 2005

[GamblingPolicyNovember2018.pdf \(merton.gov.uk\)](#)

13.4 Consultation responses – directly received

13.5 On-line consultation responses





# **London Borough of Merton**



## **STATEMENT OF PRINCIPLES under the Gambling Act 2005**

**From January 2022 to January 2025**

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## GLOSSARY OF TERMS

Within this Statement of Policy, the following words and terms are defined as stated:

Licensing Objectives	<b>As defined in section 3.1 below</b>
Licensing Authority	<b>London Borough of Merton</b>
Licences	<b>As stated in section 4.1 below</b>
Applications	<b>Applications for licences and permits as defined in Section 4.1 below</b>
Notifications	<b>Means notification of temporary and occasional use notices</b>
Act	<b>The Gambling Act 2005 (as amended)</b>
Regulations	<b>Regulations made under the Gambling Act 2005</b>
Premises	<b>Any place, including a vehicle, vessel or moveable structure</b>
Code of Practice	<b>Means any relevant code of practice made under section 24 of the Gambling Act 2005</b>
Mandatory Condition	<b>Means a specified condition provided by regulations to be attached to a licence</b>
Default Condition	<b>Means a specified condition provided by regulations to be attached to a licence, unless excluded by the Council</b>
Provisional Statement	<b>Means an application made prior to construction or extensive building work is undertaken to ascertain whether the grant of a licence is likely.</b>
Responsible Authority	<p><b>For the purposes of this Act, the following are responsible authorities in relation to premises:</b></p> <ol style="list-style-type: none"> <li><b>1. The London Borough Of Merton;</b></li> <li><b>2. The Gambling Commission;</b></li> <li><b>3. Metropolitan Police</b></li> <li><b>4. Planning Department</b></li> <li><b>5. Environmental Protection</b> (the authority which has functions in relation to pollution of the environment or harm to human health)</li> </ol>

	<p><b>6. Merton Local Safeguarding Children Board (LSCB) &amp; LBM's Safeguarding Adults Service;</b></p> <p><b>7. HM Revenue and Customs;</b></p> <p><b>8. The London Fire Authority; and</b></p> <p><b>9. Any other person prescribed in regulations made by the Secretary of State</b></p>
Interested Party	<p><b>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, that person:</b></p> <p><b>a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</b></p> <p><b>b) Has business interests that might be affected by the authorised activities;</b></p> <p><b>c) Represents persons who satisfy a) or b) above.</b></p>
Local Area Profile	<p><b>Operators of gambling premises are required to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises and have policies, procedures and control measures to mitigate those risks. In order to assist operators in drawing up their risk assessments Licensing Authorities can provide information on the profile of their borough including location of e.g. schools, addiction rehabilitation centres, money lenders and pawn shops, gambling premises as well as deprivation indices and crime figures for the borough broken down by area. The Local Area Profile document is designed to assist operators when completing their risk assessments to allow them to address identified local risks.</b></p>

## STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

### 1. Introduction

- 1.1 The London Borough of Merton is the Licensing Authority under the Gambling Act 2005 (the “Act”), responsible for issuing premises licences, permits, lottery registrations and temporary and occasional use notices for Gambling activities within the Borough.
- 1.2 The Gambling Act 2005 requires the Licensing Authority to prepare and publish a “Statement of Principles” that sets out the principles that the Licensing Authority will apply when making decisions on applications made under the Act.
- 1.3 In producing its statement, this Licensing Authority declares that it has had regard to the licensing objectives under the Act, the guidance issued by the Gambling Commission (published 1 April 2021) and the responses from those consulted on the statement.
- 1.4 Once adopted, the Statement of Principles will be made available on Merton’s website at [www.merton.gov.uk](http://www.merton.gov.uk)
- 1.5 The first Statement of Principles was published in January 2007. This is the 6th Statement published by this Authority and is for the period 2022-2025. It came into effect on 31 January 2022. The Policy will be reviewed as necessary, and at least every three years from the date of its adoption.
- 1.6 A consultation on this policy took place between 19 July and 27 September 2021 (10 weeks).
- 1.7 Notwithstanding this statement of intent, each application received will be considered on its own merits, subject to the provisions of the Act, associated and subordinate legislation and common law.

### 2. Profile of the Borough

- 2.1 The London Borough of Merton is an outer London borough situated to the south west of central London, neighbouring the boroughs of Croydon, Kingston, Lambeth, Sutton and Wandsworth. Comprising of 20 wards, the borough of Merton covers an area of approximately 14.7 square miles and has a population, at 2018, of just over 209,000 residents, projected to increase to 222,717 by 2025 and 232,473 by 2030. Merton is well connected with both central London and neighbouring boroughs,
- 2.2 The Borough is predominantly a residential area. Its properties are both wide ranging in character and often of a high quality. The borough has five main commercial centres; Colliers Wood, Mitcham, Morden, Raynes Park and Wimbledon. The busiest of these areas is Wimbledon which has the highest density of leisure and entertainment venues in the Borough. Merton’s economy is heavily reliant on leisure and service industries which form almost 60% of total employment within the borough.

- 2.3 Merton is densely populated but also has one of the highest proportions of parks and open spaces within the London area, some one third of them being green field sites
- 2.4 At the time of writing this Statement of Principles there are no casinos or licensed bingo halls in the borough. There are 32 licensed betting shops and 1 adult gaming centre.



Crown Copyright. All rights reserved. London Borough of Merton. 100019259. 2010  
London Borough of Merton Ward Boundaries

### 3. Licensing Objectives

3.1 The Act requires the Licensing Authority to carry out its various licensing functions so as to be reasonably consistent with the following three licensing objectives:

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

3.2 Merton Council as Licensing Authority is aware that, as per Section 153 of the Act, in carrying out its licensing functions under the Act, particularly with regard to premises licences, it should aim to permit the use of premises for gambling in so far as it thinks it is;

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

- reasonably consistent with the licensing objectives; and
- in accordance with the authority's Statement of Policy and Principles.

3.3 The Licensing Authority is under a duty to act fairly and rationally but cannot grant an application that does not satisfy the requirements of the preceding paragraph. Where there is conflict, the Gambling Commission Code of Practice and Guidance take precedence.

3.4 Nothing in this Statement will override the right of any person to make an application under this Act and have that application considered on its individual merits. Equally nothing in the Statement will undermine the right of any person to make representations to an application or seek a review of a licence where there is a legal power to do so. However, any application received by the Licensing Authority for a casino premises licence shall be returned on the basis that the Licensing Authority has passed a resolution not to issue casino premises licences (subject to a new resolution being approved in 2021)

#### **4. Licensable Premises and Permits**

4.1 This document sets out the policies that this Authority will apply when making decisions upon applications or notifications made for:

- Premises licences (in respect of casinos, bingo premises, betting premises, tracks, adult gaming centres, family entertainment centres);
- Provisional Statements where premises are intended to provide gambling activities;
- Club Gaming permits and/or Club Machine Permits;
- Permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Notifications for the use of gaming machines in alcohol licensed premises for the use of two or fewer gaming machines;
- Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Registration of small society lotteries below prescribed thresholds;
- Prize Gaming Permits;
- Temporary Use Notices;
- Occasional Use Notices;

4.2 Local licensing authorities are not involved in licensing remote gambling (e.g. internet gambling). This will fall to the Gambling Commission. Neither are they involved in licensing the National Lottery nor in regulating spread betting.

#### **5. General Principles**

5.1 The starting point in determining applications will be to grant the application without conditions, other than the mandatory conditions or default conditions laid down by the Secretary of State, subject to the applicant having identified any risks and offering any suitable control measure required to address the Borough's Local Area Profile. Default conditions will only be amended and additional conditions added where they are needed to meet the requirements of the licensing objectives, and

any conditions applied will be proportionate. Conditions will be considered unnecessary if they are already adequately covered by other legislation or in the Default or Mandatory Conditions.

- 5.2 When determining an application to grant a Premises Licence or review a Premises Licence, the Licensing Authority will have regard to the proximity of the premises to schools, vulnerable adult centres and residential areas where there may be a high concentration of families with children or in areas of social deprivation or where there are high crime rates. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will be considered on its merits. This Authority would expect the applicant to effectively demonstrate how they might promote the licensing objectives, address any relevant guidance issued by the Gambling Commission under section 25 of the Act and be in accordance with any relevant code of practice issued under section 24 of the Act. We would therefore expect a premises risk assessment to take into consideration the locality where the premises are situated.
- 5.3 When considering any conditions to be attached to a licence, the Licensing Authority will primarily focus on the impact of the authorised activities taking place at licensed premises on interested parties and/or in the context of the Licensing Objectives.
- 5.4 In determining any application the Licensing Authority may not have regard to the expected demand for the facilities, which it is proposed that the premises intend to provide.
- 5.5 The Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues that can occur away from licensed premises that may give rise to objections including:
  1. Planning controls;
  2. Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
  3. Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
  4. The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.
- 5.6 Objectors will be required to relate their objection to one or more of the Licensing Objectives for Gambling, listed at 3.1 above, before the Licensing Authority will be able to consider it. An application for a review of a licence must be made on the prescribed form but must also relate to the three Licensing Objectives for Gambling, listed at 3.1 above.
- 5.7 The Licensing Authority, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups and to promote equality of opportunity for people with disabilities.



## **6. Consultation**

6.1 Under the Act, the Licensing Authority is required to consult with the following parties on its proposed Statement of Principles

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

6.2 The Licensing Authority consulted:

- The Responsible Authorities namely:  
the Chief Officer of Police;  
the Gambling Commission;  
the London Fire Authority;  
the Local Planning Authority;  
Environmental Services in its capacity as the body responsible for the prevention of pollution to the environment and protection of public health;  
the Council's Children Services; and  
HM Revenue & Customs;
- The Council's Adult Social Care Services
- Trade associations
- Businesses or their representatives involved in gambling
- Ward Councillors and local Members of Parliament
- Faith groups
- Residents Associations
- Voluntary and Community Organisations working with children and vulnerable adults
- Wimbledon Civic Trust
- Advocacy Groups (e.g. Citizens Advice)
- Organisations working with people who are problem gamblers
- The Director of Public Health
- Community Safety Partnership

6.3 A copy of the draft statement was also be published on the Council's website

6.4 The consultation took place place between 19 July 2021 and 27 September 2021 (10 weeks).

## **7. Information exchange**

7.1 In fulfilling its functions and obligations under the Gambling Act 2005 the Licensing Authority will exchange relevant information with other regulatory bodies (like the Gambling Commission). In exchanging such information, the Licensing Authority will conform to the requirements of Data protection and Freedom of Information legislation in accordance with the Council's existing policies. The authority will act

in accordance with the relevant legislation and guidance from the Gambling Commission and will adopt the principles of better regulation.

- 7.2 Contact details, including email addresses (unless expressly asked otherwise), of those persons making representations and details of the representations will be made available to the applicant to allow for negotiation. In the event of a hearing being held the details will be provided to members of the Licensing Committee and, should an Appeal follow, the information will become a matter of public record. Applicants and interested parties, by providing their details, must be aware that those details will be shared as laid out above and may be made public.
- 7.3 Information returns will be made to the Gambling Commission in accordance with current protocols and should any protocols be established regarding information exchange with other bodies then they will be made available. Premises Licence holders should be aware that their details may be shared with the Gambling Commission accordingly.

## **8. Duplication with other regulatory regimes**

- 8.1 This Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This Licensing Authority will not consider whether a premises licence application is likely to be awarded planning permission or building regulations approval. It will though, listen to and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should the situation arise.
- 8.2 When dealing with a premises licence application for finished buildings, this Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account as these matters are dealt with under other legislation and do not form part of the consideration for a premises licence under the Act.
- 8.3 It should be note that a decision by the licensing authority under this Act shall not constrain any later decision by the authority under the law relating to planning or building control.

## **9. Decision Making**

- 9.1 Terms of Reference A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and/or responsible authorities.
- 9.2 A clear statement of the reasons for the decision shall accompany every determination of a licensing decision by the Licensing Sub-Committee. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable in the form of a Notice of Determination.
- 9.3 The Council's Licensing Officers will deal with all other licensing applications where either no representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

- 9.4 Decisions as to whether representations are irrelevant, frivolous or will certainly not influence the Licensing Authority's determination of the application. will be made by Licensing Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Sub-Committee.
- 9.5 Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. The Gambling Act 2005 provides no right of appeal in these circumstances, although other avenues of legal challenge, for example Judicial Review, may be available.
- 9.6 Allocation of Decision Making Responsibilities The Licensing Authority has established a Licensing Committee to discharge all Licensing functions. The Licensing Committee shall consist of at least ten, but not more than fifteen members of the authority.
- 9.7 In order to provide a speedy, efficient and cost-effective service to all involved in the licensing process, the Licensing Committee has delegated certain decisions and functions to Sub-Committees.
- 9.8 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Council officers.
- 9.9 Appendix A sets out a table showing the agreed delegation of functions and decisions in respect of the full Council, Licensing Committee, Sub-Committee and Officers.
- 9.10 Such delegation does not preclude officers from referring any application to the Licensing Sub-Committee if they consider it appropriate.

## **10. Responsible Authorities and Interested Parties**

- 10.1 Regulations have been made by the Secretary of State under Section 160 of the Act that will require applicants for premises licences to notify the 'Responsible Authorities' and 'Interested Parties'
- 10.2 The Responsible Authorities are:
- A Licensing Authority in whose area the premises wholly or partly lie;
  - the Gambling Commission;
  - the Metropolitan Police;
  - the London Fire Authority;
  - the Local Planning Authority;
  - the Authority which has functions in relation to pollution to the environment or harm to human health;
  - the competent person to advise about the protection of children from harm;
  - HM Revenue & Customs; and
  - any other person prescribed in regulations by the Secretary of State

- 10.3 It should be noted that in relation to a vessel, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 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 it is used for licensable activities. This would include:
- (a) the Environment Agency
  - (b) the British Waterways Board and
  - (c) the Secretary of State (in practice, the Secretary of State for Transport, who acts through the Maritime and Coastguard Agency)
- 10.4 The licensing authority is required to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The designated body must
- a) be responsible for an area covering the whole of the licensing authority's area; and
  - b) be answerable to democratically elected persons, rather than any particular vested interest group.
- 10.5 This authority designates Merton Local Safeguarding Children Board , but the Board may designate one of its members to be the person responsible for raising representations or applying for the review of an existing licence.
- 10.6 The Act contains no obligation on responsible authorities to respond to applications for premises licences if they do not wish to do so. The Gambling Commission will not normally comment on an application unless it has particular observations to make about the operator. In the absence of response from the Commission, this authority will not assume that the Commission has any view (whether supportive or otherwise) on the merits of the particular premises licence application. We will, of course, be aware of the Commission's views on generic issues as set out in guidance.
- 10.7 The contact details of all the Responsible Authorities under the Act are shown in appendix E.
- 10.8 Interested parties can make representations about licence applications or apply for a review of an existing premises licence. An interested party, in accordance with s158 of the Act, is a person who in the opinion of the Licensing Authority:
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
  - (b) has business interests that might be affected by the authorised activities, or (c) represents persons who satisfy (a) or (b)
- 10.9 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. This Authority will abide by the following principles:
- a) Persons living close to the premises  
Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. In determining what 'sufficiently close to the premises' means it will consider the examples of factors for considerations provided in the Gambling Commission's Guidance for local authorities namely:

- the size of the applicant's premises;
- the nature of the applicant's premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the circumstances of the complainant (not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises e.g. whether an individual, a residential school for vulnerable children, a residential hostel for vulnerable adults).

b) Persons with business interests that could be affected.

It could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain. But that is unlikely to be enough to satisfy the test of being 'a person with business interests that might be affected by the premises' under consideration. For example, an operator in a particular sector (be it casino, bingo, betting, etc) should not be able to lodge representations on every application put in by a rival operator anywhere in the country, simply because they are in competition within the same gambling sector. This authority will need to be satisfied that the relevant business is likely to be affected. In this respect, we will bear in mind that the 'demand test' from the 1963 and 1968 Acts is not continued in the 2005 Act. Factors that are likely to be relevant include:

- the size of the applicant's premises;
- the 'catchment' area of the premises (i.e. how far people travel to visit the premises);
- whether the person making the representation has business interests in that catchment area that might be affected.

This Authority will give the term 'has a business interest' the widest possible interpretation and will include charities, faith groups, medical practices and business improvement districts.

c) Persons representing those in the above categories

Interested parties can include trade associations and trade unions, and residents' and tenants' associations. However, these bodies will only be viewed as interested parties if they have a member who lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

10.10 Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Other than these however, this authority will generally require written evidence that a person 'represents' someone, who either lives sufficiently close to the premises to be likely to be affected by the authorised activities, and, or has business interests that might be affected by the authorised activities. A letter or email from one of these persons requesting the representation will be sufficient.

10.11 Whilst the above bodies will have legitimate interests in aspects of the application, the Licensing Authority must ensure that it does not take into account concerns from these bodies if they are not relevant to the application for a premises licence under the Act.

10.12 Examples of representations from such bodies that may not be taken into account are as follows (but these examples are not exhaustive):

- There are already too many gambling premises in the locality
- The proposed premises are a fire risk
- The location of the premises is likely to lead to traffic congestion

## **11. Enforcement**

11.1 The Licensing Authority intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises be monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the Borough for unlicensed premises. The Gambling Commission are the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will be notified to the Gambling Commission.

11.2 In carrying out its enforcement function this Authority will comply with the Regulators Code and will:

- Carry out our activities in a way that supports those we regulate to comply and grow
- Provide simple and straightforward ways to engage with those we regulate and hear their views
- Base our regulatory activities on risk
- Share information about compliance and risk
- Ensure clear information, guidance and advice is available to help those we regulate meet their responsibilities to comply
- Ensure that our approach to regulatory activities is transparent

11.3 This Authority will adopt a risk-based inspection programme having regard to statutory requirements, Primary Authority agreements and Gambling Commission Guidance. In general enforcement visits will be targeted as follows:

- To high risk premises;
- To premises where it is believed that trading is taking place without the necessary permissions or where conditions are not being observed;
- To premises where complaints have been received; and
- To premises where intelligence suggests that underage gambling is taking place or criminal or disorderly conduct has occurred.

11.4 When determining risk consideration will be given to:

- The nature of the gambling activities taking place on the premises;
- The location of the premises having regard to the Authority's risk profile;
- The procedures put in place by the management to meet the licensing objectives.

11.5 Enforcement action will be taken having regard to the Council's Environmental Services Enforcement Policy and the Code for Crown Prosecutors.

