



Please reply to:

Contact: Matthew Williams
Service: Committee Services
Direct Line: 01784 446224
E-mail: m.williams@spelthorne.gov.uk
Date: 20 October 2023

Notice of meeting

Licensing Committee

Date: Monday, 30 October 2023

Time: 7.00 pm

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB

To the members of the Licensing Committee

Councillors:

S.A. Dunn (Chair)

O. Rybinski (Vice-Chair)

M.M. Attewell

E. Baldock

C. Bateson

R. Chandler

J.T.F. Doran

S.M. Doran

A. Gale

K.M. Grant

B. Weerasinghe

Substitute Members: Councillors K. Rutherford, S.N. Beatty, M. Beecher, M. Bing Dong, T. Burrell and M. Gibson

Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk Telephone 01784 451499

Agenda

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1. Apologies and Substitutes

To receive any apologies for absence and notification of substitutions.

2. Minutes

3 - 4

To agree the minutes of the meeting held on 15 December 2022 as a correct record.

3. Disclosures of Interest

To receive any disclosures of interest from Councillors in accordance with the Council's Code of Conduct for Members.

4. Gambling Act Policy 2024-2027 (Draft for Consultation)

5 - 82

To consider and approve the draft Statement of Gambling Policy 2024-2027 for consultation.

**Minutes of the Licensing Committee
15 December 2022**

Present:

Councillor R.W. Sider BEM (Chairman)
Councillor S.A. Dunn (Vice-Chairman)

Councillors:

C. Bateson	K.M. Grant	O. Rybinski
J.T.F. Doran	K. Howkins	B.B. Spoor

Apologies: Councillors Councillor C.L. Barratt, Councillor A.C. Harman and Councillor V. Siva

8/22 Minutes

The minutes of the meeting held on 18 October 2022 were agreed as correct record.

9/22 Disclosures of Interest

There were none.

10/22 Review and Setting of Fees & Charges for the Licensing of Hackney Carriages, Private Hire and Private Hire Operators

The Principal Licensing Officer reported on the review and setting of fees and charges for the licensing of Hackney Carriages, Private Hire and Private Hire Operators. All licence holders were notified on 28 October 2022 to seek their views on the proposed hackney carriage and private hire licence fees. Following the 28-day consultation period, the licensing authority had received three objections from licence holders on the proposed fees and charges.

The Principal Licensing Officer summarised the objections received which included the fees being in the best interest of the council; the fees had not increased since the tariff change in 2015; there was no taxi sign for the main side of Staines-Upon-Thames railway station; there was a lack of work and a suggestion that the Council had not provided taxi jobs.

The Committee noted that only a small number of objections had been received considering the number who were notified, and that a majority of concerns addressed in the objections were out of the Council's control.

It was proposed by Councillor Bateson and seconded by Councillor Doran and **resolved** that the proposed fees and charges be rounded down to the nearest pound.

It was proposed by Councillor Bateson and seconded by Councillor Rybinski and **resolved** that the proposed fees and charges shall come into force from 1 January 2023.

The Committee **Resolved** to agree with the proposed taxi and private hire fees and charges set out in Appendix A of the report.

Licensing Committee



30 October 2023

Title	Gambling Act Policy 2024-2027 Draft for Consultation.
Purpose of the report	To make a decision
Report Author	Lucy Catlyn, Principal Licensing Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not Applicable
Corporate Priority	Community Environment Service delivery
Recommendations	Committee is asked to: Licensing Committee is asked to approve the draft Statement of Gambling Policy 2024-2027 for consultation in accordance with the timetable specified in this report
Reason for Recommendation	Statutory requirement under the Gambling Act 2005

1. Summary of the report

1.1 This report seeks to obtain authority from the Licensing Committee to approve the draft Statement of Gambling Policy 2024-2027 for consultation in accordance with the timetable specified in this report.

2. Key issues

2.1 The Gambling Act 2005 places a duty on local authorities to licence gambling premises.

2.2 The Act requires all local authorities to produce a Statement of Gambling Principles (the Policy) which licensing officers must give consideration to when determining gambling licence applications for their district.

2.3 It should be noted that functions in relation to the three-year policy statement cannot be delegated and remain functions of the Council.

2.4 The form and content of the draft policy is prescribed by The Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.

2.5 The Gambling Commission's latest 'Guidance to Licensing Authorities' dated 13 May 2021 has been taken into account in drafting this review.

- 2.6 Policy development must also take into account the ‘Guidance to Licensing Authorities’.
- 2.7 The Gambling Policy must be reviewed every three years.
- 2.8 Spelthorne Borough Council’s existing policy was approved by this Committee in December 2018 and was valid for the following 3 years. The Policy was not reviewed in December 2021 due to the Coronavirus Pandemic and staff resourcing which resulted in high priority to other work.
- 2.9 A summary of the total number of various difference type of licensed gambling premises in Spelthorne are provided in the table below:

Betting Shops		12
Adult Gaming Centre		1
Track Betting		1
Gaming Machine Notification		35
Club Machine Permit		7
Gaming Machine Permit		8
Club Gaming Permit		3
Bingo		0
Casino		0

- 2.10 The proposed changes to the draft policy attempt to improve the document and clarify any issues, there are changes to wording, additional text and amendments to elaborate and/or make it clearer. In addition, the Local Area Profile (LAP) has been changed so that the new corporate version is linked to the policy.
- 2.11 In addition the length of the draft policy is dictated by the information that has to be included from a legal point of view.
- 2.12 There have not been any substantial changes to the gambling legislation since the last policy review in 2018. Before a revised draft policy can be published Spelthorne must consult with certain stakeholders. There is discretion to consult more widely and the list of organisations and groups that will be consulted are contained in Annex 2 of the draft policy.
- 2.13 The written consultation will allow 8 weeks for responses. The proposed timescale as outlined in this report will achieve this recommendation.
- 2.14 A copy of the draft policy is attached at **Appendix 1**.

3. Options analysis and proposal

- 3.1 The preferred option is for Licensing Committee to approve the draft policy so that it can go out to consultation with relevant stakeholders in accordance with the timetable set out in this report.
- 3.2 The Licensing Committee may also amend the policy.
- 3.3 Licensing Committee is asked to approve the draft Statement of Gambling Policy 2024 – 2027 for consultation.

4. Financial implications

- 4.1 There are no financial implications resulting from the matters considered in this report. Costs associated with consultation and publication are minimal and will be met from within existing Licensing budgets.

5. Risk considerations

- 5.1 Audit have advised:

Risk: A lack of governance in relation to the Gambling Act 2005 may result in a failure to fulfil the Council's statutory requirements.

Mitigation: The Statement of Gambling Policy 2024-2027 is aligned with the licensing objectives as set out in section 1 of the Act. The licensing objectives referenced are:

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

Risk: Failure to achieve the licensing objectives set out in the Gambling Act 2005 would imply that the Council is not as effective as it could be in achieving its duty and regulatory functions as a licensing authority.

Mitigation: In carrying out its licensing functions the Council will have regard to guidance issued by the Gambling Commission, the Gambling Commissions licence conditions, and codes of practice.

Risk: An approved Gambling Policy and mechanisms for regular policy review is not in place.

Mitigation: The production and approval of the Statement of Gambling Policy 2024-2027 demonstrates that the Council conforms with the requirement of the Gambling Act 2005.

6. Procurement considerations

- 6.1 This report refers to a draft policy for which there are no Procurement considerations.

7. Legal considerations

- 7.1 Under section 349 of the Gambling Act 2005, a Licensing Authority must prepare and publish the policy they propose to apply in exercising their functions under the Act.
- 7.2 Before determining a statement of policy, the licencing Authority has a statutory duty to consult, and before a statement comes not effect it must be published and advertised.
- 7.3 Prior to the policy coming into effect, it must be advertised in accordance with the Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.

8. Other considerations

- 8.1 In revising the policy and conducting the required consultation the Council will meet the requirements of the Gambling Act 2005.

9. Equality and Diversity

- 9.1 The Council's draft Gambling Policy has been drafted with Equalities issues being considered in the context of the licensing objectives and local area plan. Specifically relevant to people with protected characteristics is the Licensing objective to protect children and other vulnerable persons from being harmed or exploited by gambling. This engages the characteristics of age and potentially disability.
- 9.2 An Equalities Screening Assessment has been carried out. The revised draft policy does not have any impact on protected characteristics.
- 9.3 Members are referred to section 1.5.1 of the draft Policy which sets out how the authority intends to protect children and to section 2.3 concerning Local Risk Assessments, which take into account factors such as the location of premises and their proximity to schools, nurseries, childcare facilities, centres for the care of vulnerable adults and or children, including facilities for the disabled and residential areas with a high concentration of children or older persons, demonstrating that the Council has had due regard to Equalities issues throughout.
- 9.4 The Local Area Plan contains key demographic information for the borough with regard to the protected characteristics under the Equality Act 2010.