11.6 This licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

## 12. Premises Licences

- 12.1 Licensing Authorities are responsible for receiving, processing and deciding upon applications for premises licences under the Act, including the processing of review applications. Premises licences are issued by the Licensing Authority with responsibility for the area in which the premises are situated.
- 12.2 Where the premises are located in two or more areas (equally or otherwise), ultimately the applicant may choose which Licensing Authority to apply to. In the rare cases where such premises exist, it will be important that the licensing authorities concerned maintain close contact about the grant of the premises licence, and subsequent compliance (including inspection powers) and other licensing functions. The Licensing Authority to which the premises licence application was made will have jurisdiction and the other(s) will need to pass relevant information about the premises to it.
- 12.3 Premises licences will be subject to the processes set-out in the Act and regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. The Authority will exclude default conditions and also attach other conditions where it believes it to be appropriate.
- 12.4 An application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, or, has made an application for an operating licence which has not yet been determined, or, in the case of an application for a track betting licence the applicant may not be required to have an operators licence.
- 12.5 The applicant may ask the Licensing Authority for advice as to the scope of information to be provided. The Licensing Authority may levy a charge where more in depth or complex advice and assistance is requested.
- 12.6 In accordance with s153 of the Act, in respect of premises licences the Licensing Authority's primary obligation is to aim to permit the use of premises for gambling in so far as it thinks to do so is:
- in accordance with relevant codes of practice issued by the Gambling Commission;
  - in accordance with guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the Licensing Authority's statement of licensing policy
- 12.7 Moral objections or demand for gambling are not valid reasons to reject applications for premises licences nor will unmet demand be used as a criterion for decision making.
- 12.8 Where an application is made to the Licensing Authority for a premises licence, an interested party or responsible authority may make representations in writing to the Licensing Authority.
- 12.9 The Licensing Authority must hold a hearing if:
- an interested party or responsible authority has made a representation, and not withdrawn it

- the Licensing Authority proposes to attach a condition to the licence or
- the Licensing Authority proposes to exclude a default condition that would otherwise be attached to the licence.

12.10 However, the Licensing Authority may determine an application for a premises licence without a hearing with the consent of the applicant and any interested parties or responsible authorities, or if the Licensing Authority thinks that the representations are vexatious, frivolous, or will certainly not influence the Licensing Authority's determination of the application.

12.11 On considering an application for a premises licence (whether at a hearing or not) the Licensing Authority shall either grant it or reject it. Conditions may be attached to premises licences. In so doing the Licensing Authority shall consider each individual application on its merits, to the extent that this is required by law.

12.12 Definition of "premises" Premises is defined in the Act as "any place" which also includes "a vessel" or "a vehicle". A premises can only hold one premises licence, consequently different premises licences cannot apply in respect of one premises at different times. However, it is possible for a single building to hold a number of premises licences if it contains a number of distinct premises within it. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track, or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.

12.13 Whether different parts of a building can properly be regarded as being separate premises will be considered at the time of application and will depend on the individual circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or movable partitions, can properly be regarded as different premises.

12.14 In most cases the expectation is that a single building/plot will be the subject of an application for a licence This Authority will pay particular attention in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular this Authority will consider the following matters:

- 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 and exits from parts of the building covered by one or more 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.
- Compatibility of the establishments.
- Whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.



- 12.15 To assist this Authority in determining whether two or more proposed premises are truly separate, this Authority will ask the following questions:
- Is a separate registration for business rates in place for the premises?
  - Is the premises' 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?
- 12.16 In addition to the matters laid out above this Authority, when considering the division of existing premises, would expect the partitioning between the two proposed units to be fixed and immovable in nature, full height and not transparent in any part. Where both units are on the same floor it would expect the premises to have separate postal addresses, separate entrance doors and separate trading names. There should be no internal doors allowing customers to move between the premises.
- 12.17 A licence to use premises for gambling which have still to be constructed or altered will only be issued where this Authority is satisfied:
- (i) that the premises ought to be permitted to be used for gambling; and
  - (ii) that appropriate conditions can be put in place to cater for the fact that the premises are not yet in the state in which they ought to be before gambling can take place (e.g. a condition that trading shall not commence until the premises are completed in all respects in accordance with the scale plans that accompanied the application).
- 12.18 This Authority will expect that a new application will be made if the plans submitted at the time of the application are changed in any material respect during the construction and fitting out of the premises after the grant of the licence to preserve the rights of interested parties and responsible authorities to make representations.
- 12.19 Controlling where gaming machines may be played and Plans – The Act and associated regulations set out the regulatory framework for controlling gaming machines. By linking different machine entitlements to different types of premises the framework seeks to ensure the number of machines and levels of stakes and prizes of machines is proportionate to the premises. The Gambling Commission's social responsibility code within the Licensing Conditions and Codes of Practice (LCCP) requires that gaming machines are only made available in combination with the named non-remote activity of the operating licence. Thus, for example, a premises licensed for the purposes of providing facilities for bingo must operate as such and not merely be a vehicle to offer higher stake and prize gaming machines. Similarly, if an operator applies to divide an existing premises to provide two or more areas for gambling, it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises
- 12.20 In premises licensed for betting, substantive facilities for non-remote betting must be provided if gaming machines are to be made available. The facilities provided must include information that enables customers to access details of events on which bets can be made, make such bets, learn the outcome and collect any

winnings. Where betting facilities are provided only by machines the number of betting machines must exceed the number of gaming machines made available for use.

- 12.21 In order to ensure that a premises is properly providing the named non-remote activity of the operating licence this Authority will expect all new premises licence applications and all variation applications to be accompanied by a plan that not only complies with the requirements of the legislation but also clearly indicates the area used for the named non-remote gambling activity and any other gambling activity, including the number and position of all machines (both betting machines and gaming machines).
- 12.22 Where the number and/or position of machines are altered this Authority will expect a revised plan to be provided to the Licensing Authority. This revised plan will be held by the Authority but will not be substituted on the licence unless the licence is re-issued following a variation or change of circumstance application.
- 12.23 Location - 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 can. When considering an application, particular attention will be paid to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as to issues of crime and disorder.
- 12.24 This Authority will take specific note of whether an application relates to a premises that is:
- close to an educational establishment, including colleges and universities;
  - close to a centre dealing with vulnerable people;
  - situated in an area of high crime;
  - situated in an area of deprivation;
  - close to the location of services for children such as libraries and leisure centres;
  - close to the location of businesses providing instant access to cash such as pay day loans, pawn shops;
  - situated in a residential area where there is a high concentration of families with children.
- 12.25 Local Risk Assessments and Local Area Profiles With effect from the 6th April 2016 the Gambling Commission's social responsibility code within the Licensing Conditions and Codes of Practice (LCCP) requires operators to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises and have policies, procedures and control measures to mitigate those risks. Following that date operators must review those assessments when certain triggers are met as laid out in paragraph 13.28 below. The social responsibility code provision is supplemented by an ordinary code provision indicating that licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority.
- 12.26 This Authority considers that these local risk assessments are a key component of the overall assessment and management of the local risks. Each locality has its own challenges and in order to assist applicants this Authority has produced
- (i) a map of the borough indicating the location of existing gambling premises

- (ii) a map of the borough indicating the location of educational establishments and youth clubs
- (iii) a map of the borough indicating the location of community centres, libraries, leisure centres and places of worship
- (iv) a map of the location of money loan stores and money transfer services
- (v) a map showing the location of pawnbrokers
- (vi) a map showing deprivation indices in the borough 2019 by Lower Layer Super Output Area (LSOA) boundaries
- (vii) a map showing recorded incidents of anti-social behaviour in the borough between April 2019 and March 2020
- (viii) A table indicating deprivation indices by Ward
- (ix) A table showing the age profile of the borough by Ward

This information is attached as Appendix C to this Statement of Principles. The information will identify the areas deemed to be high, medium and low risk by this Authority and will be updated together with any review of this statement.

12.27 Applicants will also be expected to take note of the information published by GambleAware via its interactive maps on estimated gambling prevalence and treatment and support usage in the borough.

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

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

12.29 Operators are required to review their local risk assessments if significant changes in local circumstances occur, when there are significant changes at a licensee's premises that may affect their mitigation of local risks and when applying for the variation of a licence. The following list sets out what is considered to be

significant changes in local circumstances;

- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors.
- A new pay day loan or pawn broker opens in the local area
- Relevant significant changes are made to the provision, location and/or timings of public transport in the vicinity of the premises e.g. extension of London Underground Services or the re-location of a bus stop used by children
- An increase in educational facilities in the local area, e.g. the opening of new schools/colleges or the extension of an existing establishment
- The local area is identified as a crime hotspot by the police and/or Licensing Authority
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises
- New gambling premises opens in the local area
- Any evidence from gaming trends that may reflect benefit payments or where underage testing has identified a problem.

12.30 An operator submitting a variation application to the Licensing Authority will be expected to provide a copy of the reviewed local risk assessment with the application.

12.31 This Authority will consider the local risk assessment when determining a new application or a variation application. Some control mechanisms identified in the assessment may be added to the licence as conditions to address any significant local concerns. To assist operators in formulating their risk assessments guidance is contained in Appendix B on the matters that this Authority would expect to be included in a risk assessment. This Authority is particularly concerned:

- To prevent the clustering of gambling premises in any one area of the borough; and
- To ensure that staffing levels are sufficient and that staff are trained and supported to identify and work with problem gamblers; and
- To ensure that measures are in place to prevent underage gambling.

12.32 The list is not exhaustive and every risk assessment should be based on the individual premises and the issues in the local area.

12.33 This policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

12.34 It is expected that the local risk assessment will be kept on the premises to which it relates (or be immediately accessible) in order to assist staff in carrying out their duties and to ensure that it is available during inspection by authorised officers.

12.35 Licensing Objectives 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

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

This Authority acknowledges that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. However, this Licensing Authority places considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. A high standard of control is expected to be exercised over licensed premises.

This Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.

Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officers and the local Police Licensing Officer on Police Station before making a formal application.

In considering licence applications, the Licensing Authority will particularly take into account the following: -

1. The design and layout of the premises
2. The training given to staff in crime prevention measures appropriate to those premises
3. Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed
4. Whether door supervisors or a higher staffing level is being provided having regard to the crime statistics in the neighbourhood where the premises are to be situated
5. Where premises are subject to age restrictions, the procedures in place to conduct age verification checks
6. The likelihood of any violence, public order or policing problem if the licence is granted
7. The operators' draft or existing Local Area Risk Assessment and
8. The operators' compliance with the Council's Local Area Profile.

This Authority acknowledges that in the case of gambling premises, disorder is intended to mean activity that is more serious and disruptive than just nuisance. In making a distinction between disorder and nuisance the Licensing Committee will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it in considering any contested application

### **Ensuring that gambling is conducted in a fair and open way**

Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence) or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). As the Gambling Commission grants Personal Licences and Operating Licences, enforcement of these matters is the responsibility of the Gambling Commission.

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

This objective is concerned with preventing children from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. 'Child' means an individual who is less than 16 years of age. 'Young person' means an individual who is not a child but who is less than 18 years of age.

With limited exceptions, the access of children and young persons to those gambling premises, which are adult only environments, will not be permitted. The Licensing Sub-committee will judge the merits of each individual application before deciding whether to impose conditions to protect children and vulnerable persons on particular categories of premises. This may include such requirements as: -

- Supervision of entrances
- Segregation of gambling areas frequented by children
- Supervision of gaming machines in licensed family entertainment centres.

This Licensing Authority will also ensure that where category A, B or C 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 an entrance designed for that purpose;
- access to the area where the machines are located is supervised to ensure that under-18s do not enter the area;
- the area where these machines are located is arranged so that all parts can be observed either by:;
- one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
- CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas; and
- at the entrance to any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 .

As regards the term 'vulnerable person' this Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will follow the Gambling Commission's assumption that for regulatory purposes, "vulnerable persons" include:

1. People who gamble more than they want to;
2. People who gamble beyond their means;
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

In addition to the responsible authorities and specifically with regard to the protection of vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will consult with Community Care Services via a joint arrangement with the Merton Local Safeguarding Children Board & Safeguarding Adults Service.

12.36 Premises licence conditions. Conditions may be attached to premises licences in the following ways:

- Automatically - having been set out on the face of the Act
- Mandatory conditions – as specified by the Secretary of State which must be attached to the premises licence
- Default conditions – as specified by the Secretary of State which will be attached to the premises licence unless excluded by the licensing authority. Default conditions will normally be applied to applications
- Conditions attached by the licensing authority.

12.37 The Licensing Authority notes that it is the Commission’s view that the conditions necessary for the general good conduct of gambling premises will be those set as default and mandatory conditions by the Secretary of State. The Licensing Authority may consider on a case-by-case basis attaching conditions where there are regulatory concerns of an exceptional nature and any additional licence conditions must relate to the licensing objectives. Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the Licensing Authority may choose to attach individual conditions to address this and applications for premises licences should not be turned down where relevant objections can be dealt with through the use of conditions.

12.38 A condition attached to the licence by the Licensing Authority may apply in relation to the premises generally or only in relation to a specified part of the premises.

12.39 Any conditions attached to premises licences by the Licensing Authority should be proportionate and:

- 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

12.40 Decisions upon individual conditions will be made on a case-by-case basis, this will be in line with any general policy set out in the Guidance or within this Statement of Principles although there will be a number of measures this Licensing Authority will consider using should there be a perceived need, such as the use of door supervisors, appropriate signage for adult areas only etc. However, conditions relating to the need for door supervisors will only be required if there is clear evidence that the premises cannot be adequately supervised otherwise and that door supervision is necessary and proportionate.

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

12.42 Conditions that the Licensing Authority cannot attach to premises licences are:

- any condition on the premises licence that 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

12.43 Door Supervisors. The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors having regard to the licensing objectives. It is noted though that in-house staff carrying out the function of a door supervisor at casinos or bingo premises are not required to be licensed by the Security Industry Authority (SIA). However, this Authority would expect that door supervisors working at bingo premises would have successfully completed a training course approved by the SIA prior to their employment as a door supervisor. This is in recognition of the nature of the work in terms of searching individuals, and dealing with potentially aggressive persons, etc. It should be noted that contract staff carrying out the function of a door supervisor do require to be licensed by the Security Industry Authority.

12.44 For premises other than casinos and bingo premises it may be decided either by the operator through their local risk assessment or by the Licensing Committee that supervision of entrances / machines is appropriate for particular cases and whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

### **13. Casinos**

13.1 This licensing authority is proposing to re-state its 'no casino' resolution which has been in place since 2006. Merton borough is predominantly residential in nature and a casino would be out of character to the area. In making its initial decision the Licensing Committee had regard to the consultation responses including the view of Members.

13.2 Potential licence applicants should note that a 'no-casino' resolution will mean that no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place

### **14. Travelling Fairs**

14.1 This Authority is responsible for deciding whether the provision of Category D machines and / or equal chance prize gaming without a permit available for use at a travelling fair amounts to no more than an ancillary amusement at that fair.

14.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

14.3 It has been noted that the 27 day statutory maximum for the land being used for a fair is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses over boundaries is monitored so that the statutory limits are not exceeded.



## **15. Provisional Statements**

- 15.1 Applicants may make an application for a provisional statement in respect of premises that they expect to be constructed, altered, or to acquire a right to occupy. It is also possible for an application for a provisional statement to be made for premises that already have a premises licence. Those applying for a provisional statement do not have to have applied for or hold an operating licence, nor do they need to have the right to occupy the premises.
- 15.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. 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:
- a. which could not have been raised by objectors at the provisional licence stage;
  - b. which in the authority's opinion reflects a change in the operator's circumstances; or
  - c. where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and this licensing authority will discuss any concerns we have with the applicant before making a decision.
- 15.3 With regard to provisional statements this authority has noted the Gambling Commission's Guidance that "a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law".

## **16. Reviews**

- 16.1 The Licensing Authority will carry out a review of a premises licence where it has received a formal application for review in accordance with the Act that is relevant to one or more of the licensing objectives.
- 16.2 It is for the licensing authority to decide whether the review is to be carried out. In deciding whether to review the licence the Authority will consider whether it:
- is in accordance with any relevant code of practice issued by the Gambling Commission;
  - is in accordance with any relevant guidance issued by the Gambling Commission;
  - is reasonably consistent with the licensing objectives;
  - is in accordance with the authority's statement of licensing policy;
  - is frivolous or vexatious or substantially the same as previous representations or requests for review will certainly not cause the Authority to alter, revoke or suspend the licence.
- 16.3 Representations may include issues relating to the following:
1. Use of licensed premises for the sale and distribution of class A drugs and/or the laundering of the proceeds of drugs crimes;

2. Use of licensed premises for the sale and distribution of illegal firearms;
3. Use of licensed premises for prostitution or the sale of unlawful pornography;
4. Use of licensed premises as a base for organised crime activity;
5. Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
6. Use of licensed premises for the sale of smuggled tobacco or goods;
7. Use of licensed premises for the sale of stolen goods;
8. Children and/or vulnerable persons being put at risk.

16.4 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## **17. COMPLAINTS AGAINST LICENSED PREMISES**

17.1 The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

17.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Licensing Authority may initially arrange a conciliation meeting to address and clarify the issues of concern.

17.3 This process will not override the right of any interested party to ask that the licensing committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting.

17.4 Due consideration will be given to all relevant representations.

## **18. Permits**

18.1 Permits are required when premises provide a gambling facility where either the stakes and prizes are very low or gambling is not the main function of the premises. Holders of permits for gambling need to comply with codes of practice, published by the Gambling Commission on the location and operating of machines.

It is the responsibility of the Licensing Authority to issue:

- Unlicensed Family Entertainment Centre gaming machine permits
- Club gaming permits and club machine permits
- Alcohol-licensed premises gaming machine permits
- Prize gaming permits

18.2 Unlicensed Family Entertainment Centre gaming machine permits Where a premises does not hold a premises licence but wishes to provide gaming machines,

it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the Act).

18.3 This Authority will expect that a plan showing the layout of the premises with the locations of gaming machines highlighted will accompany the application.

An application for a permit may only be granted if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the chief officer of police has been consulted on the application. This Authority will expect applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centre;
- that the applicant has no relevant convictions (as set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

18.4 In addition, this Authority will expect the applicant to have policies and procedures in place to protect children from harm in the widest context (not limited to only harm from gambling). This will include:

- measures to deal with suspected truant school children, including the establishment of close working relationships with local schools and the local education authority
- measures to deal with unsupervised very young children on the premises
- measures to deal with children causing perceived problems on or around the premises

This Authority understands that they may either grant or reject an application but cannot attach conditions to this type of permit

18.5 (Alcohol) Licensed premises gaming machine permits and automatic entitlement: 2 machines There is provision in the Act for alcohol licence holders to automatically have 2 gaming machines, of categories C and/or D for use in premises licensed to sell alcohol for consumption on the premises. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:-

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

18.6 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance or Codes of Practice issued by the Gambling

Commission and “such matters as they think relevant.” This 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 being harmed or 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. Measures which will satisfy the authority that there will be no access may include:

- the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
- the provision of notices and/or signage.
- the provision of information leaflets/helpline numbers for organisations such as GamCare, Gamblers Anonymous

18.7 An application for a permit for more than two machines will generally be granted if the operator is complying with the Gambling Commission Code of Practice unless there are particular and compelling reasons not to do so, for example if alcohol has been sold on the premises to persons under 18 or the premises has a history of crime and disorder.

18.8 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.

18.9 This Authority recognises that it can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for but that conditions (other than these) cannot be attached.

18.10 Prize Gaming Permits The Licensing Authority is required under the Act to state the principles it will apply in exercising its functions in relation to prize gaming permits, in particular specify the matters that the Licensing Authority proposes to consider in determining the suitability of an applicant for a permit.

18.11 This Authority would expect an applicant to set out the types of gaming that is intended to be offered and be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law; and
- suitable policies that outline the steps to be taken to protect children from harm.

18.12 Given that the premises will particularly appeal to children and young persons, this Authority will give particular weight to child protection issues. The Authority will also give due weight to representations from the police relevant to the licensing objectives. Relevant considerations include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and issues about disorder

18.13 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.

18.14 It should be noted that there are conditions in the Gambling Act 2005 by 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

18.15 Club Gaming and Club Machines Permits Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Members Clubs and Miners Welfare Institutes and Commercial Clubs may apply for a club machine permit. A Club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

18.16 The Licensing Authority must satisfy itself that a club meets the requirement of the Act to obtain a club gaming permit. In doing so that it will take into account the matters as laid down in the Gambling Commission's Guidance namely that "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 or Whist. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

18.17 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

18.18 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). 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 by regulations under section 266 of the Act
- in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

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

## **19 Temporary Use Notices**

19.1 "Temporary Use Notices" allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling (for example, use by hotels, conference centres and sporting venues). It is a notice given by the holder of an operating licence that states his / her intention to carry on one or more specified prescribed activities.

19.2 A "set of premises" (section 218(8)) may not be the subject of temporary use notification for more than 21 days in a period of 12 months, but may be the subject of several notices providing that the total does not exceed 21 days.

19.3 Reference to "a set of premises" prevents one large premises from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock. The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. The Licensing Authority will look at, amongst other things, the ownership/occupation, layout and control of the premises.

19.4 This authority will 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.

19.5 The Secretary of State has the power to determine what form of gambling can be authorised by a Temporary Use Notice. Currently, the regulations allows such a Notice to permit facilities for equal chance gaming, where the gaming is intended to produce a single winner, which typically, to date, means a poker tournament.

## **20. Occasional use notices**

20.1 Where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

20.2 The Licensing Authority has no discretion in relation to 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.

## **21. Small Society Lotteries**

21.1 The Licensing Authority is responsible for the registration of small scale society lotteries where the principal office is located within the borough. Such lotteries can only be promoted for charitable purposes, participation in or supporting sport, cultural activities or for other non-commercial purposes other than for private gain.

21.2 Applicants are reminded that their application is likely to be refused if:

- The application is not on behalf of a non-commercial society;
- A person connected with the lottery promotion has been convicted of a relevant offence;
- False or misleading information has been provided.

21.3 The Authority will, where necessary, invite applicants to provide evidence to support their application including articles of association, constitution, minutes of Annual General Meetings or Committee Meetings or other such documents that may assist with the application.

21.4 In considering whether to refuse an application where a bona fide application has been made or revoke an existing registration this Authority will first give an opportunity to the society to make representations.

21.5 The Commission has been made aware that some small society lotteries may be avoiding applying for a society lottery operating licence from the Commission by obtaining two or more registrations with the same or different local authorities. In cases where a society has separate branches with different aims and objectives, it is acceptable for them to hold more than one licence or registration. However, in cases where a society holds more than one registration and the aims and objectives of those societies are the same, this may constitute a breach of the threshold limits for small society lotteries set out in Schedule 11, Part 4 of the Act.

21.6 Where a society applies for more than one registration, care will 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 lottery operating licence, instead of obtaining society lottery registrations with the local authority.

21.7 The providers of small society lotteries are required to submit a formal return to the Authority following each draw. The Authority may investigate providers of small society lotteries in the event of:-

- a late or missing statutory return;
- evidence or report of tickets being sold to children;
- any suspected misappropriation of funds; or
- the receipt of reports of lotteries being held without or in breach of a registration.

## **FURTHER INFORMATION**

Further information about the Gambling Act 2005, this Statement of Principles under the Gambling Act 2005 or the application process can be obtained from: -

Licensing Team  
London Borough of Merton  
Civic Centre  
London Road  
Morden  
SM4 5DX  
E-mail: [licensing@merton.gov.uk](mailto:licensing@merton.gov.uk)  
Web page [www.merton.gov.uk](http://www.merton.gov.uk)

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
E-mail: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)



## Appendix A

### DELEGATION OF LICENSING FUNCTIONS

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Final approval of three year licensing policy	x			
Policy not to permit Casinos	x			
Application for premises licence			If a representation has been made and not withdrawn	If no representations made/representations have been withdrawn
Application to vary a premises licence			If a representation has been made and not withdrawn	If no representations made/representations have been withdrawn
Application to transfer a premises licence			If a representation has been received from the Commission	If no representations made
Application for a provisional statement			If a representation has been made and not withdrawn	If no representations made/representations have been withdrawn
Application to review a premises licence			x	
Application for club gaming/club machine permits			If a representation has been made and not withdrawn	If no representations made/representations have been withdrawn
Cancellation of club gaming/club machine permits			x	
Applications for other permits			If a representation has been made and not withdrawn	If no representations made
Cancellation of licensed premises gaming machine permits				x
Consideration of temporary use notices				x
Decision to give counter notice to a temporary use notice			x	
Determining validity of Applications or Representations				x
Representation by Licensing Authority as				X

Responsible Authority				
Procedure and conduct of hearings			x	
Determining relevance of information			x	X
Dispensing with Hearings			Where all parties agree at hearing. If all parties agree prior to hearing the decision will be taken by Democratic and Legal Services	
Extending Time Limits			X Where there is a need prior to hearing the decision will be taken by Democratic and Legal Services in consultation with Licensing Committee Chair	

The issuing of notices of hearing is carried out by Democratic Services

## APPENDIX B – Risk Assessment Guidance

### 1. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Think 21 scheme
- Closed Circuit Television
- Permanent adequate staff supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, the NHS funded National Problem Gambling clinic, Gamblers Anonymous and the Samaritans
- Training of staff to offer brief intervention when customers show signs of excessive gambling. Training of staff to ensure that they can identify children and other vulnerable people and take appropriate action to ensure that they are not able to access the premises or are supported appropriately

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

### 2. (Licensed) Family Entertainment Centres

This Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. There must be clear segregation between the category C and category D machines, so that children do not have access to category C machines. Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Closed Circuit Television
- Permanent adequate staff supervision of entrances / machine
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, the NHS funded National Problem Gambling clinic, Gamblers Anonymous, the Samaritans and Child Line.
- Measures / training for staff on how to deal with suspected truant school children on the premises including the establishment of close working relationships with local schools and the local education authority.
- The requirement that children must be accompanied by an adult.
- Disclosure and Barring (DBS/CRB) checks for staff.

- Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours and during school holidays.
- Measures/training for staff on child protection measures.

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

### 3. **Bingo premises**

This Authority notes that the Gambling Commission's Guidance states:

“Children and young people are allowed into bingo premises; however they are not permitted to participate in the 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.”

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on Category D machines. This Authority will specifically have regard to the need to ensure that children do not participate in gambling and, in particular, that:

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

As alcohol may be sold on the premises, this Authority will also have regard to the measures to be put in place to ensure that persons involved in gambling have not consumed excess alcohol.

Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Proof of age schemes
- Closed Circuit Television
- Permanent adequate staff supervision of entrances / machine areas
- Location of entry
- Measures/training for staff to ensure that persons engaged in gambling have not consumed an excess of alcohol
- Numbers of staff on duty at any one time

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

### 4. **Betting premises**

This Authority will specifically have regard to the need to protect vulnerable persons from harm or being exploited by gambling and the need to ensure that the premises are not associated with crime or disorder. This Authority is also concerned to ensure that there is not clustering of betting premises in any one area of the Borough.

Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Think 21 scheme
- Closed Circuit Television
- Permanent adequate staff supervision of entrances / machine areas, which should generally be a minimum of two persons on duty at any time.
- Notices / signage
- Minimum staffing levels
- The number of counter positions available for person to person transactions•Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, the NHS funded National Problem Gambling clinic, Gamblers Anonymous and the Samaritans
- Training of staff to offer brief intervention when customers show signs of excessive gambling
- Staff training on dealing with persons who wish to gamble who are intoxicated
- Measures to prevent disorder associated with customers congregating outside the premises to smoke or drink alcohol
- Training of staff to ensure that they can identify children and other vulnerable people and take appropriate action to ensure that they are not able to access the premises or are supported appropriately

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

Betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These betting machines are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. While this Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition such action will only be taken where there is clear evidence that such machines may have been or are likely to be used in breach of the licensing objectives. When considering whether to impose a condition to restrict the number of betting machines, their nature and the circumstances in which they are made available for use, this Authority will consider the following factors:

- size of the premises
- number of counter positions available for person-to-person transactions and
- ability of staff to monitor the use of the machines by children and young persons or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer, and

Where there is such evidence, this authority will consider the control measures in the local risk assessment and, in particular, the ability of staff to monitor the use of such machines from the counter.

This authority will give due consideration to premises licence applications in respect of re-sites of a betting premises within the locality and to extensions where these replace and enhance the quality of the facility provided for the benefit of the betting public.

## 5. Tracks

Currently this Authority has no track betting premises in its area. However, this licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. Tracks are distinguished from other betting premises licences under the Act because children and young persons are allowed to be present on the track while betting is taking place on those licensed premises. Therefore, in line with the Gambling Commission's Guidance, this Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided or from using betting machines. Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Proof of age schemes
- Closed Circuit Television
- Permanent adequate staff supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, the NHS funded National Problem Gambling clinic, Gamblers Anonymous and the Samaritans
- Method for advertising rules in or near the betting areas or in another way to ensure that the public are informed.

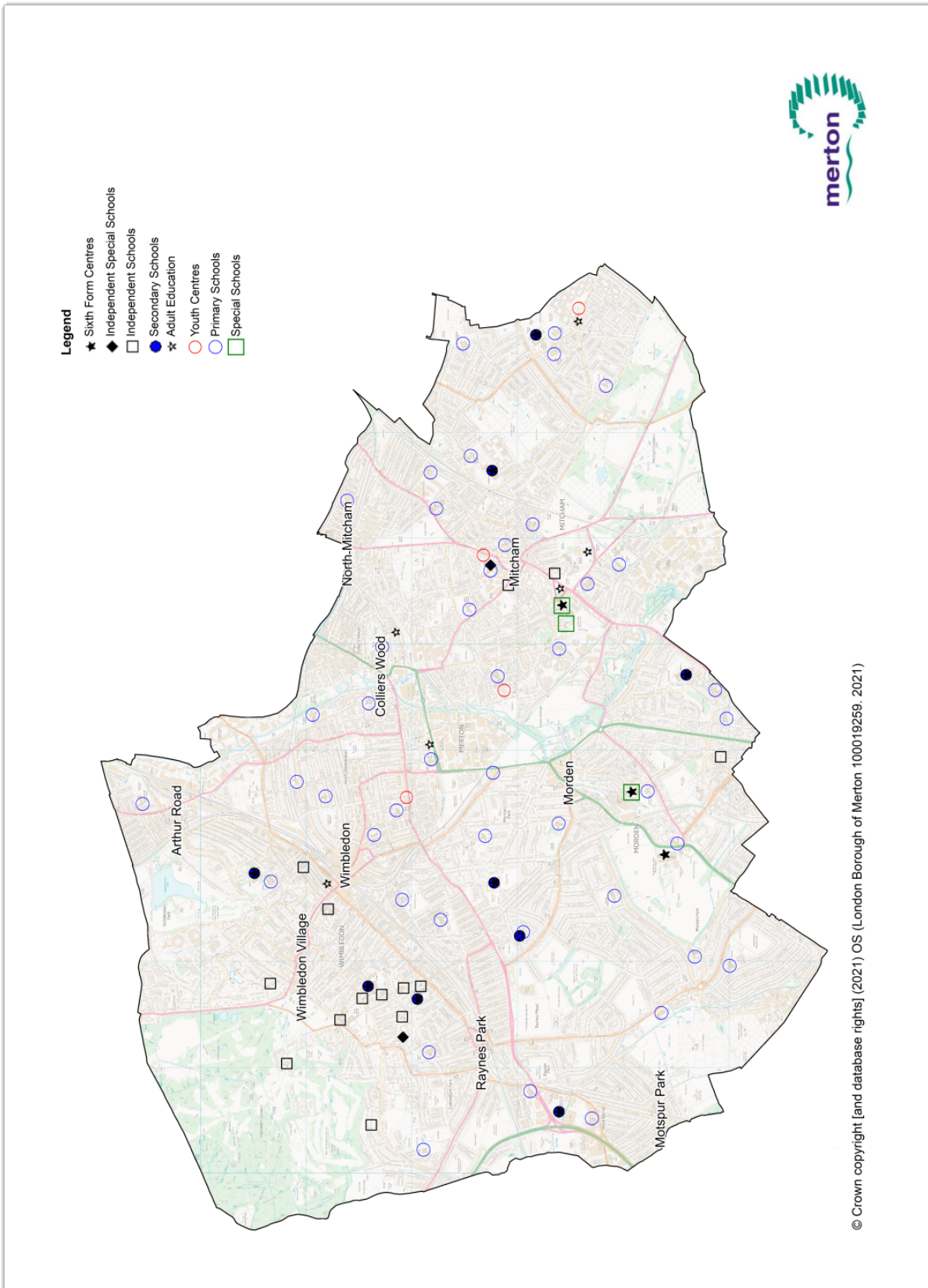
This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## APPENDIX C - Local Area Profile Maps