10. Sustainability/Climate Change Implications

- 10.1 There are none.

11. Timetable for implementation

- 11.1 In revising the draft policy and conducting the required consultation the Council will meet the requirements of the Gambling Act 2005.
- 11.2 The proposed timetable is as follows:
- Report to Licensing Committee on 30 October 2023 to obtain approval to consult on the revised draft policy.
 - Consult with stakeholders between 10 November 2023 and 5 January 2024.
 - Report to Licensing Committee on 30 January 2024 to seek a recommendation to adopt a final proposed policy.
 - Recommendation to Council on 22 February 2024 to adopt the final proposed policy.

12. Contact

- 12.1 Lucy Catlyn, Principal Licensing Officer (01784 444295)
l.catlyn@spelthorne.gov.uk or licensing@spelthorne.gov.uk

Background papers

The Gambling Act 2005 <http://www.legislation.gov.uk/ukpga/2005/19/contents>

The Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006. <https://www.legislation.gov.uk/uksi/2006/636/contents/made>

The Gambling Commission's latest 'Guidance to Licensing dated 13 May 2021
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Gambling Commission - Licence Conditions and Codes of Practice dated 31 October 2020
Licence Conditions and Codes of Practice - Gambling Commission

Appendices:

Appendix A – Spelthorne's Gambling Act Policy 2024-2027 (draft for consultation)

Appendix B – Spelthorne's Gambling Act Policy 2019-2022

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**DRAFT Spelthorne Borough Council
Statement of Gambling Policy
2024-2027**

Statement: INSERT DATE WHEN ADOPTED

This Statement of Principles was approved by Spelthorne Borough Council on **INSERT DATE** and comes into effect on **INSERT DATE**. It replaces Spelthorne Borough Council previous Policy (published on 13 December 2018) and will remain in force for no more than three years, or sooner if required.

All references to the guidance refer to the Gambling Commission's Guidance to Licensing Authorities, dated 1 April 2021 and last updated 11 April 2023

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*Page numbers will be inserted into the above table of contents with links to the sections when the policy is finalised.

APPENDIX A

1. INTRODUCTION

1.1 The Gambling Act 2005

1.1.1 General Statement of Principles

Spelthorne Borough Council ('The Council') has a duty to license a wide variety of premises, these include casinos, betting shops, bingo halls, pubs, clubs, and amusement arcades. The council is the Licensing Authority for the purpose of the Gambling Act 2005 and the relevant guidance and codes of practice.

In carrying out its licensing functions the Licensing Authority will have regard to guidance issued by the Gambling Commission, the Gambling Commissions licence conditions and codes of practice.

The Licensing Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met, the Licensing Authority will maintain close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

Where children and other vulnerable people are allowed access premises where gambling takes place, the Licensing Authority may take whatever steps it considers necessary to either limit access generally or by introducing measures to prevent under-age gambling.

The Licensing Authority will not normally seek to limit the access of children to any premises unless it receives representations to that effect, or it believes it is right to do so for the prevention of their physical, moral, or psychological harm.

Applicants seeking premises licences are encouraged to propose prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

The overriding principle is that each application and the circumstances prevailing at each premise will be considered on their own individual merits.

The Licensing Authority acknowledges that when exercising licensing functions under the 2005 Act, it should have regard to this Policy. However, in rare cases, being reasonably consistent with the licensing objectives may lead it to make exceptions to policies or depart from the Guidance. The Guidance and this Policy cannot anticipate every possible scenario or set of circumstances that may arise and exceptions will be rare.

1.1.2 The Functions of Licensing Authorities

The Gambling Act 2005 ('the Act') places a duty on Licensing Authorities in respect of various regulatory functions in relation to gambling. The main functions of Licensing Authorities are: -

- Licensing premises for gambling activities.
- Considering notices given for the temporary use of premises for gambling.
- Granting permits for gaming and gaming machines in clubs and miners' welfare

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institutes¹ (where appropriate).