### (i) Location of licensed Gambling Premises

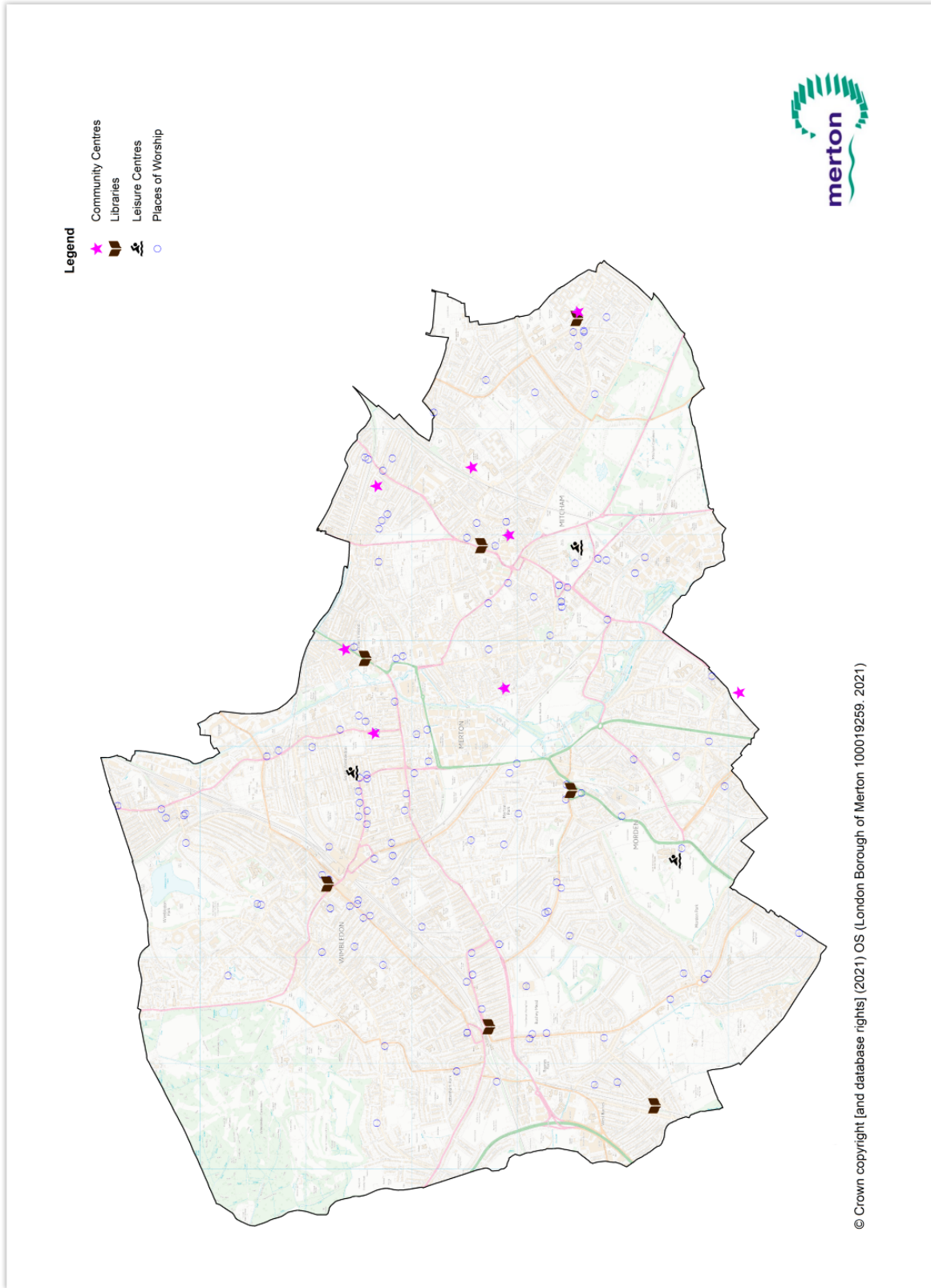


(ii) Location of schools, colleges and youth centres





**(iii) Location of community centres, libraries, leisure centres and places of worship**



(iv) Location of money loan stores and money transfer services

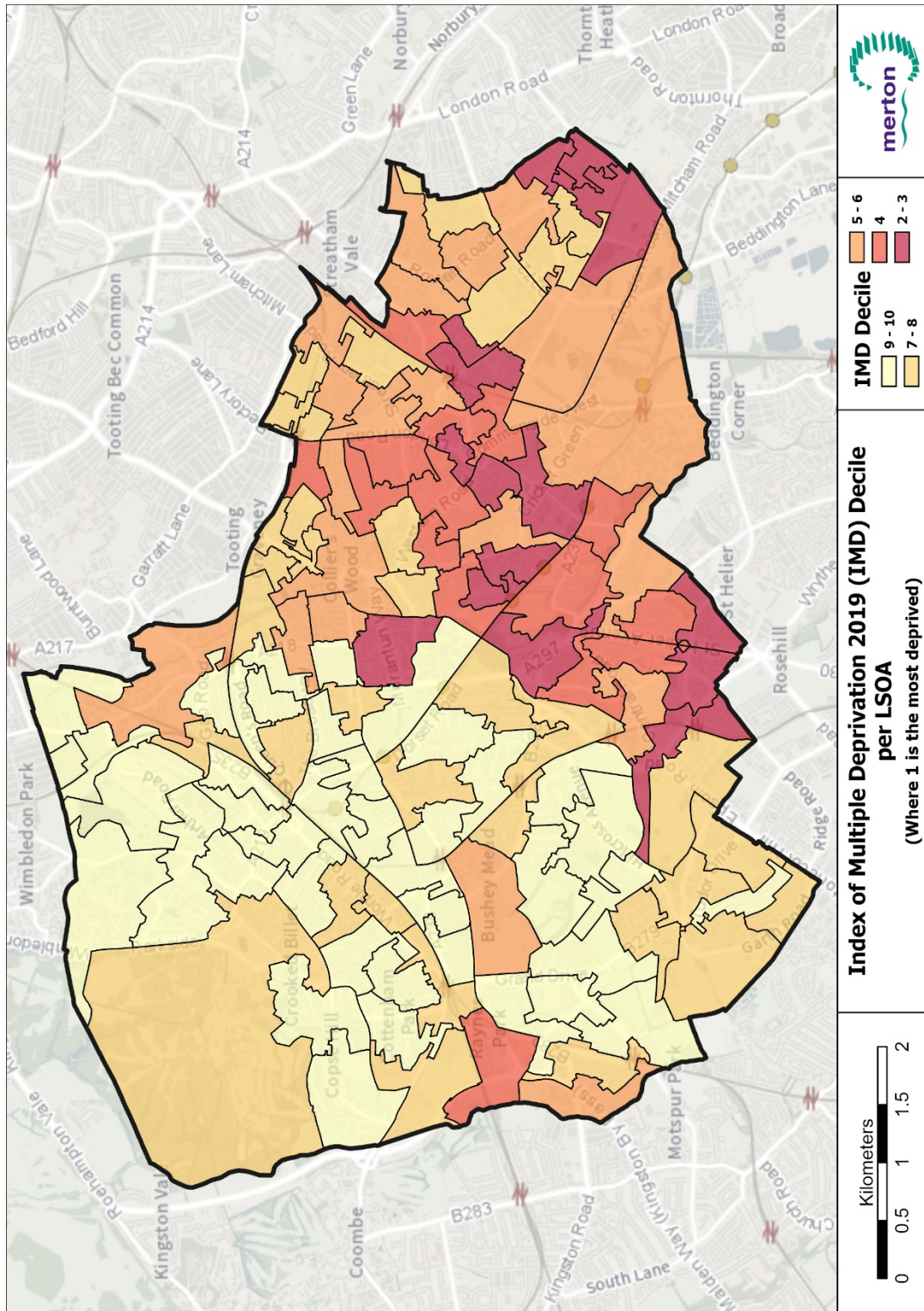


(v) Location of pawnbrokers

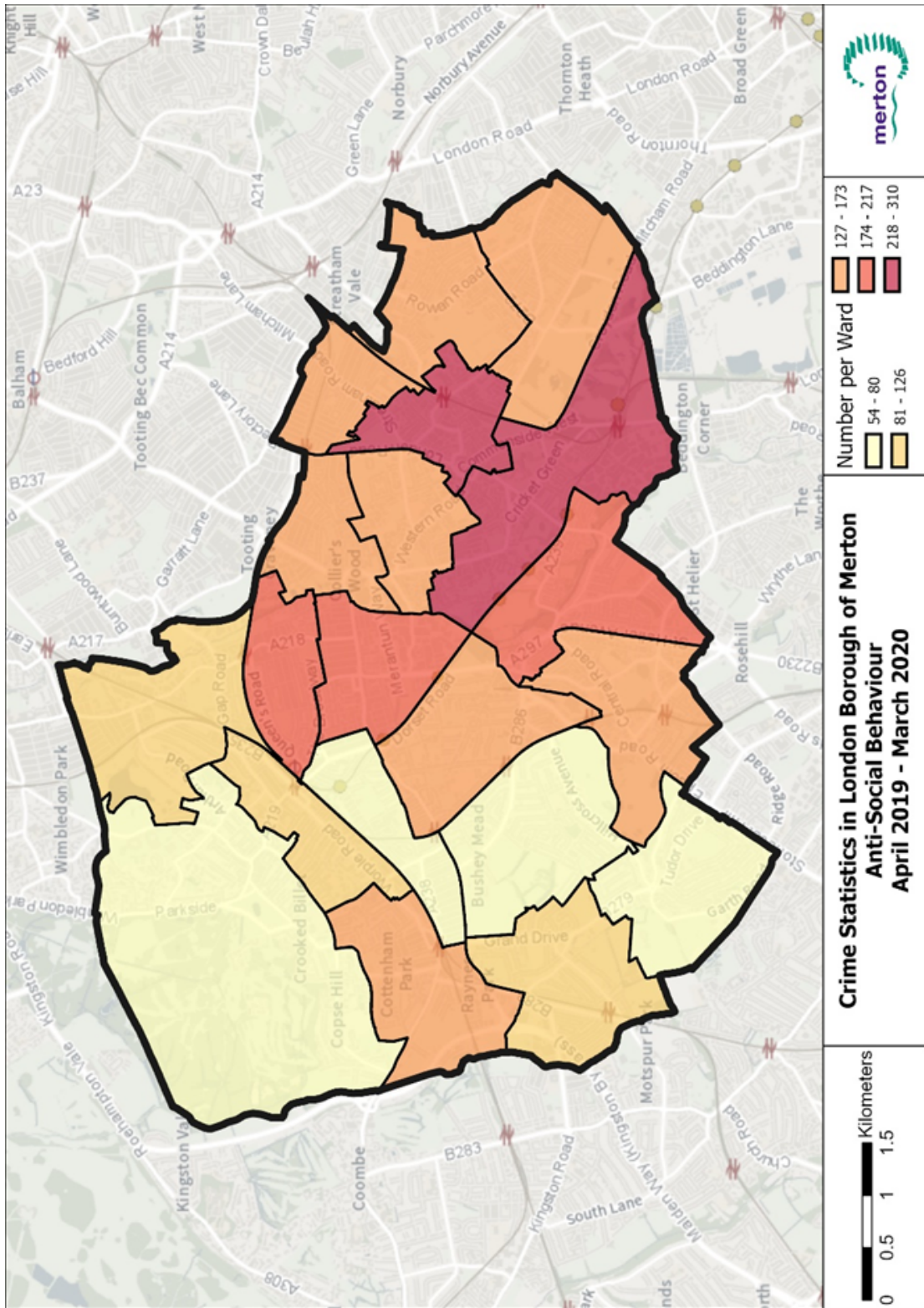




**(vi) Indices of Multiple deprivation**



**(vii) recorded incidents of anti-social behaviour in the borough between April 2019 and March 2020**



**(viii) Deprivation indices by Ward**

Ward	Deprivation Score (IMD 2019)*	Income Rank **	Employment Rank ***	Income Deprivation Affecting Children Index ****	Income Deprivation Affecting Older People Index(60+) rank: *****
Abbey	540	485	543	440	356
Cannons Hill	585	548	570	547	514
Colliers Wood	428	450	501	421	350
Cricket Green	187	107	124	142	238
Dundonald	621	627	630	623	556
Figge's Marsh	218	179	193	169	257
Graveney	457	451	483	482	400
Hillside	620	620	629	629	502
Lavender Fields	340	254	323	241	200
Longthornton	381	393	355	414	366
Lower Morden	578	582	551	565	587
Merton Park	602	587	604	588	570
Pollards Hill	287	181	190	129	417
Ravensbury	245	224	187	206	370
Raynes Park	576	558	564	556	534
St. Helier	269	253	198	277	316
Trinity	563	519	506	501	459
Village	631	628	631	627	614
West Barnes	604	564	583	566	553
Wimbledon Park	580	566	587	536	544

\* Indices of Multiple Deprivation (IMD 2019) across Merton's Wards with 1 being the most deprived and 644 least deprived.

\*\* Income Rank scores across Merton's Wards with 1 being the most deprived and 644 least deprived.

\*\*\* Employment Rank scores across Merton's Wards with 1 being the most deprived and 644 least deprived.

\*\*\*\* Income Deprivation Affecting Children Index (IDACI) - Score across Merton's wards, with 1 being the most deprived and 644 being the least deprived.

\*\*\*\*\* Income Deprivation Affecting Older People Index(60+) rank (IDAOPI): Score across Merton's wards, with 1 being the most deprived and 644 being the least deprived)

**Cells highlighted in red indicate, respectively, the worst 3 wards in each category.**



### (ix) Age Profile

Ward	Population (GLA <i>Housing-led population projections 2018</i> )	% of total borough population	Working age population (16-64) (GLA, Housing-led population projections 2018)	Child population (GLA, Housing-led population projections 2018)	65+ population (GLA, Housing-led population projections 2018)
Abbey	10770	5.3%	7631 (70.8%)	1916 (17.8%)	1252 (11.6%)
Cannon Hill	9370	4.5%	5628 (60.1%)	1710 (18.2%)	2088 (22.3%)
Colliers Wood	10910	5.3%	7872 (72.2%)	1640 (15%)	1374 (12.6%)
Cricket Green	12235	5.9%	7335 (59.9%)	2978 (24.3%)	1855 (15.2%)
Dundonald	9512	4.6%	6377 (67.0%)	1911 (20.1%)	1265 (13.3%)
Figge's Marsh	11809	5.7%	7384 (62.5%)	2806 (23.8%)	1601 (13.6%)
Graveney	10093	4.9%	6729 (66.7%)	1856 (18.4%)	1491 (14.8%)
Hillside	9115	4.4%	5975 (65.6%)	1501(16.5%)	1696 (18.6%)
Lavender Fields	10982	5.3%	7368 (67.1%)	2336 (21.3%)	1187 (10.8%)
Longthornton	10726	5.2%	6645 (62%)	2359 (22%)	1643 (15.3%)
Lower Morden	9136	4.4%	5305 (58.1%)	1794 (19.6%)	2017 (22.1%)
Merton Park	9710	4.7%	5809 (59.8%)	1904 (19.6%)	2034 (20.9%)
Pollards Hill	11039	5.4%	6670 (60.4%)	2621 (23.7%)	1674 (15.2%)
Ravensbury	10088	4.9%	6182 (61.3%)	2160 (21.4%)	1712 (17%)
Raynes Park	9962	4.8%	6130 (61.5%)	2020 (20.3%)	1868 (18.8%)
St. Helier	10856	5.3%	6607 (60.9%)	2420 (22.3%)	1785 (16.4%)
Trinity	10180	4.9%	7062 (69.4%)	1856 (18.2%)	1271(12.5%)
Village	8188	4.0%	4449 (54.3%)	1568 (19.1%)	2235 (27.3%)
West Barnes	10202	5.0%	6067 (59.5%)	2134 (20.9%)	1977 (19.4%)
Wimbledon Park	11082	5.4%	7059 (63.7%)	2633 (23.8%)	1409 (12.7%)
TOTAL	205965	100%			

## APPENDIX D – Definitions

### Gaming machines

Gaming machines’ means ‘a machine which is designed or adapted for use by individuals to gamble (whether or not it can be used for other purposes)’ Regulations define four categories of gaming machine: categories A, B, C and D, with category B divided into a further five subcategories. The categories and sub-categories have been defined according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver as shown below.

There is a minimum age of 18 for all players of category A, B and C machines. There is no minimum age for players of category D machines.

Please note: This information is correct at the time of writing but for up to date information please go to The Gambling Commission website.

Category of machine	Maximum stake	Maximum prize
A-no category A gaming machines are currently permitted	Unlimited	Unlimited
B1	£5	£10,000 (with the option of a max £20,000 linked progressive jackpot on a premises basis only)
B2 (Fixed Odd Betting Terminals)	£2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize	10p	£5
D – non-money prize (other than crane grab machine)	30p	£8`
D – crane grab machine	£1	£50
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be money prize)

### Casino

A ‘casino’ is an arrangement whereby people are given the opportunity to participate in one or more casino games. The permitted number of gaming machines in each category will depend on whether it is a large or small casino or a converted casino operating under preserved rights for operating prior to the 2005 Act



## **Bingo**

'Bingo' means 'any version of that game irrespective of by what name it is described'. The licence authorises a number of category B gaming machine not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Premises in existence before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Regulations state that category B machines at bingo premises are restricted to sub-category B3 and B4 machines but not B3A machines.

## **Adult Gaming Centre**

An 'adult gaming centre' (often called an amusement arcade) may make available for use a number of category B gaming machine not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Premises in existence before 13 July 2011 are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Regulations state that category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines but not B3A machines  
Adult gaming centre' s cannot admit those under 18.

## **Family entertainment centre**

A family entertainment centre means 'a premises (other than an adult gaming centre) wholly or mainly used for making gaming machines available for use'.

A licensed family entertainment centre may make available for use an unlimited number of category C or D machines. Family entertainment centres can admit those under 18 years of age, but they must not play Category C machines.

A family entertainment centre with a gaming machine permit may make available for use any number of category D machines.

## **Betting premises**

The provision of facilities for betting, whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for making or accepting bets.

Betting means 'the making or accepting a bet on the outcome of a race, competition or other event or process, the likelihood of anything occurring or not occurring or whether anything is, or is not, true.'

The machines available for use at betting premises are gaming machines and betting machines. The licence authorises a maximum of 4 gaming machines in categories B2, B3, B4, C and D (but not B3A). A betting machine is designed to bet on a future event or on a live event as a substitute for placing a bet over the counter

Persons under 18 will not be able to enter betting premises, although special rules apply to tracks.

## **Tracks**

A 'track' means a 'horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place'.

Track operators do not need to have an operating licence (although they may have one), as the betting that is provided upon the tracks will not be provided by the track operator (a licence is required if the track operator wants to provide pool betting or general betting facilities himself). Individual operators who come onto the track on race days do not need to hold a premises licence but will require the necessary operating licences. Where there

is no operating licence, the premises licence will need to contain requirements on the premises licence holder about their responsibilities in relation to the proper conduct of betting.

If the track operator who holds a premises licence also has a pool betting operating licence then up to 4 gaming machines of categories B2 to D (but not B3A) may be sited on the track. Betting machines may also be provided. Some tracks will also hold an alcohol licence and as such they will be automatically entitled to two gaming machines of category C or D. If a track premises licence holder has both an alcohol licence and a pool betting operating licence, then they will be entitled to a total of six gaming machines (two via the alcohol licence and four via the operating licence).

Persons under the age of 18 are excluded from any areas where facilities for betting are provided and any area where there are gaming machines, other than category D machines. However, persons under the age of 18 are not excluded from such areas where facilities for betting are provided in relation to dog tracks and horse racing courses on race days only (the exclusion still applied to areas where there are gaming machines other than category D). There is no exclusion of race days in relation to gaming machines, although persons under the age of 18 are not prohibited from playing category D gaming machines on a track.

### **Travelling fair**

A 'fair' means 'fair consisting wholly or principally of the provision of amusements' and a fair held on a day in a calendar year is a travelling fair if provided 'wholly or principally by persons who travel from place to place for the purpose of providing fairs and at a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year'. There is no limit on category D machines and persons under 18 may use those machines.

### **Alcohol licensed premises gaming machine permits**

Operators of premises with an on-premises alcohol licence have an automatic right to have 2 gaming machines of category C or D (following notification to the licensing authority). However, a permit is required if the applicant seeks to have more than two machines. A permit authorises the number of C or D machines. Persons under 18 may not play category C machines but may play category D machines.

### **Prize Gaming**

'Gaming is prize gaming if neither the nature nor the size of a prize played for is determined by reference to the number of persons playing or the amount paid for or raised by the gaming'. Persons under 18 may participate in equal chance prize gaming only. Gaming is equal chance gaming ' if it does not involve playing or staking against a bank and the chances are equally favourable to all participants'

### **Members Club**

A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. Examples include working men's' clubs, miners' welfare institutes, branches of the Royal British Legion and clubs with political affiliations. Members' clubs may apply to their local licensing authority for club gaming permits and club machine permits.

### **Miners' welfare institutes**

Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations. Miners' welfare institutes may also apply for club gaming permits and club machine permits.

### **Commercial Club**

A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit. Commercial clubs may only apply for club machine permits.

### **Club gaming permit**

A club gaming permit is available to members' clubs or miners' welfare institutes, but not commercial clubs. It allows the club to offer:

- equal chance gaming such as poker and bingo
- games of chance (pontoon and chemin de fer only)
- up to three gaming machines in total of categories B3A, B4, C or D, but by agreement, only one machine can be of category B3A.

Restrictions on the gaming (at the time of writing this Statement) are:

- no limits on stakes and prizes, except bingo where there is a stakes and prizes limit of £2,000 in any seven day period
- limit on participation fees per person per day - £20 for bridge and or whist (if played on a day on which no facilities of any kinds of gaming (other than bridge or whist) are provided by the relevant club on that day), £3 for other gaming (including poker) in any other circumstances

### **Club machine permit (CMP)**

A club machine permit is available to members' clubs, miners' welfare institutes, and commercial clubs. It allows the club to offer:

- equal chance gaming such as poker and bingo
- up to three gaming machines in total of categories B3A, B4, C or D, but by agreement, only one machine can be of category B3A (B3A not permitted for commercial clubs).

Restrictions on the gaming are (at the time of writing this Statement):

- limit on stakes and prizes for bingo is £2,000 in any seven day period
- limit on stakes for poker - £10 per person per game, within a premises limit of £250 in stakes per day and £1,000 per week
- limit on prizes for poker - £250 per game
- limit on participation fees per person per day - £18 for bridge/whist (if played on a day on which no facilities of any kind of gaming (other than bridge or whist) are provided by the relevant club on that day), £1 for other gaming (including poker), £3 where it's a commercial club.

### **Small Society Lotteries**

Small society lotteries do not require a licence but must be registered with the local authority in the area where the principal office of the society is located.

Society lotteries are promoted for the benefit of a non-commercial society. A society is non-commercial if it is established and conducted for:

- charitable purposes
- enabling participation in sport or a cultural activity (for example theatre)
- any non-commercial purpose other than that of private gain.