- Regulating gaming and gaming machines in alcohol licensed premises.
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines.
- Granting permits for prize gaming.
- Considering occasional use notices for betting at tracks
- Registering small societies' lotteries

The Gambling Commission has responsibility for dealing with personal licences and operating licences.

1.1.3 The Licensing Objectives

The Act regulates almost all gambling that takes place in England and Wales, with exception of exempt gambling as specified under the Act and the National Lottery which has its own legislation.

Responsibility for administering and enforcing the legislation is split between the Gambling Commission and Licensing Authorities. For the purposes of the Act Spelthorne Borough Council ('the Council') is the Licensing Authority.

The overriding objective of the Licensing Authority is to regulate gambling in the public interest. Accordingly, in exercising the functions under the Act, the Licensing Authority will have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

When exercising functions for the licensing of premises for gambling, Licensing Authority will also act in accordance with section 153 of the Act which requires the Licensing Authority to permit the use of premises for gambling as far as they believe: -

- a) is in accordance with any relevant code of practice under section 24.
- b) is in accordance with any relevant guidance issued by the Commission under section 25.
- c) is consistent with the licensing objectives (subject to paragraphs (a) and (b)).
- d) is in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

Section 153(2) of the Act states that when determining an application licensing authorities cannot consider demand for facilities to be provided at gambling premises.

1.2 Spelthorne Borough – Local Area Profile

Spelthorne's local area profile is an assessment of the local environment and identifies the

¹ Definition: - also known as working men's clubs, workingmen's institutes, mine workers' institutes, or miners' welfare halls.

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key characteristics of the Borough. It is intended that the local area profile will provide the Council's staff, operators, and public with a better understanding and awareness of the gambling-related risks in the Borough. In this context, risk includes actual and potential risk and considers any future or emerging risks.

Located in Surrey, approximately 16 miles from central London, Spelthorne benefits from good transport links to both London and the southeast via both the road and rail network. In addition, the proximity of Heathrow Airport and easy access to Gatwick via the motorway network further serves to make the Borough accessible and attractive to both individuals and businesses.

Covering an area of approximately 19.75 sq. miles, Spelthorne has a population of approximately 103,000 (2021 Census) compared to 95,598 in 2011. Over that ten-year period there has been a marginal increase in the under 19's (from 22.7% to 22.9%), a decrease in the working age population from 59.8% to 58.8% and an increase in over 65's (from 17.4% up to 18%). It is home to over 7,500 businesses including BP, Pinewood (Shepperton Studios), dnata and Woodgroup Ltd. Kempton Park is a key visitor attraction.

Located where the continuous built-up area of London gives way to a more dispersed pattern of urban areas and villages. The urban area of the Borough occupies about 35% of the total area, while the land outside the urban area covers about 65% of the Borough and is designated as Green Belt. 22% of the Borough is water.

Spelthorne adjoins the River Thames with the river frontage extending for 12 miles (the longest stretch of any council) and demarcates one of the boundaries of the Borough. The Borough is also crossed by two tributaries, the Ash and the Colne. The Borough is flat and low lying and consequently liable to flooding. About 20% of the urban area is liable to flood in a 1 in 100-year flood event or surrounded by flood water and over 49% of the urban area would be flooded in a 1 in 1,000-year event.

The Local Area Profile itself is a separate document from this policy, this enables timely changes to the profile to be made as and when changes occur, or additional information is made available. This can be found here: - [Spelthorne population data - Spelthorne Borough Council](#). A Map of Spelthorne is set out at **Annex 1**.

1.3 Consultation

The full list of consultees consulted in the preparation of this Statement of Policy is attached as **Annex 2**.

1.4 Declaration

This statement of policy has been prepared with due regard to the licensing objectives, the guidance to licensing authorities issued by the Gambling Commission, and with due weight attached to any responses received from those consulted.

1.5 Responsible Authorities

The Responsible Authorities, as defined by section 157 of the Act, must be notified of all gambling licence applications. Details of the Responsible Authorities are provided at **Annex 3**.

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Concerns expressed by a Responsible Authority in relation to their own functions can only be considered if they are relevant to the application itself and the licensing objectives. In this regard the Council will not generally consider representations that are deemed to be irrelevant, that is: -

- there are too many gambling premises in the locality.
- the premises are likely to be a fire risk.
- the location of the premises is likely to lead to traffic congestion.
- the premises will cause crowds to congregate in one area causing noise and nuisance.