A small society lottery:

- does not have proceeds that exceed £20,000 for a single draw
- does not have aggregated proceeds in excess of £250,000 in a calendar year.

## APPENDIX E – Responsible Authorities

Authority	Contact Details
The Licensing Authority	Environmental Health (Licensing) Manager, Merton Civic Centre, London Road, Morden, SM4 5DX <a href="mailto:licensing@merton.gov.uk">licensing@merton.gov.uk</a>
Metropolitan Police	The Licensing Officer, Wimbledon Police Station, 15 Queens Road, London, SW19 8NN <a href="mailto:southwestswmailbox-licensinggeneral@met.police.uk">southwestswmailbox-licensinggeneral@met.police.uk</a>
London Fire Authority	Fire Safety Regulation: South West Area 4, London Fire Brigade, 169 Union Street, London, SE1 0LL <a href="mailto:fsr-adminsupport@london-fire.gov.uk">fsr-adminsupport@london-fire.gov.uk</a>
The Local Planning Authority	Planning Manager, Merton Civic Centre, London Road, Morden, SM4 5DX
Responsible Authority for Noise and Environmental Pollution	Environmental Health (Pollution) Manager, Merton Civic Centre, London Road, Morden, SM4 5DX <a href="mailto:noiseandnuisance@merton.gov.uk">noiseandnuisance@merton.gov.uk</a>
Protection of Children from Harm	Merton Local Safeguarding Children Board, Merton Civic Centre, London Road, Morden, SM4 5DX
The Gambling Commission	Gambling Commission 4th Floor Victoria Square House Birmingham B2 4BP <a href="https://www.gamblingcommission.gov.uk/home.aspx">https://www.gamblingcommission.gov.uk/home.aspx</a>
HM Revenue and Customs	HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom email: <a href="mailto:NRUBetting&amp;Gaming@hmrc.gsi.gov.uk">NRUBetting&amp;Gaming@hmrc.gsi.gov.uk</a> <a href="https://www.gov.uk/government/organisations/hm-revenue-customs">https://www.gov.uk/government/organisations/hm-revenue-customs</a>

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### Responses to the on-line consultation

<b>Q1 Do you agree or disagree with the Council's approach to licensing gambling premises in the borough?</b>	
Response	Number of respondents
Strongly agree	4
Agree	2
Neither agree nor disagree	0
Disagree	3
Strongly disagree	1

<b>Q2 Do you agree or disagree that the proposed changes will strengthen the Council's ability to control gambling within the borough?</b>	
Response	Number of respondents
Strongly agree	3
Agree	2
Neither agree nor disagree	2
Disagree	1
Strongly disagree	2

<b>Q3 - If you have answered disagree or strongly disagree to Q1 and/or Q2 please give reasons</b>	
Response	Comment
Gambling is like drug addiction. In many European countries both are allowed within its limits. Reason for it is, if you ban these - it will create a bigger problem, as to these activities will take place secretly and cause more issues than ever before. This has actually been proven to be the facts. Just research and you will see I'm right. If you think the problem will shift away from Merton to another borough - you are greatly mistaken. It's like a forbidden fruit, you forbid it and people will go for it more than ever. You allow it and you got it under control.	Noted: The intention of the Statement of Principles is not to prevent Gambling in the Borough but to ensure that the Licensing objectives are being met
Gambling is an addictive behaviour and should be difficult to access, betting shops and casinos in easy to reach locations only increase this addictive and destructive behaviour and would be better off being banned or located in more remote locations so planning and thought are required by the gambler rather than the ability to react easily to the impulse of gambling.	Noted: A Licensing Authority has no power to ban gambling premises (other than Casinos). In fact, the legislation clearly states that an Authority must aim to permit an application unless there is good reason not to. Whilst there is merit in the suggestion that by locating gambling premises in more remote locations people would be less likely to impulse gamble. However, there is a counter argument that it is better to site premises in areas of higher footfall, higher CCTV and police presence and away from

**APPENDIX B**

	predominantly residential areas. No change to policy recommended
I think a casino or any gambling institution will be detrimental or Merton borough and it's residents. Gambling institutions and casinos by definition offer zero long term benefit to either the borough or it's residents.	Noted
Operators of arcades routinely move the position of gaming machines for maximum benefit. It will put a huge administrative burden on all parties if an Operator of arcade has to submit a new plan every time they decide to either change the number of gaming machines or move the position of each gaming machine within an arcade. If this is to be done as a variation application it will also unfairly put a huge financial burden on the Operator and which would be unsustainable	Noted: Paragraph 12.22 states 'Where the number and/or position of machines are altered this Authority will expect a revised plan to be provided to the Licensing Authority. This revised plan will be held by the Authority but will not be substituted on the licence unless the licence is re-issued following a variation or change of circumstance application' – a full variation application would not be required if the re-positioning of machines is not part of a wider change to the premises or impacts on one or more of the Licensing Objectives
Gambling is the worst type of addiction.	Noted – see comment above regarding a Licensing Authority's powers
The council does not seem to have considered the consequences of gambling addiction on the gambler themselves and their families. By making gambling so readily accessible in Merton, it normalises gambling on the high street in the eyes of children and impressionable people. Gambling outlets provide no positives to community, purely downsides. To use the argument that they provide employment is not a strong argument.	Noted: But see comments above regarding Licensing Authority's powers. It is proposed to alter the Statement of Principles and the Council's website in response to the consultation response from GambleAware
What proposed changes?	The changes to the Statement of Principles were clearly outlined in a document attached to the on-line consultation
It appears the policy only looks at casinos and not the vast array of betting shops unusually licenced in abundance in more deprived sections of the borough.	Noted: The Policy relates to all betting premises but the law only allows a Council to resolve not to have any casinos in its area. Otherwise, an Authority must aim to permit and application unless there are good reasons not to.

<b>Q4 - Do you agree or disagree that providing local area profiles will assist gambling operators in carrying out their local risk assessments?</b>	
Response	Number of respondents
Strongly agree	1
Agree	3
Neither agree nor disagree	5
Disagree	1



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Strongly disagree	0
<p><b>Q5 - Which of the following information do you think should be included in the local area profiles (please tick all that you think should be provided) – sorry not sure of the wording here</b></p> <p><b>Location of other gambling venues; location of educational establishments; location of community facilities; location of pawnbrokers and money lenders; location of childrens’ centres location of recreation grounds; location of facilities for vulnerable persons; deprivation by Ward crime figures by Ward; population age profiles by Ward; Other (please specify)</b></p>	
Response	Number of respondents
Location of other gambling premises	5
Educational Establishments	7
Community facilities	5
Pawnbrokers and Money Lenders	5
Children’s centres	6
Recreation grounds	5
Facilities for vulnerable persons	5
Deprivation by Ward	4
Crime figures by Ward	5
Population age profiles by Ward	3
Other:	0

Noted: No change proposed to Licensing Statement of Principles

<p><b>Q6 - The Council believes there is no location within the borough that is suitable for a casino. Do you agree or disagree with this statement?</b></p>	
Response	Number of respondents
Strongly agree	6
Agree	0
Neither agree nor disagree	4
Disagree	0
Strongly disagree	0

<p><b>Q7 - Should the Council pass another resolution not to have any casinos in the borough?</b></p>	
Response	Number of respondents
Strongly agree	6
Agree	0
Neither agree nor disagree	4
Disagree	0
Strongly disagree	0

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<b>Q7 – supplementary Please state your reasons</b>
Response
Casinos do not assist in the social well being of society in general and should be as far away from vulnerable people as possible. The USA used to place their casinos in particular locations rather than the high density populated cities, Merton is a family orientated borough and casino's only make the wealthier more wealthy. I see no benefit to Merton bringing a casino here or any more betting shops. We need a new strategy towards betting and gambling we are living in the 21st century not the 19th century.
Casinos provide an easy outlet for gambling to spiral out of control. The implications for gamblers and their families is terrifying.
Gambling is a fools game A casino should not be allowed as it chaa was to people of their money especially the vulnerable and usually those who can't afford to lose it in the first place
Gambling should not be encouraged at a habitual level.

<b>Q8 -Do you agree that the measures contained in the Statement of Principles are sufficient to protect children from harm or being exploited by gambling?</b>	
Response	Number of respondents
Strongly agree	1
Agree	2
Neither agree nor disagree	5
Disagree	0
Strongly disagree	2

<b>Q9 Do you agree that the measures contained in the Statement of Principles are sufficient to protect vulnerable people from harm or being exploited by gambling?</b>	
Response	Number of respondents
Strongly agree	1
Agree	2
Neither agree nor disagree	3
Disagree	2
Strongly disagree	2

<b>Q10 If you have replied disagree or strongly disagree to either or both Q8 or Q9 what additional measures do you believe should be considered?</b>	
Response	Comment
Gambling is addictive just as drugs can be - it should bring strong restrictions on age and rigorous financial scrutiny	Noted: The Gambling Commission carry out rigorous financial checks before issuing an operating licence. The operators of the majority of gambling premises within a local authority must

## APPENDIX B

	hold an operating licence. Age restrictions are laid down in law. Test purchasing is carried out by the Gambling Commission and by the licensing authority.
Not to allow any gambling in premises in the Borough or casinos	Noted: See comment above regarding a Licensing Authority's powers under the legislation

<b>Q11 Additional comments</b>	
Response	Comment
Not to allow any gambling in premises in the Borough or casinos	See comment above

Of the ten respondents, 1 responded on behalf of an organisation (Hough & Bollard Ltd – Gambling Licensing Consultants). 8 were individual respondents and 1 did not state.

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## Direct responses to consultation

Number	Organisation	Issue	Summary of comments	Response
1.	Councillor for St Hellier Ward	No casino Policy	Supports the continuation of the 'no casino' policy.	Noted
2.	Councillor for Graveney Ward	Betting shops	Believes that betting shops are a magnet for antisocial behaviour in the Mitcham area. Would like to be able to restrict their opening hours or get rid of them completely	Noted: See response in Committee report (paragraph 3.5)
3.	Gamble Aware	General	Unable to offer specific feedback on the policy. However, you may find GambleAware's recently published <a href="#">interactive maps</a> useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.	Statement amended to encourage applicants to take note of the maps as part of their risk assessment process (new paragraph 12.27) Website to be updated with a link to the Gamble Aware site  Note: the maps indicate a relatively high prevalence of Gambling addiction in the borough with a moderate reported demand for treatment and support facilities.

			<p>GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach">https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach</a></li> <li>• <a href="https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales">https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales</a></li> </ul>	Noted
			<p>GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.</p>	Noted. Included in the Statement of Principles at paragraph 12.25 -12.35, Appendices B and C
			<p>Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the <b>National Gambling Helpline</b> also <a href="http://www.begambleaware.org">www.begambleaware.org</a>. Both are part of the <b>National Gambling Treatment Service</b> and offer free, confidential advice and support for those who may need it.</p>	Noted, website to be updated with this information
4.	LB Merton Conservative Group	General	Supportive of the Licensing Committees recommendations following their Gambling Policy Review 2021.	Noted



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## **Committee: Licensing Committee**

**Date: 14 October 2021**

Wards: All

### **Subject: The Designation of part of the highway as licence streets for the purposes of Street Trading**

Lead officer: Nick Steevens, Head of Regulatory Services Partnership

Lead member: Cllr Brenda Fraser, Cabinet Member for Culture, Leisure and Skills

Contact officer: David Ryan, Senior Licensing Officer

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#### **Recommendation:**

That the Licensing committee resolves to grant the proposed designations.

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#### **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. This report relates to a request for the designation of licence streets and summarises comments received through a consultation process with interested parties.

#### **2 DETAILS**

- 2.1. The Licensing Team has received applications from traders interested in utilising the highway for the purposes of street trading.
- 2.2. This report concerns the application 3 new licence street designations.
- 1) An area of 12m x 1.5m outside 248-252 Grand Drive, Raynes Park, London, SW20 9NE.
  - 2) An area of 3m x 3m outside Britannia Point, 7-9 Christchurch Road, Colliers Wood, London.
  - 3) An area of 6m x 2.4m on the paved area between Holmes Road and Merton High Street Colliers Wood.
- 2.3. Plans and photographs of the proposed areas are included in Appendix B.
- 2.4. Street Trading is regulated by the London Local Authorities Act 1990 as amended.
- 2.5. All street trading is administered and regulated by the Council using this legislative framework. The London Local Authorities Act 1990 permits a street trading licence to be granted for “not less than six months and not more than three years”.
- 2.6. There are two types of street trading licence granted in the Borough. A permanent licence that is valid for 1 year, and a temporary licence valid from 1 day to 6 months to facilitate market trading and other temporary trading. It is unlawful to offer goods or services on the public highway without a valid street trading licence.
- 2.7. A one year Street Trading Licence can only be granted for areas designated as licence streets.

- 2.8. Merton licences specific locations (pitches) within a street rather than the street as a whole. The designation of specific locations on the street as opposed to the entire street gives greater control to the Council in regulating street trading and its impact on the environment. Street Trading licences are renewable annually.
- 2.9. Comprehensive regulations and standard conditions are in place to facilitate regulation and enforcement of street trading in the Borough and provide a framework for all aspects of trade. These regulations are included for information as Appendix C.
- 2.10. Street trading licence fees for the year 2021-2022 are shown in Appendix E.

### **3 ALTERNATIVE OPTIONS**

- 3.1. The designations can be refused.
- 3.2. The final designations can be reduced in size from the requested area.
- 3.3. A Temporary Licence can be issued where there are specific concerns requiring further assessment.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. The consultation process and consultees are defined by the London Local Authorities Act 1990.
- 4.2. Notices were placed in the Local Guardian newspaper advising the public of the consultations and inviting representations. Copies of the notices are included in Appendix A.
- 4.3. As part of the consultation process comments were invited from both external and internal agencies.
- 4.4. The Licensing Team comments –
  - 1. **Grand Fresh Market** - This area has been operating under several temporary licences for over a year due to circumstances relating to COVID 19. The owner is keen to proceed to a full licence following designation. Although there have been several complaints in the local area, the owner has sought to address these and made alterations to the site. The area directly outside benefits from a wide pavement of 4.8m. With the requested designation of 1.5m and the street furniture on the kerbside occupying 1m, 2.3m of clearance is still provided for pedestrians. This is in excess of the 1.5m minimum standard, and 2m street trading, clearance typically given. As such, we feel there is sufficient space on the footway to accommodate the display and would look to work with the applicant on any issues that arise. It is felt there are no valid reason to refuse the designation or the accompanying licence.
  - 2. **Forty Acre Forest Britannia Point** - The licence holder has operated under a temporary licence for six months and we have received had no complaints or issues with the site. Although bordered entirely by Red Route, this area is public highway where the Council is the Highway Authority. The redevelopment of Colliers Wood provided a space agreed with Future Merton to install a trader. This is a large paved area, in which this designation would have little impact on

pedestrian accessibility. It is felt there are no valid reason to refuse the designation or the accompanying licence.

3. **Ja Tasty Holme Road/Merton High Street** - This site was identified as a potential street trading location by a number of prospective traders. The applicant submitted a complete proposal to use the site for the placement of a food trailer as shown in Appendix B. The site was agreed in advance with Future Merton to allow sufficient access through the pedestrian walkway and crossing. The applicant was advised on the specific nature of the site before proceeding. The site itself is removed from the desire lines of pedestrians whilst also adding some character to a largely paved area. We feel there is sufficient room for the trailer to be placed during trading hours without inconveniencing the public and therefore see no valid reason to refuse the designation or the accompanying licence.

## **5 TIMETABLE**

- 5.1. If granted, notice of a designation resolution must be published in a locally circulating newspaper for two consecutive weeks.
- 5.2. The first publication shall be no later than 28 days before the designation comes into force.
- 5.3. Most traders operate under Temporary licences during this time and start dates are agreed with officers under delegated authority to issue street trading licences.

## **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. The cost of placing notices in the local Guardian is accounted for in the licence application procedures in place.
- 6.2. Regulatory and enforcement costs will be met from within the street trading budget.
- 6.3. The collection of licence fees will assist the Councils ability to fund the necessary budget requirements for the provision of the service.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. Part III of the London Local Authorities Act 1990 (as amended), hereinafter in these implications referred to as the "Act", regulates trading on the street and provides a statutory consultation framework.
- 7.2. Unless provided for in the Act, Section 23 states that it is unlawful for a person to engage in street trading in any licence street within a borough unless the person is authorised to do so by a street trading or a temporary licence.
- 7.3. Under section 21 of the Act, a street trading licence means a licence granted for no less than 6 months and no more than 3 years. Regulations made by the London Borough of Merton pursuant to section 27(3) of the Act prescribe that these types of licences are only granted for a year. Temporary licences are defined as licences granted for a single day or such period as may be specified in the licence not exceeding 6 months.

- 7.4. It would also be unlawful for street trading to take place if the street or part of the street that is being licensed for these purposes have not first been designated by resolution as a “licence street” pursuant to section 24 of the Act.
- 7.5. Section 24(4) to (8) of the Act prescribes the consultation process which has to be carried out before a resolution can be passed to designate a licence street and this process has been carried out by the Council. This includes the advertisement in a local newspaper, service of notice on the local Highway Authority, and receipt of the necessary consent from the local Highway Authority.
- 7.6. The officer recommendation in this report is for the Committee to grant the designations. The Committee should decide to grant or refuse the designations after considering the officer recommendations, representations that have been made and all relevant facts before them.
- 7.7. The Committee would be expected to consider some of the following issues:
- highway safety,
  - highway obstruction,
  - street furniture or bus stop safety,
  - volume of traffic,
  - access for emergency services,
  - over use of area,
  - risk of danger to pedestrians and other road users with the presence of a trading unit/stall,
  - detriment or annoyance to residents from the proposed street trading
- 7.8. Each application must be considered on its own merits and be reasonable. In making a balanced and reasonable decision, it should be considered whether an ‘unsightly’ pitch or a site with an issue involving enough ‘space’, is sufficient reason to refuse a designating resolution. A decision could reasonably be made to address those issues through the conditions of the licence e.g. the trading days and times permitted.
- 7.9. The Council is legally obliged to consider all applications and to only refuse on the grounds set out in the London Local Authorities Act 1990 (as amended).
- 7.10. It should be noted that many representations received during the consultation phase relate to the type of trading and not the designation of a licence street to which Committee is concerned.
- 7.11. Under Section 24 (9) of the Act, after the Borough Council have considered those representations, they may if they think fit, pass such a resolution relating to the street.
- 7.12. Under section 24(3) of the Act, if a Borough Council passes a designating resolution, the designating of the street takes effect on the day specified in the resolution. This date must not be before the expiration of the period of one month beginning with the day on which the resolution is passed.

7.13. Under section 24(10) of the Act, the Borough Council has to publish a notice of the passing of such a resolution in a local newspaper circulating in their area on two consecutive weeks. Under section 24(11) of the Act, the first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

7.14. The issuing of the street trading licence and associated conditions are to be taken by officers under delegated powers. The designation of licence streets has followed this process since the Act was enacted, with some sites previously designated under the Highways Act 1980.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1. It is important that the Council carefully considers all the representations made during the consultation process.

## **9 CRIME AND DISORDER IMPLICATIONS**

9.1. Enforcement and advisory visits will be made regularly to the premises to ensure compliance with licence terms and conditions. The police are consulted on all applications for designations.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. Failure to discharge its duties under the Act and make proper regulations to control street trading could damage the Council's reputation and expose it to the risk of judicial review.

## **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix A – Public Consultation Notice
- Appendix B - Plans and photographs of proposed area
- Appendix C – Street Trading Regulations
- Appendix D – London Local Authorities Act 1990 Section 24 – Designation of Licence Streets
- Appendix E – Street Trading Licence Fees
- Appendix F – Representations

## **12 BACKGROUND PAPERS**

12.1. None.

## APPENDIX A

### LONDON BOROUGH OF MERTON

(hereinafter referred to as "the Council")

#### PART III OF THE LONDON LOCAL AUTHORITIES ACT 1990

(hereinafter referred to as "the Act")

Intention to designate parts of Merton as "licence streets" pursuant to the Act.

TAKE NOTICE THAT pursuant to Section 24 of the Act, the Council has been requested to designate 3 areas (hereinafter referred to as "the street") as licence streets where street trading will be permitted by the Council subject to obtaining a Street Trading Licence, and 3 licence(s).

- 1) An area of 12m x 1.5m outside Grand Fresh Market, 248-252 Grand Drive, Raynes Park, London, SW20 9NE. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of fruit and vegetables/stock on the designated site 8am – 9pm Mon-Sun inclusive. **Reference WK/201909689**
  
- 2) An area of 3m x 3m outside Britannia Point, 7-9 Christchurch Road, Colliers Wood, London. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of a coffee cart on the designated site 6am – 4pm Monday – Sunday inclusive. **Reference WK/202035323**
  
- 3) An area of 6m x 2.4m on the paved area between Holmes Road and Merton High Street Colliers Wood. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of a catering trailer on the designated site 7am – 8pm Monday – Saturday inclusive. **Reference WK/202102989**

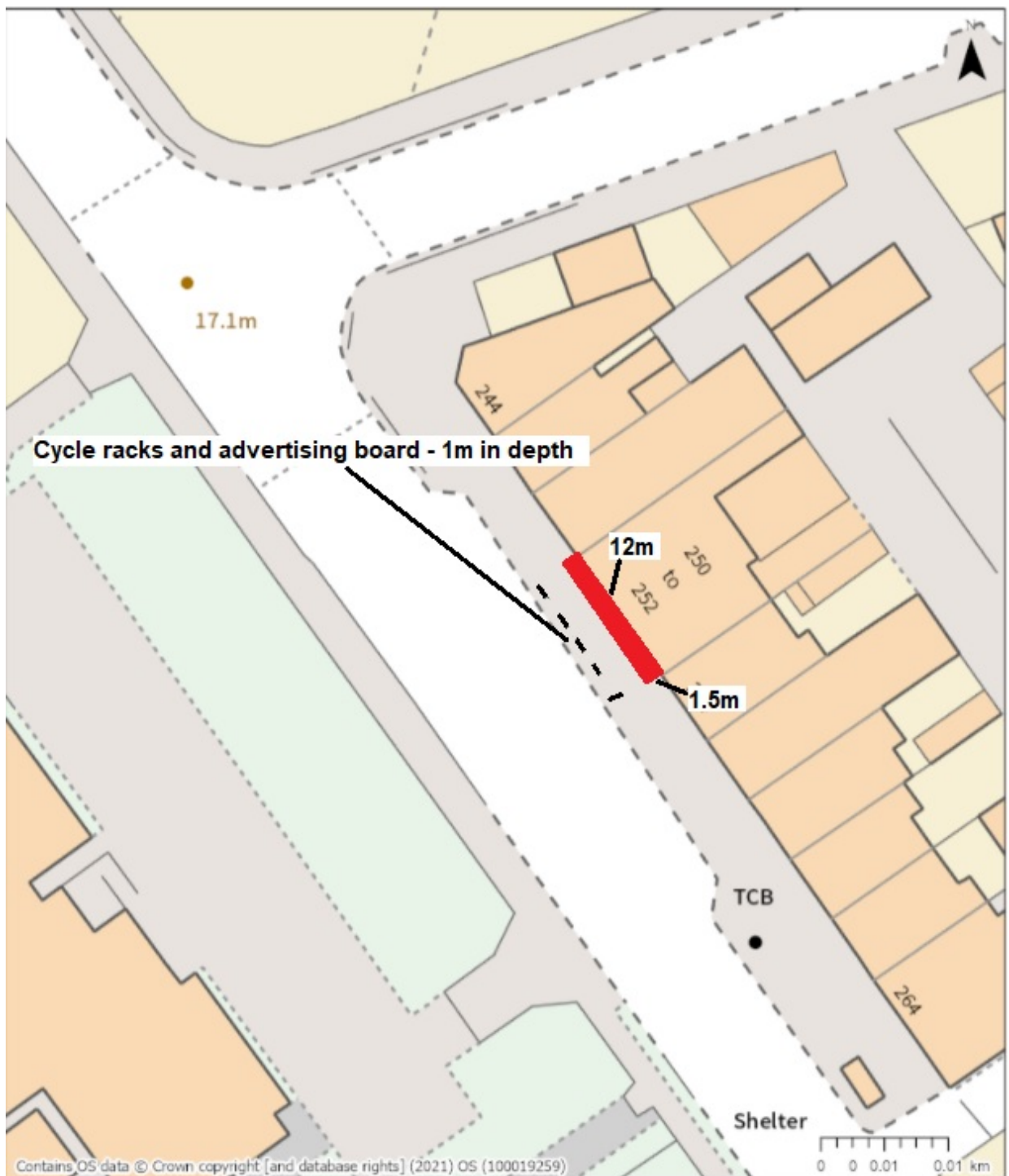
If you wish to make representations to the Council regarding the designation of parts of the highway as licence streets or the issuing of street trading licences, you should write to the Council at **Licensing, London Borough of Merton, Civic Centre, London Road, Morden, Surrey, SM4 5DX** quoting the appropriate reference. Any representations made must clearly state the grounds and reach the Council before the 23<sup>rd</sup> September 2021. The Council will consider all representations received before a final decision is made as to whether to designate parts of the street as a licence streets and whether to issue licences for street trading.

Dated this the 26<sup>th</sup> August 2021

Appendix B

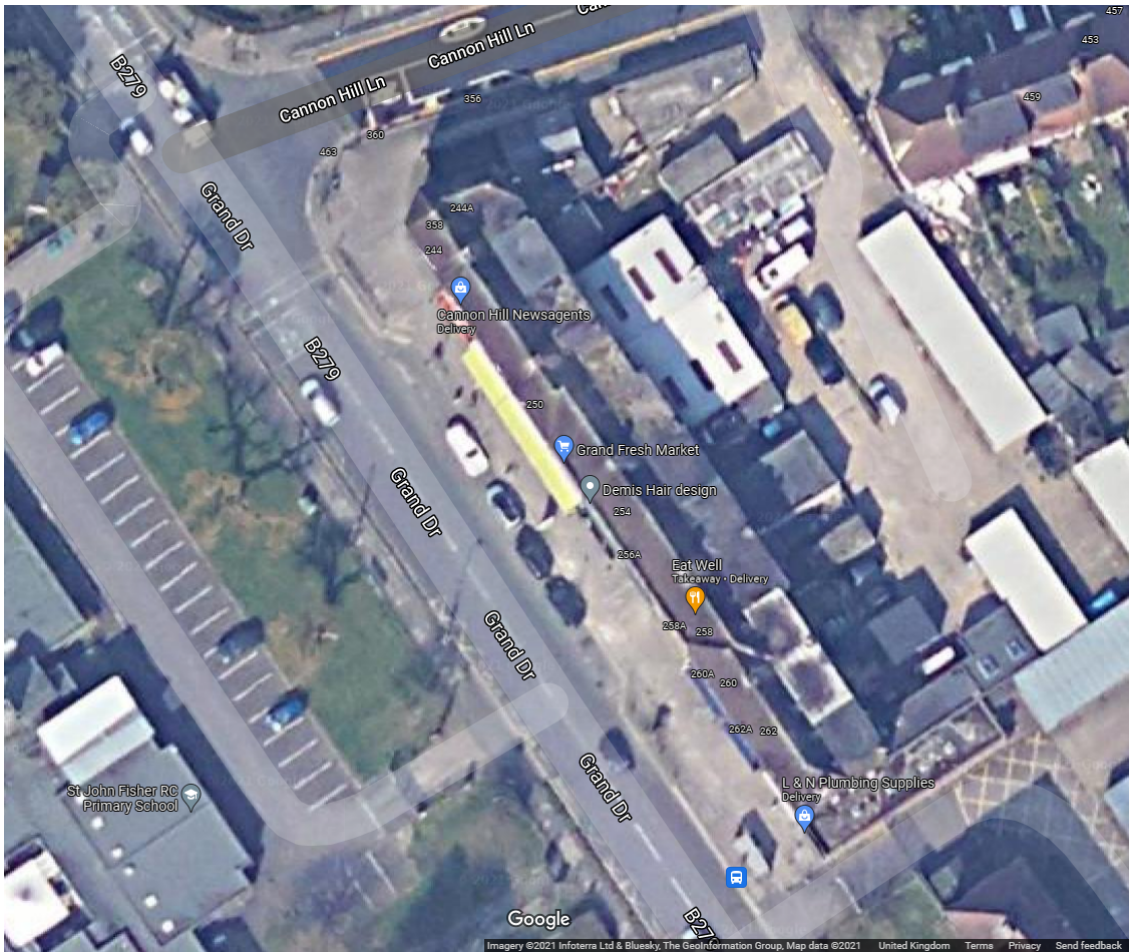
1

1.1 Grand Fresh Market, 248-252 Grand Drive, Raynes Park, London, SW20 9NE





### 1.2 Aerial view of site with yellow/green awning denoting area for designation.

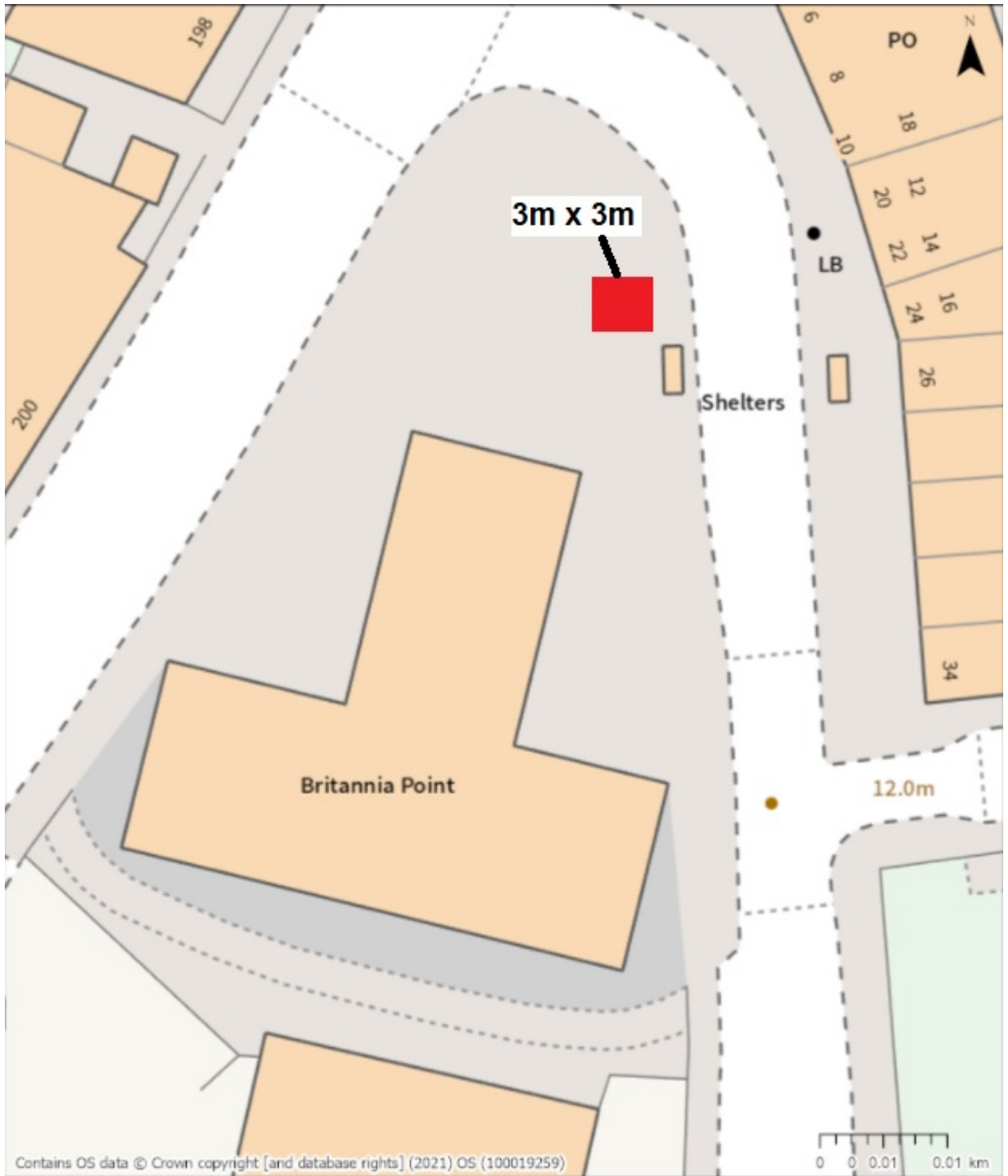


### 1.3 Street View of proposed site showing cycle racks and advertising board

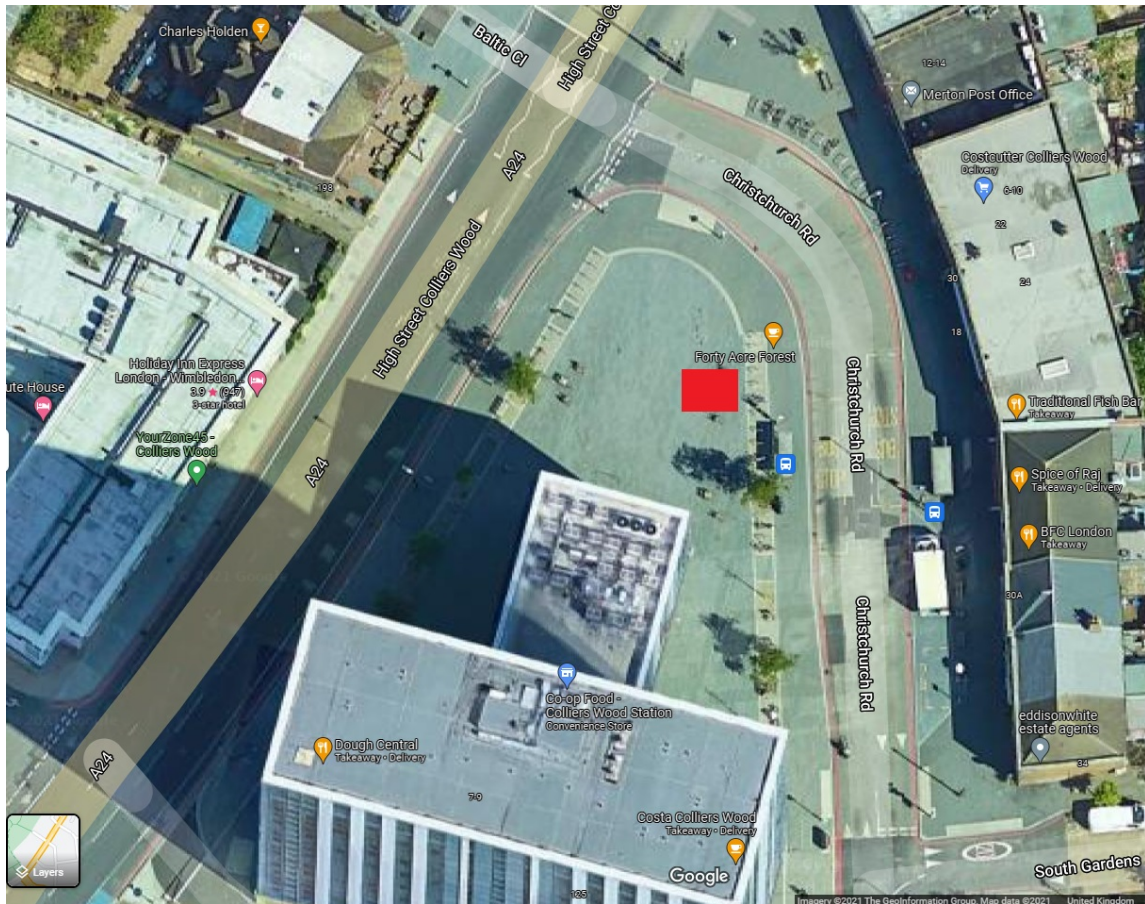




## 1.4 New designation outside Britannia Point Colliers Wood



## 1.5 Aerial view of proposed site



## 1.6 Street view of pavement area outside Britannia Point





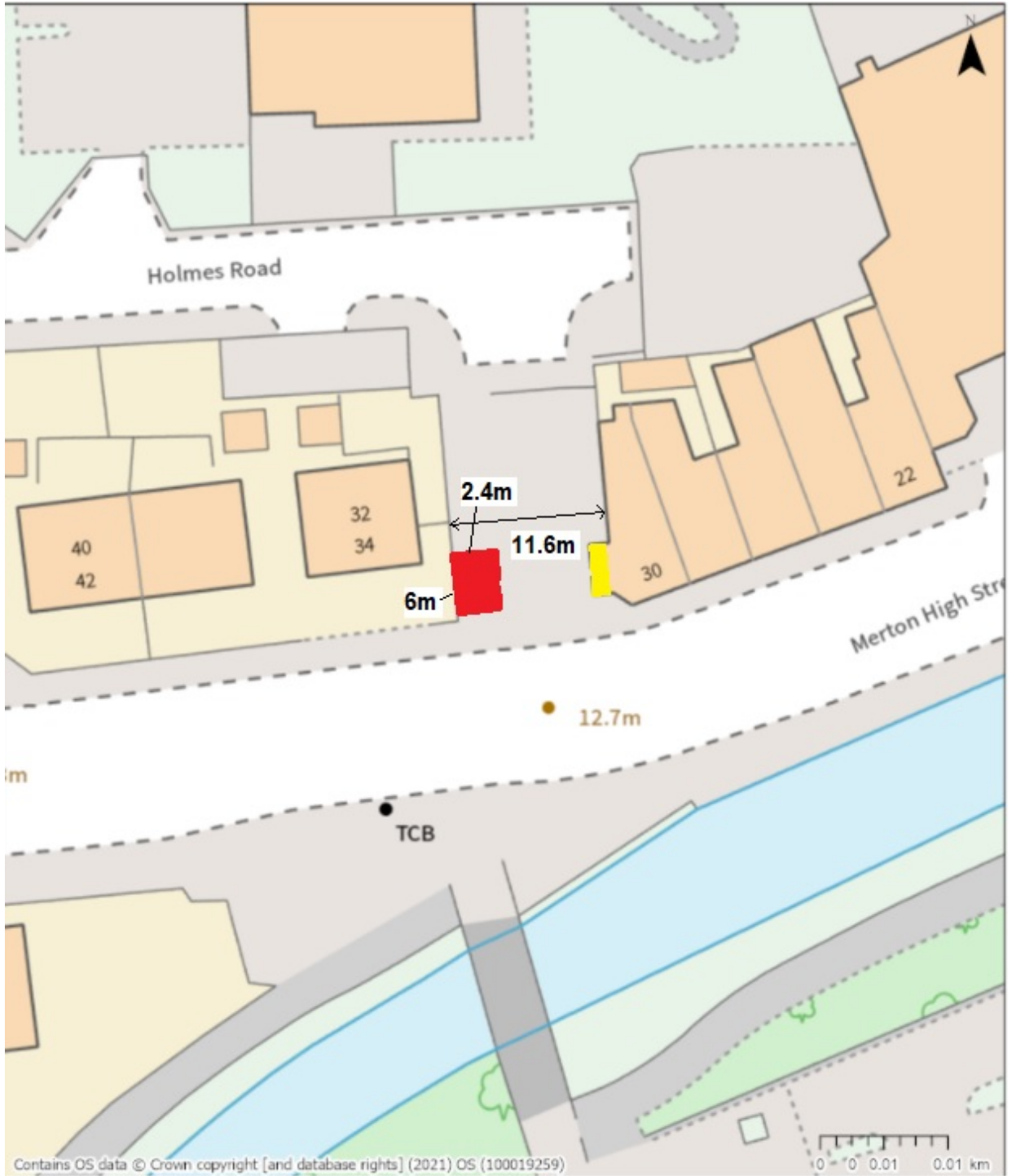
**1.7 View South East towards Christchurch Road with trader present**