Each representation will be considered on its own merits.

1.5.1 Protection of children

Section 157(h) of the Act permits the Council's to designate a competent body to advise them on the protection of children from harm. In doing so the Council will ensure that the following principles are applied: -

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

Having regard to the above principles and part 6 of the Guidance, the Council designates the **Surrey County Council Children's Service** for this purpose.

1.6 Interested Parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. The Act defines interested parties as persons who in the opinion of the Licensing Authority: -

- a) live sufficiently close to the premises and are likely to be affected by the authorised activities.
- b) have business interests that might be affected by the authorised activities.
- c) represent persons who satisfy paragraph (a) or (b).

Whether or not a person is an interested party is a decision that will be taken by the Licensing Authority on a case-by-case basis. However, the following factors will be considered: -

- the size of the premises.
- the nature of the premises.
- the distance of the premises from the location of the person making the representation.
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment).
- the nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident; (b) a residential school for children with truanting problems; and (c) residential hostel for vulnerable adults.

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

This list is not exhaustive and other factors may be taken into consideration in an individual case.

The Licensing Authority considers the following bodies/associations to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities: -

- trade associations
- trade unions
- residents' and tenants' associations
- ward/county councillors
- MPs

This list is not exhaustive, and the Licensing Authority may consider other bodies/associations/ persons to fall within the category in the circumstances of an individual case.

The Licensing Authority may require written evidence that the person/association/body represents an interested party.

1.7 Exchange of Information

The Licensing Authority regards the lawful and correct treatment of information as very important to the successful and efficient performance of the Licensing Authority's functions, and to maintaining confidence between the people/bodies we deal with and ourselves. We ensure that our organisation treats information lawfully and correctly.

Information provided to the Licensing Authority in connection with the Gambling Act may not be held confidentially if in fulfilment of its functions the Council is under a duty to share the information, with for example: -

- the Gambling Commission
- other public bodies, or
- legitimate consultees

In handling the information it receives consideration will be given to guidance issued by the Gambling Commission, and to the Council's duties under the General Data Protection Regulations, and the Freedom of Information Act.

Any person wishing to obtain further information about their rights under the Data Protection Act 2018, Freedom of Information Act 2000, or the General Data Protection Regulations may view the Council's policies at www.spelthorne.gov.uk

1.8 Enforcement

The Act requires licensing authorities to state the principles they will apply when exercising their functions under Part 15 of the Act, with regards to inspecting premises, and its powers under section 346 of the Act to institute criminal proceedings in respect of the

offences specified. The Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be: -

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

In accordance with the Gambling Commission's Guidance to Licensing Authorities, The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as is reasonably possible.

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

- The licensing objectives.
- Relevant codes of practice.
- Guidance issued by the Gambling Commission, particular with reference to Part 36.
- The principles set out in this statement of licensing principles.

The Licensing Authority's main enforcement and compliance role in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. In the application of its duties the Licensing Authority will have regard to the principles of "Better Regulation" as outlined by the Department for Business Innovation and Skills in the regulators code April 2014.

1.9 Reviews of Premises Licences

Requests for a review of a premises licence can be made by interested parties or responsible authorities (it should be noted that there is no mechanism to review any permit or notice). However, it is for the Licensing Authority, to decide whether a request will result in a review. Such a decision will be taken in consideration of, amongst other matters, the following: -

- any relevant code of practice or guidance issued by the Gambling Commission.
- the licensing objectives.
- the Licensing Authority's Statement of Policy.
- whether the request is considered frivolous, vexatious, or whether it will certainly not cause the authority to wish to alter or revoke or suspend the licence.
- whether the request is substantially the same as previous representations or requests for a review.

The Licensing Authority may also initiate a review of a premises licence. The purpose of such a review would be to determine whether it should take any action in relation to the licence. Following a review, the actions open to the Licensing Authority are: -

- add, remove, or amend a licence condition imposed by the Licensing Authority.
- exclude a default condition imposed by the Secretary of State or remove or amend such an exclusion.

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- suspend the licence for any period not exceeding three months.
- revoke the licence.

In considering what action, if any, should be taken following a review the Licensing Authority must have regard to the principles set out under section 153 of the Act, as well as any relevant representations.