**1.8 View South towards Britannia point**

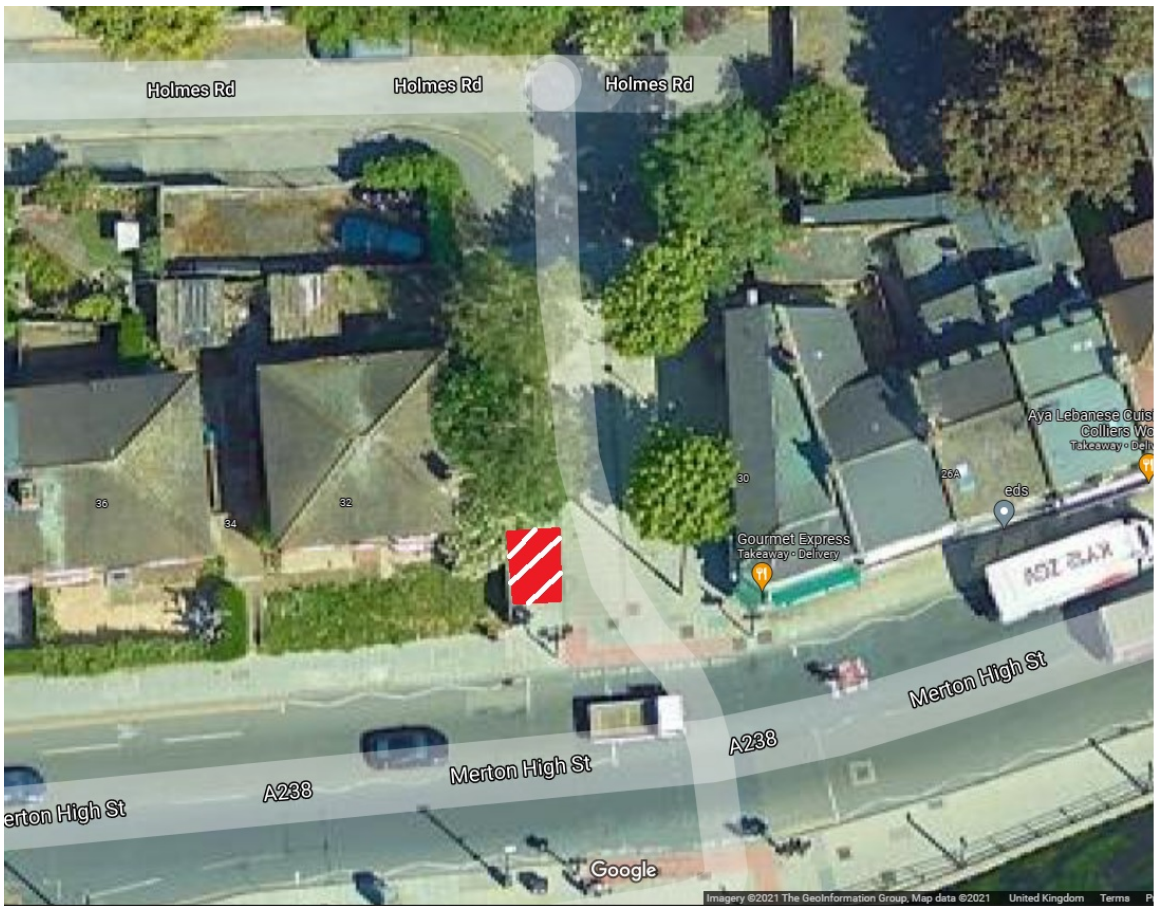


**1.9 Ja Tasty - passageway between Merton High Street and Holmes Road SW19 1DN**



**1.10 Aerial view of location**





1.11 View of site from pedestrian crossing on Merton High Street



1.12 View of site in operation from pedestrian crossing on Merton High Street





**1.13 Proposed site showing available space for pedestrians**



## Appendix C

### REGULATIONS MADE BY THE LONDON BOROUGH OF MERTON PURSUANT TO SECTION 27(3) OF THE LONDON LOCAL AUTHORITIES ACT 1990 PRESCRIBING STANDARD CONDITIONS APPLICABLE TO STREET TRADING LICENCES.



#### DEFINITIONS

In the Regulations unless the context otherwise requires, the following expressions shall have the same meanings that appear in Section 21(1) of the London Local Authorities Act 1990 as amended.

**'Receptacle'** includes a vehicle or stall and any basket, bag, box, vessel, stand, easel, board, tray or thing which is used (whether or not constructed or adopted for such use) as a container for or for the display of any article or thing or equipment used in the provision of any service.

**'Street'** includes:-

- (a) any road or footway;
- (b) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway, to which the public have access without payment;
- (c) any part of such road, footway or area;
- (d) any part of any housing development provided or maintained by a Local Authority under Part II of the Housing Act 1985:

**'Street Trading'** means the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a street for gain or reward.

**'Street Trading Licence'** means a Licence granted under the Act and valid for the period specified therein being not less than six months and not more than three years:

**'Temporary Licence'** means a Licence granted under the Act valid for a single day or for such period as may be specified in the Licence not exceeding six months.

#### THE FOLLOWING ARE THOSE DEFINED BY THE COUNCIL

**'The Act'** means the London Local Authorities Act 1990 Part III as amended.

**'The Council'** means the London Borough of Merton.

**'Advertisement'** means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of, advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.

**'Assistant'**

(a) means a person employed by, and acting under the directions of a Licence Holder to assist him/her about the business of the stall, whether for reward or not and includes a person directed solely or otherwise to transport the Licence Holder's stall.

(b) where a Licence is granted outside a catering establishment or shop premises; 'assistant' shall also include any other employee, manager, secretary, director, partner, supervisor or the like who may from time to time or full time be involved in the street trading activity including those engaged in the completion of a transaction within the premises.

**'Authorised Officer'** means any officer of the Council authorised in writing by the Council's Director of Environment and Regeneration to carry out any function under the Act or these Regulations acting within the terms of such authorisation.

**'Awning'** includes a sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall and includes parasols provided to tables outside catering establishments.

**'Catering Establishment'** means any premises used for the retail sale of food or drink for consumption on the premises, where the Council has licensed a site for tables and chairs to be provided for customers' use on the street.

**'Child'** means a person under compulsory school leaving age as in the Education Act 1996 or successor and includes a baby/child of pre-school age.

**'Goods'** means any goods, wares, or merchandise displayed for sale at a stall or Licensed Site.

**'Harassment'** includes but is not limited to:-

- (a) Violence or threats of violence towards any person;
- (b) Abusive or insulting words or behaviour;
- (c) Damage or threats of damage to property belonging to another person;
- (d) Writing threatening, abusive or insulting graffiti;
- (e) Any act or omission calculated to interfere with the peace or comfort of any person or to inconvenience such person;
- (f) Refusal to serve or permit access to a stall, licensed site, premises or services.

**'Licence'** means a valid Street Trading Licence or a valid Temporary Licence.

**'Licence Holder'** means any person who is licensed for street trading under Part III of the London Local Authorities Act 1990 as amended.

**'Licensed Site'** means a place in any authorised street at which street trading may be engaged in by a Licence Holder, and includes any temporary alternative place approved by the Council or a duly authorised Officer of the Council.

**'Loading and Unloading'** includes stocking or replenishing goods at a Licensed site, vehicle or receptacle.

**'Refuse'** includes empty and discarded receptacles and any waste material.

**'Stall'** means the structure for which the Council grants a Licence for goods or services to be displayed thereon or from which services are provided.

**'Street Furniture'** includes seating facilities provided by the Council for public use, bollards, stanchions, railings, the walling of flower beds and any structure owned by a statutory undertaking or the like.



**'Undressing the Stall'** means removing goods and receptacles and any other things thereon in part or in whole or dismantling or adjusting any part of the stalls' structure.

**'Approved Street Festivals'** means those street festivals whereby the Council may issue temporary Street Trading Licences.

**'Displays Outside Shop Premises'** means where the Council has granted a Licence to display goods from a stall or licensed site on the footway immediately outside the shop premises.

**'Refreshment Stalls'** includes coffee stalls and those selling foodstuffs capable of immediate consumption.

**'Traditional Stalls'** includes those licensed to sell garments, hardware and raw foodstuffs.

## **GENERAL**

The grant of a Street Trading Licence shall not be deemed to give any approval or consent which may be needed under any Bye-law, enactment, or Regulation other than under the Act.

The stall, trade, business, activity etc. shall comply and be conducted in a manner that conforms with other relevant legislation enforced by the Local Authority or other Agencies. These include but are not limited to General Health and Safety, Food Safety, Trading Standards, Fire Prevention, and Highways Regulations.

## **INFORMATION**

(i) Headings inserted in these regulations are for the purpose of convenience only and shall not in any way affect the meaning or construction thereof.

(ii) Where in these conditions there is reference to the consent or agreement of the Council such consent or agreement may be given on such terms and conditions and subject to such restrictions as may be so specified.

(iii) These conditions may be dispensed with or modified by the Council in any individual case by means of a Licence Variation in accordance with the statutory requirements.

(iv) If a trader wishes any of the terms of a Licence to be varied or the Council's agreement under these rules, application must be made in writing to the Council in accordance with the statutory requirements.

(v) These regulations replace the regulations previously approved by the Council.

## **1. INSURANCE**

(a) The Licence Holder shall take out third party insurance cover with a minimum liability of at least two million pounds.

(b) In respect of Licences granted for the display of goods outside shop premises and tables and chairs outside catering establishments this may be incorporated in an insurance policy of the business.

(c) Satisfactory evidence of such insurance must be produced to the Council before a Licence will be granted or renewed.

(d) Evidence of such insurance shall also be produced by a Licence Holder on demand to an Authorised Officer of the Council or a Police Officer.

## **2. DAYS AND TIMES**

A Street Trader shall only engage in Street Trading on the days of the week and during the times specified in the Licence or otherwise authorised by the Council except that there shall be no trading on Christmas Day. Markets do not operate on Sundays and Public Holidays.

### **3. DISPLAY OF NAMES**

Licence Holders except in respect of displays of goods outside shop premises and tables and chairs outside catering establishments shall prominently display a sign with their surname or family name and licensed Site or Licence Number on the stall. Additionally they may exhibit a trading name or title.

### **4. CHARGES AND FEES**

(a) Charges for a Street Trading Licence shall be payable to the Council annually in advance. A Street trading licence will be valid for 12 months. Fees and charges will be set by the Council from time to time. In making any payment the Street Trader shall ensure that the appropriate invoice and account numbers are recorded.

(b) Charges for a Temporary Licence shall be payable each day in advance or for such periods as shall be specified in the Temporary Licence. An Authorised Officer shall decide the charges in accordance with the rates set by the Council from time to time.

(c) A Street Trader shall pay all charges for any Licence in force that has been issued at his request whether or not he engages in Street Trading.

(d) In accordance with Section 32(1) of the Act a fee shall be paid for the grant or renewal of a Street Trading Licence, but not a Temporary Licence, and for any variation of a Licence at the request of the Street Trader.

### **5. LICENCE AND INSPECTION OF LICENCE ETC.**

(a) Licence Holders shall produce their Licence for Inspection when requested to do so by an Authorised Officer of the Council or Police Officer.

(b) In respect of displays outside shop premises and catering establishments the Licence shall be exhibited within the premises in the safe vicinity of the entrance so that it can be seen by an Authorised Officer of the Council or Police Officer.

(c) Where the Council has issued a Certificate of Variation to a Licence that shall be produced and displayed with the Licence.

(d) All other Licence Holders in their absence shall ensure that the Licence is retained on the stall so that it can be produced by an assistant on demand to an Authorised Officer of the Council or Police Officer.

(d) If alcoholic beverages are consumed at a licensed site, the Licence Holder or Assistant shall produce on demand, where appropriate, licenses that are required by the Licensing Act 2003 to an Authorised Officer of the Council or Police Officer.

(e) Once issued to a Street Trader a Licence shall remain in force until the expiry date indicated therein or until revoked by the Council in accordance with the Act.

(f) Where, in accordance with Section 26 of the Act, the holder of a Street Trading Licence has nominated a relative as his successor and that holder dies then the nominated successor may continue to engage in Street Trading within the terms of that Licence for a maximum period of 28 days provided that successor pays any charges due.

(g) On the death or retirement through age or ill health of a Licence holder, the Council may issue a Licence to a nominated relative to trade from the Licensed Pitch shown in that Licence in accordance with Section 26 of the Act. For the purposes of Section 26 of the Act a person shall be treated as being related to another if the latter is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half daughter of the former and shall be deemed to be so related notwithstanding that he is so related only through illegitimacy or in consequence of an adoption.

### **6. POSITION**

(a) The Licence Holder shall only use the licensed site prescribed in the Licence (which may be marked or denoted on the ground by means of white lines, contrasting paving or other device by the Council) unless the circumstances under 6(e) shall arise.

- (b) The Licence Holder shall not cause or permit stalls, goods, receptacles; (except refuse containers under Regulation 16c) to project whether grounded or suspended beyond the licensed site or to be placed or to stand anywhere else in the street.
- (c) In respect of catering establishments, tables and chairs shall not be placed or used outside of the site defined in the Licence. This may be denoted by the Council marking the boundary by White Lines or other means.
- (d) The Licence Holder or Assistant shall inspect the licensed site whilst in use at least every hour to ensure that tables and chairs are not outside of the licensed area.
- (e) If the licensed site is obstructed by roadworks or other hazard the Licence Holder may consult an Authorised Officer of the Council or failing that a Police Officer in uniform and produce their Licence. Temporary trading elsewhere whilst the obstruction persists shall be at the discretion of the Officer consulted. The name of the Council Officer or the number of the Police Officer must be noted by the Licence Holder.

## **7. SIZE**

- (a) The Licence Holder shall not place or cause to be placed on the street, a stall that exceeds the dimensions prescribed in the Street Trading Licence.
- (b) Stalls shall not exceed the dimensions unless prescribed in the Street Trading Licence.
- (c) Market stalls shall not exceed 3 metres by 3 metres (10 feet by 10 feet) or other dimension as specified in the Street Trading Licence.
- (d) The dimensions of all stalls prescribed in Licences shall include any towing bar or bracket or the like that remains projecting from the stall whilst trading is being conducted.
- (e) Displays outside shop premises shall not exceed the size prescribed in the Street Trading Licence. The Council will take into account any private forecourt and the available depth of footway.
- (f) In respect of catering establishments the number of tables and chairs on the street shall not exceed the numbers prescribed in the Licence.
- (g) The sizes of tables and chairs and parasols shall not exceed those prescribed in the Licence.

## **8. PERMITTED GOODS AND SERVICES**

- (a) Only those goods or services specified in the Licence may be displayed, used, provided or offered for sale.
- (b) In respect of displays outside shop premises, cash registers, scales and other measuring devices shall be contained within the shop and not brought onto the street, licensed site or the stall.
- (c) No advertisement shall be displayed on a stall or licensed site which relates to any goods or services other than those offered for sale or provided on the stall or licensed site.
- (d) A Street Trader shall not cause or permit a nuisance to be created by noise or smell emitted from the Licensed Pitch or type of display.

## **9. DEALING WITH THE PUBLIC**

- (a) Licence Holders and their assistant shall ensure that the public are treated fairly and with courtesy.
- (b) Licence Holders are responsible to ensure that assistants are competent, courteous and helpful.
- (c) Admission or service shall not be refused to any person on the grounds of gender, race, ethnic origin or the grounds of sexual orientation.
- (d) The Licence Holder shall not use or permit any activity, omissions or practice in the conduct of the business that will cause harassment to any person on the grounds of their disability, skin colour, religion, gender, age, sexual orientation and so on.
- (e) The serving of customers shall not take place in the road.

- (f) A Licence Holder or assistant offering a service shall make clear the nature and cost of that service by way of a notice on the stall or within the licensed area.
- (g) All goods shall be clearly marked with a price, and where appropriate an indication of the unit quantity in which they are being offered for supply.
- (h) Where the licensed site is in the road or adjacent, scales and cash registers shall be placed on the stall at the furthest point from passing vehicular traffic.
- (i) The customer should clearly be able to view the goods being weighed, measured etc. before they confirm their intention to purchase.
- (j) In respect of goods selected by customers from displays outside shops the requirement in Regulation 8(i) shall be carried out within the shop premises.
- (k) A Licence Holder or assistant shall not use a megaphone or amplification equipment or a loud voice to shout out the price of goods etc. in order to attract customers.
- (l) Radios or other audio equipment shall not be used in or around the licensed site other than by written agreement of the Council.