2. Premises Licences

2.1 Decision making – General

In accordance with Section 153 of the Act, the Council shall aim to permit the use of premises for gambling in so far as it considers it to be: -

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

The Council will not have regard to demand for facilities proposed to provide, or the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

Moral objections to gambling will not be considered by the Council as they are not a valid reason for rejecting an application for a premises licence.

Each case will be considered on its individual merits. However, to assist applicants and objectors alike, this section sets out the general factors that will be considered by the Licensing Authority when considering applications for premises licences.

This authority notes the Commission's view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises.

Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome, and collect any winnings.

2.2 Premises "ready for gambling"

The Licensing Authority should not take into consideration matters that are not related to gambling and the licensing objectives. Licensing Authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. (Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence). This is why the Act allows a potential operator to apply for a provisional statement if construction of

the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. Part 11 of the Guidance gives more information about provisional statements.

2.3 Local Risk Assessments

The location of premises may be relevant to the promotion of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern:

- Schools
- Vulnerable adult centres
- Residential areas with a high concentration of children

Much will depend upon the type of gambling that it is proposed will be offered on the premises. The Council will, where appropriate, consider the location on a case-by-case basis. If the proposed location does pose a risk to the promotion of the licensing objectives, the applicant will be invited to show how they propose to overcome such concerns. The Gambling Commission has introduced provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures, and control measures to mitigate those risks. The introduction, during 2016, of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission, and the industry to work in partnership to address local issues and concerns.

Licensees must review (and update as necessary) their local risk assessments: -

- to take account of significant changes in local circumstances, including those identified in a Licensing Authority's statement of licensing policy.
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- when applying for a variation of a premises licence.
- and in any case, undertake a local risk assessment when applying for a new premises licence.

Licensees are expected to share their risk assessment with the Licensing Authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

When compiling their risk assessments, it is expected that licensees will refer to Spelthorne's Local Area Profile.

Under the code of practice, the requirement to share risk assessments with the Council is not mandatory; however, the Council will expect licensees to do this unless there are exceptional circumstances that are accepted by the Council, and which would exempt a licensee from the requirement to share their risk assessment.

The Council will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area of deprivation
- Whether the premises is in an area subject to high levels of crime and/or disorder
- The ethnic profile of residents in the area

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- The demographics of the area in relation to vulnerable groups
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

Where specific local risks are identified, the risk assessment should set out how the operator proposes to mitigate and monitor these risks. The risk assessment should also show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and any other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

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

2.4 Plan

The Licensing Authority expects applications for premises licences to be accompanied by a plan of the premises to scale.

2.5 Multiple licences / layouts of buildings

Premises are defined in the Act as including 'any place', but no more than one Premises Licence can apply in relation to any one place. A single building can be subject to more than one Premises Licence, provided they are for different parts of the building and those parts can reasonably be regarded as being different premises.

The Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes.

The Licensing Authority will consider this and other relevant factors when making its decision, depending on all the circumstances of the case.

Paragraph 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which the Licensing Authority will consider in its decision-making.

In accordance with the Gambling Commission guidance, an overriding consideration will be 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.

2.6 Provisional Statements

Developers may wish to apply for a provisional statement before entering into a contract to buy or lease premises or land so that they can judge whether the development is worthwhile. There is no requirement for an applicant to hold an operating licence before applying for a provisional statement. Applicants must comply with section 204 of the Act.

2.7 Licence Conditions and Codes of Practice

The Licensing Authority will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

Further provisions about self-exclusion and marketing are included in the social responsibility code. The Licensing Authority will take all conditions and codes into account when considering applications or performing enforcement activities.

2.6 Risk Assessments: Betting Premises

Risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The code requires all operators of Casinos, Adult Gaming Centres, Bingo Premises, Family Entertainment Centres, Betting shops, and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures, and control measures in place to mitigate those risks.

Operators are required by the Social Responsibility code to make the risk assessment available to the Licensing Authority when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the Licensing Authority's inspection regime and may be requested when officers are investigating complaints.

While applications will be considered on a case-by-case basis, the matters to be considered by operators when making their risk assessment could include: -

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- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall.
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment, and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
- Matters relating to children and young persons, including: -
 - Institutions, places, or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds, and entertainment venues such as bowling allies, cinemas etc.
 - Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
 - Areas that are prone to issues of youths participating in anti-social behaviour (including such activities as graffiti/tagging, underage drinking, etc.) and therefore more likely to have a higher number of youths loitering in close proximity.
 - Recorded incidents of attempted underage gambling.
- Matters relating to vulnerable adults, including: -
 - Information held by the licensee regarding self-exclusions and incidences of underage gambling.
 - Gaming trends that may mirror days for financial payments, such as pay days or benefit payments.
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
 - Proximity of premises which may be frequented by vulnerable people such as those in hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.

This list is not intended to be exhaustive, and operators should include in their assessment any matter that they deem relevant. The Licensing Authority does expect any assessment to include information on the provisions of information on gambling responsibly, as well as self-exclusion measures – and how readily available both are on a premises.

2.9 Conditions

Conditions may be imposed upon a premises licence in several ways. These are: -

- (a) **Mandatory** – set by the Secretary of State (some set out on the face of the Act) and some to be prescribed in regulations, for all, or classes of licence.
- (b) **Default** – to be prescribed in regulations made by the Secretary of State, to be attached to all or classes of licences unless excluded by the Licensing Authority.
- (c) **Specific** – conditions that can be attached to an individual licence by the Licensing Authority.

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Conditions imposed by the Licensing Authority will be proportionate to the circumstances that they are seeking to address. In particular, the Licensing Authority will ensure that premises licence conditions:

- are relevant to the need to make the proposed building suitable as a gambling facility.
- are directly related to the premises and the type of licence applied for.
- are fairly and reasonably related to the scale and type of premises.
- are reasonable in all other respects.

The Licensing Authority will not apply conditions upon a premises licence in relation to the following matters: -

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition.
- Conditions relating to gaming machine categories, numbers, or method of operation.
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated).
- Conditions in relation to stakes, fees, winning or prizes.

Conditions that are additional to the mandatory and default conditions will only be imposed where there is evidence of a risk to the licensing objectives.

2.10 Door Supervisors

If the Licensing Authority do consider it necessary to impose a condition on a premises licence requiring the presence of door supervisors, such persons will be required to hold the appropriate licence from the Security Industry Authority (SIA).

This requirement does not apply to door supervisors at licensed casino or bingo premises, who are exempt from the licensing requirements of the Private Security Industry Act 2001.

The Licensing Authority will only impose a condition requiring door supervisors where such a condition is considered necessary and proportionate to be compatible with the licensing objectives.

2.11 Adult gaming centres

Adult gaming centre premises provide higher pay-out gaming machines. Persons operating this type of gaming centre must obtain an operating licence from the Commission and a premises licence from the Licensing Authority. This will allow the operator to make category B (B3 and B4), C & D machines available to their customers. No one under the age of 18 is permitted to enter an adult gaming centre.

“Gaming machines” means “a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes).”

When considering licence applications for adult gaming centres, weight will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Licensing Authority will therefore expect applicants to demonstrate that there will be sufficient measures in place about this objective.

Applicants are encouraged to consider the following steps: -

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Location of and entry to premises (to minimise the opportunities for children to gain access)
- Notices / signage
- Training for staff on challenging persons suspected of being underage.
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Betwatch schemes

This list is not exhaustive and is merely indicative of example measures.

2.12 Licensed family entertainment centres

Operators of licensed family entertainment centres will require an operating licence from the Gambling Commission, and a premises licence from the Licensing Authority. This will allow the operator to make category C & D machines available to their customers.

Children and young persons will be able to enter licensed family entertainment centres and play on category D machines but will not be permitted to play on category C machines. As family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the Licensing Authority will normally require that: -

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective 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.
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited for persons under 18.

Applicants are therefore encouraged to consider the steps set out in this policy in order to prevent children and young persons from gaining access to category C machines. In addition, applicants are encouraged to consider the following: -

- Physical separation of areas.
- Measures / training for staff on how to deal with suspected truant school children on the premises.

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

2.13 Tracks

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Tracks are sites (including racecourses and dog tracks) where a race or other sporting events take place. Operators of tracks will require a premises licence from the Licensing Authority, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

It will be a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided, and any area where a gaming machine, other than a category D machine, is situated. Special dispensation from this rule is provided for dog tracks and horse racecourses, on days when racing takes place, in relation to the areas used for betting. On these days families will be entitled to attend the track or racecourse, and children enter the areas where facilities for betting are provided. This race day dispensation does not apply to the areas where gaming machines of category B & C are provided, and the Licensing Authority will therefore wish to ensure that suitable measures are in place to prevent children from entering such areas.