## **10. RECEPTACLES & CONSTRUCTION OF STALL**

- (a) Only those receptacles approved by the Council shall be used by the Licence Holder and assistants. Stalls shall not be formed by the use of old milk crates and the like and other receptacles notified to the Licence Holder by letter.
- (b) Goods must not be placed directly on the street unless specified in the Licence.
- (c) Where the Council has licensed the display of bulky furniture or the like outside shop premises on the street a suitable trolley to remove the goods shall be maintained within the shop.
- (d) Stalls shall be constructed so as not to become unbalanced or otherwise unstable.
- (e) Stalls shall be maintained in good order and free from protruding nails or other hazards likely to cause injury or damage to a person or their clothing.
- (f) No stall, part of the stall, accessory, table or chair shall be used if it is likely to damage the street.
- (g) A Licence Holder or assistant shall not bolt or otherwise secure temporarily or permanently anything to the street or street furniture.
- (h) Sites licensed for the displays of goods outside shop premises shall not incorporate any form of seating facility, nor may any seating be used or provided by the Licence Holder or assistant immediately outside the licensed site or elsewhere in the street other than on a private forecourt associated with the business.
- (i) Other Licence Holders shall not provide or use any form of seating facility outside of the licensed site (other than street furniture provided by the Council for public use) unless they have the written consent of the Council. Such permission may restrict their use to the Licence Holder and assistants and prescribe the number of seats, their construction, size and positioning together with other conditions.

## **11. ROOFING OF STALLS ETC.**

- (a) The distance between ground level and any support of the roof, awning or supports of the stall or goods suspended from any of these, shall be at least 2.4m unless otherwise specified in the Licence.
- (b) A Licensed Street Trader shall not permit the awning or roof of the stall to project outside the area of the pitch, save as provided in Regulation 11(c).
- (c) The awning or roof of a stall may project over the footway for a distance not exceeding 0.6 metres from the boundary of the pitch unless otherwise specified or restricted by a further condition of the Licence.
- (d) The roof or awning shall be safely constructed and must not shed water over customers or passers by.

(e) No awning other than a parasol may be used as part of a stall for displays outside catering establishments.

(f) A Street Trader, or his Assistant, shall immediately remove any Awning on the instruction of an Authorised Officer or a police constable and shall, in any case, remove any Awning outside the permitted hours for Street Trading.

## **12. ELECTRICITY SUPPLY ETC.**

(a) The only connection between stalls in the street and other premises shall be for the purposes of electric lighting and power for the operation of electronic scales, measuring equipment and cash registers and the testing of electrical goods or other agreed services; and any such electrical or other connections shall be readily detachable and the detailed arrangements agreed with the Council. No connection shall be made with any other stall.

(b) Where the Council provides an electrical supply system to the stall, the trader shall pay to the Council upon demand the installation costs and for the supply and maintenance of the service and equipment.

(c) All electric power supplies shall have the appropriate consent from the Council before seeking installation from the Electricity Board.

(d) All electrical wiring and components shall comply with the basic Electricity Board Specification and be earthed and insulated accordingly.

(e) All electrical cables that are suspended over the public footway shall have a minimum clearance of 2.4 metres from the footway surface, and 5.1 metres from the surface of the roadway.

(f) Any suspended lighting shall be safely protected and shall not expose the public, Licence Holder or assistants to any form of risk.

(g) In respect of displays outside shop premises and catering establishments, mains electrical power may be supplied from the permanent premises to the trading area providing that all equipment and wiring shall be placed, installed, maintained and operated in accordance with the provisions of the Health and Safety at Work, etc. Act 1974 and all other relevant Regulations.

(h) In all such cases an automatic circuit breaker must be installed within the premises between the point of supply and the equipment in the trading area.

## **13. GENERATORS**

(a) Electrical generators shall not be used at displays outside shop premises and catering establishments.

(b) When mobile electrical generators are permitted they shall be so positioned that:-

(i) they do not present a danger to the public, and

(ii) they do not present a fire or similar hazard risk to the stall or goods displayed thereon, or to persons engaged on or about the stall, and

(iii) they do not cause any noise or fume nuisance, and

(iv) any inflammable fuel is stored away from the stall in a container and position approved by the Council.

(c) Heat producing equipment shall be so placed within the licensed site as to offer maximum safety to the public. The position of any equipment in relation to other goods and materials shall be agreed with the Council in writing.

## **14. LOADING AND UNLOADING**

(a) Any cart, barrow, trolley or similar conveyance owned or hired by the Licence Holder or assistant shall not be used except for the purpose of loading, unloading and transporting goods.

(b) Loading and unloading shall be restricted to twenty minutes and resumption shall not occur until a further hour has elapsed.

- (c) Loading and unloading must not be continually interrupted by the serving of a customer.
- (d) The cart, barrow or trolley or similar conveyance used for replenishing or moving goods shall be stored on the Licence Holder's vehicle or at the storage facilities or in respect of displays outside shop premises within the shop premises and not on the street.
- (e) Loading or unloading shall be abandoned for any duration ordered by an Authorised Officer of the Council or Police Officer if in their opinion the activity obstructs pedestrian flow or causes any other form of obstruction or nuisance.
- (f) The Licensed Street Trader or his assistant shall not use a vehicle for loading or unloading at or near the licensed site unless it can lawfully be there.
- (g) Licence Holders or assistants shall replenish displays outside shop premises from stocks held within the shop premises and not directly from any vehicle.
- (h) A Street Trader, or his Assistant, shall ensure that there is no undue obstruction of vehicular or pedestrian traffic whilst re-stocking the Licensed Pitch or loading and unloading Goods or other articles used for or in the course of Street Trading. When, in the opinion of an Authorised Officer or a police constable, there is likely to be undue obstruction of vehicular or pedestrian traffic the Street Trader, or his Assistant, shall immediately cease re-stocking, loading or unloading and within 15 minutes clear any Goods or other articles used for or in the course of Street Trading or for re-stocking, loading or unloading from any position in the Street other than within the Licensed Pitch.
- (i) A Street Trader, or his Assistant, shall not place, keep or use a vehicle at or near his Licensed Pitch in contravention of any legal parking or loading restrictions nor shall a Street Trader, or his Assistant, place, keep or use a vehicle at or near his Licensed Pitch which does not display a current disc showing that any road tax, or similar, has been paid.

#### **15. REMOVAL OF STALLS ETC.**

- (a) Licence Holders and their assistants shall remove stalls, goods, tables and chairs and anything else under their control as directed for so long as may be necessary.
  - (i) In the event of an emergency and this shall include any public demonstration, congregation or disorder in the area, whether or not instructed by an Authorised Officer of the Council or Police Officer;
  - (ii) In the exercise of the Council's powers and duties which include the maintenance of the licensed site, to enable its re-marking and to check whether the stall is capable of being removed in accordance with these Regulations and
  - (iii) To enable statutory undertakings to maintain their services;
  - (iv) In order to accommodate customers confined to wheelchairs outside catering establishments the Licence Holder or assistants shall remove any surplus chairs, for the time being, to the place of storage
- (b) Stalls, goods, tables and chairs etc. shall be removed from the public highway to the place of storage, as stated on the application form, or such other alternative place subsequently agreed by the Council in writing, within 30 minutes of the time prescribed on the Licence for the end of trading on that day.
- (c) A Licence Holder electing to cease trading before the time denoted in the Licence shall remove the stall, goods, tables and chairs at that time to the place of storage.
- (d) A Licence Holder in respect of shop premises shall remove the stall(s) and goods on the cessation of trading and before closing the shop premises.
- (e) Where at an approved Street Festival the stall is hired or provided by the organiser or the agent, the Licence Holder shall be responsible for its erection, suitability, stability, dismantling and safe and prompt removal.
- (f) A Licence Holder upon production of Proof of Ownership may claim from the Council within 14 days of it coming into the Council's possession and without penalty (providing that it is not otherwise this subject of Legal Proceedings or a Seizure Order) anything that:-

- (i) not being within a licensed site was removed by an Officer of the Council because in their opinion it was a hazard or the like to the public;
- (ii) otherwise came into the Council possession and was identified as possibly being associated with the activity of Street Trading.

#### **16. PROVISION OF STALL BY THE COUNCIL**

- (a) The Licence Holder shall use any stall provided by the Council.
- (b) Where the Council provides, (lends, hires or lets) the stall, the Licence Holder shall be responsible for its care and safe custody and must not willfully or otherwise cause to it any damage.
- (c) The stall must either be on the licensed site, in the storage unit or in the course of being transported to and fro. It shall not be used for street trading or any other purpose elsewhere.
- (d) The stall when not in use shall be placed within the storage unit provided by the Council.
- (e) The Licence Holder shall secure the unit by the use of padlocks or other locking devices approved by the Council.
- (f) The Licence Holder shall keep the storage unit free from accumulations of refuse.
- (g) The Licence Holder shall make the storage unit available for inspection by an Authorised Officer of the Council and to enable its general maintenance.

#### **17. REFUSE**

- (a) In respect of traditional sites the Licence Holder and assistants shall ensure that all refuse arising as a result of the activities shall be placed in suitable covered containers provided by the Licence Holder exclusively for that purpose.
- (b) Such refuse containers shall be kept as clean as is reasonably practicable.
- (c) Refuse containers shall be sited in a location agreed with the Council. They shall be emptied whenever necessary into any vehicle, container, compactor, or place provided by the Council for that purpose.
- (d) Licence Holders and their assistants, in respect of footway displays outside shop premises and catering establishments shall ensure that any refuse arising from the external activities is properly stored and disposed of as part of the shop business.
- (e) No refuse shall be allowed to accumulate or be placed in the street.
- (f) No vehicle shall be used for the storage of such refuse.
- (g) The Licence Holder shall produce on demand to an Authorised Officer of the Council, proof of a contract for the disposal of trade refuse.
- (h) In respect of catering establishments the Licence holder shall also remove from tables any used and discarded receptacles.

#### **18. ATTENDANCE BY LICENCE HOLDER**

- (a) Traditional Licence Holders must be in attendance throughout the whole or part of the day that the stall is set up for trading unless engaged on the following:-
  - (i) A meal break or visit to the toilet.
  - (ii) Sickness of short duration.
  - (iii) Hospital, dental or doctor's appointment.
  - (iv) Occasional attendance at the office of an accountant, tax inspector, bank or Council cash office.
  - (v) On holiday.
  - (vi) Or for any other sufficient reason that may be approved by the Council from time to time.
- (b) In respect of displays outside shops and catering establishments the Licence Holders usual place of work shall be within the premises.

- (c) At approved Street Festivals the Licence Holder shall be in attendance at the stall throughout the event save that prescribed in 18(a)(i).
- (d) No Licence Holder shall sub-let the stall or any part of the stall or the licensed site, or install a manager to operate the Licence.
- (e) A Licence Holder if required by an Authorised Officer and/or Solicitor to the Council shall furnish the Council with a Medical Certificate obtained at the Licence Holders own expense or other documentary evidence to support the reasons for any continual or repetitive absences.

#### **19. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT ETC.**

- (a) The Licence Holder shall notify the Council of the names of any assistants within seven days of their commencement. This shall be by letter or on a form prescribed by the Council.
- (b) The Licence Holder shall give any other information regarding assistants as required by the Council.
- (c) A Licence Holder shall not have as an assistant any child in the business of street trading including the putting out or stocking of receptacles, clearance of refuse, attending a stall or any related activity.
- (d) A Licence Holder and assistant shall not bring or have care and control of a child whilst the business is being set up, operated or dismantled.
- (e) The failure of an Assistant to comply with the conditions of the Street Trading Licence held by the employer shall be deemed to be a failure by the Licence Holder.

#### **20. ADMINISTRATION**

- (a) Licence Holders and assistants must give every reasonable assistance to Council Officers and their contractors in carrying out their duties.
- (b) A Licence shall cease to have effect (*other than being revoked or having expired or on the death of the trader*) only upon it being surrendered by the Licence Holder in exchange for a written receipt at the Council's Offices.
- (c) A Licence Holder making application for the renewal of a Licence shall bring the completed application form and prescribed fee to the Council Officer by appointment. The three photographs prescribed in the Act if not already forwarded by the Licence Holder shall be handed to the Officer at this time.
- (d) A Licence Holder having appeared before a committee of the Council where, although there were sufficient grounds to revoke the Licence it was decided to deal with the matter by way of a Warning Letter shall acknowledge receipt of the Warning Letter by signing and dating and returning one copy of the letter to the Council in the envelope provided within 21 days of its receipt.
- (e) Licence Holders shall notify the Council in writing of any change of their title, name or home address as soon as it occurs.
- (f) The sending of letters and Notices from the Council by the General Postal Service to the last notified address by the Licence Holder shall be taken by the Council as proper and good service of documents.
- (g) All notifications (*excluding payments of weekly/monthly charges*) given by the Licence Holder to the Council shall be to the Council's address as it appears on the Licence or that subsequently amended and notified in writing to the Licence Holder.



## **Appendix D**

### **London Local Authorities Act 1990 Section 24**

#### **Designation of licence streets**

24 (1) If a borough council consider that street trading should be licensed in their area they may from time to time pass any of the following resolutions:—

- (a) a resolution (in this Part of this Act referred to as a “designating resolution”) designating any street within the borough as a “licence street”;
- (b) a resolution specifying in relation to any such street or any part of a street any class or classes of articles, things or services which they will, or other than which they will not, prescribe in any street trading licence granted by them in respect of that street; and may from time to time by subsequent resolution rescind or vary any such resolution:

Provided that a borough council shall—

- (a) before passing a designating resolution, consult with the Commissioner of Police of the Metropolis on their proposal; and
- (b) before rescinding or varying a designating resolution, consult with the licence holders trading in the street in question, or a body or bodies representative of them, on their proposal.

(2) At the appointed day for the purposes of this Part of this Act in a borough, the streets prescribed by any licences granted by the council of the borough in pursuance of powers contained in any of the enactments referred to in column (2) of Schedule 2 to this Act and then in force shall be deemed to have been designated as licence streets under a designating resolution.

(3) If a borough council pass a designating resolution the designation of the street shall take effect on the day specified in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

(4) A borough council shall not pass a resolution or rescind or vary a resolution under this section unless—

- (a) they have published notice of their intention to do so in a local newspaper circulating in their area;
- (b) they have served a copy of the notice on the highway authority for that street (unless they are that highway authority); and
- (c) where subsection (5) below applies, they have obtained the necessary consent.

(5) This subsection applies—

- (a) where the resolution relates to a street which is owned or maintainable by a relevant corporation; and
- (b) where the resolution designates as a licence street any street maintained by a highway authority; and in subsection (4) above “necessary consent” means—
  - (i) in the case mentioned in paragraph (a) above, the consent of the relevant corporation; and

(ii) in the case mentioned in paragraph (b) above, the consent of the highway authority.

(6) The following are relevant corporations for the purposes of this section:—

(a) British Railways Board;

(b) London Regional Transport;

\* \* \* \* \*

(d) Network Rail Infrastructure Limited; and

(e) Transport for London.

(7) The notice referred to in subsection (4) above shall—

(a) contain a draft of the resolution to which it relates; and

(b) state that representations relating to it may be made in writing to the borough council within such period, not less than 28 days after the publication of the notice, as may be specified in the notice.

(8) As soon as practicable after the expiry of the period specified under subsection (7) above, the borough council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period.

(9) After the borough council have considered those representations, they may if they think fit, pass such a resolution relating to the street as is mentioned in subsection (1) above.

(10) The borough council shall publish notice of the passing of such a resolution in a local newspaper circulating in their area on two consecutive weeks.

(11) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

## Appendix E

### LONDON BOROUGH OF MERTON LONDON LOCAL AUTHORITIES ACT 1990 PART III (as amended) STREET TRADING FEES

26<sup>th</sup> April 2021 - 31<sup>st</sup> March 2022

Unless otherwise stated all fees are for a period of 1 year.

#### Shop front licences

Type of licence	2021/22 application charge	2021/22 enforcement and compliance charge	2021/22 total charge
New Street Trading Licence (existing designated site) *	£176	50% of enforcement and compliance fee indicated by size below*	Variable
Licence Street Designation Fee (new sites)**	£1089	£1539	£2628
<b>Annual Shop Front Licence</b>			
Up to 1sqm	£59	£117*	£176
1 to 6sqm	£59	£637*	£696
6 to 12sqm	£59	£967*	£1026
12 to 18sqm	£59	£1299*	£1358
Over 18sqm	£59	£1929*	£1988
Variation of licence	£112	£0	£112

\* includes 6 month Temporary Licence fee charged at 50% of annual area rate.

Rates should be calculated from the table below.

\*\* Additional newspaper notice fees to be recharged to applicants c.£600

#### Designated sites

Type of licence	2021/22 application charge	2021/22 enforcement and compliance charge	2021/22 total charge
New Street Trading Licence (existing designated site) *	£176	£699*	£875
Following successful temporary licence (above)	£0	£1539	£1539

Licence Street Designation Fee (new sites)**	£1089	£1539	£2628
Renewal of Annual licence	£59	£1539	£1598
Variation of licence	£112	£0	£112

\* includes 6 month Temporary Licence fee

\*\* Additional newspaper notice fees to be recharged to applicants c.£600

## Temporary licences

Type of licence	2021/22 application charge	2021/22 enforcement and compliance charge	2021/22 total charge
1 to 2 days	£59	£56	£115
3 to 4 days	£59	£112	£171
5 to 6 days	£59	£168	£227
7 days	£59	£224	£283

Type of licence	2021/22 charge
<b>Mitcham and Morden Markets (Per pitch per day)</b>	
Market Registration Fee	£33
Regular Market non-food stalls	£10
Regular Market food stalls	£12
Casual Market trader non-food stalls	£17
Casual Market trader food stalls	£21
Variation of registration	£112

Type of licence	2021/22 charge
<b>Specialist Market – Other Areas</b>	
Market trader per month	£73
Market event up to 4 days	£586

Other licence fees	2021/22 charge
Request for Copy of Licence, loss/theft, change of name/address on licence	£38
Temporary Licence Extension (existing licence holders only)	£112

These fees are calculated to reflect the reasonable costs of the Council in administering street trading in the borough and include administration, regulation, enforcement and other costs incurred by the Council.

These costs do not include the advertising fees for new licence street designation. Please note that the costs incurred for any adverts **will be recharged** to the applicant.

**Appendix F**  
**Representations**  
None received