Applicants should consider the steps set out in this policy to prevent the access of children and young people to machines of category B & C. In addition, applicants should consider the following: -

- Physical separation of areas.
- Measures / training for staff on how to deal with suspected truant school children on the premises.

Gaming machines at Tracks

Holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to four gaming machines (categories B2 to D) on the track.

The Licensing Authority will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.

Condition on rules being displayed at Tracks

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

Applications and plans for Tracks

The Licensing Authority will require the following information from applicants for premises licences in respect of tracks: -

- detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”).
- in the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.
-

Plans will need to make it clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate

application for a different type of premises licence.

2.14 Travelling Fairs

It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. It has been noted that the 27-day statutory maximum for the land being used as 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.

2.15 Casinos

No Casinos resolution - The Licensing Authority has not issued a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

2.16 Betting Premises

This paragraph deals with off-course betting, that is betting that takes place other than at a track (commonly known as a licensed betting office). Operators of betting premises will require an operating licence from the Gambling Commission and a premises licence from the Licensing Authority.

The holder of a betting premises licence may make available for use up to four gaming machines of category B (B2, B3 or B4), C or D.

The Licensing Authority may, in accordance with section 181 of the Act, restrict the number of betting machines, their nature, and the circumstances in which those machines are made available for use. When considering whether to impose such a condition, the Licensing Authority will consider the following: -

- the size of the premises.
- the number of counter positions available for person-to-person transactions.
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

The Licensing Authority will therefore expect applicants to have fully considered these issues in their application and risk assessments and may ask for alterations to plans where it is not satisfied that adequate supervision of the machines can be ensured. The Licensing Authority will only restrict the number of betting machines where there is evidence that breaches of the licensing objectives have occurred or are likely to occur.

2.17 Bingo

Operators of premises offering bingo (cash or prize) will require a bingo operating licence

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from the Gambling Commission, and a Premises Licence from the Licensing Authority. The holder of a bingo premises licence may, in addition to bingo in all its forms, make available for use up to four category B gaming machines (B3 & B4) and any number of category C & D machines.

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

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective 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.
- 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.

2.18 Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operator's licence wishes to use the premises temporarily for providing facilities for gambling.

If objections are received to a temporary use notice (from the Police, Gambling Commission, HM Revenues & Custom or any other Licensing Authority in whose area the premises are situated, the Council will hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

If the Council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it will issue a counter-notice which may: -

- prevent the temporary use notice from taking effect.
- limit the activities that are permitted.
- limit the time period of the gambling.
- allow the activities to take place subject to a specified condition.

The Council will apply the principles set out in this Statement of Policy to any consideration as to whether to issue a counter-notice.

2.19 Occasional Use Notices (OUNs)

Occasional Use Notices allow licensed bookmakers to provide betting facilities at genuine sporting events for a short period of time, without needing a full betting premises licence. The event must be temporary or infrequent. For example, at point-to-point racecourses or major golf tournaments.

3 Permits

3.1 Unlicensed Family Entertainment Centre gaming machine permits

Paragraph 3.1 constitutes a Statement of Principles in accordance with paragraph 7 of Schedule 10 of the Act. Unlicensed family entertainment centres (UFECs) require a permit from the local Licensing Authority. Permits have effect for 10-years unless they are surrendered or lapse.

Unlicensed family entertainment centres will be able to offer category D machines if granted a permit by the Licensing Authority. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence (thereby becoming a licensed family entertainment centre) from the Gambling Commission and a premises licence from the Licensing Authority.

The Council can grant or refuse an application for a permit but cannot attach conditions. The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The Council will also expect applicants to include/demonstrate: -

- what staff should do if they suspect that truant children are on the premises.
- how staff should deal with unsupervised young children on the premises.
- how staff should deal with children causing perceived problems on or around the premises.
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act);
- that staff are trained to have a full understanding of the maximum stakes and prizes.

3.2 (Alcohol) Licensed premises gaming machine permits

Premises licensed to sell alcohol for consumption on the premises, can automatically have two gaming machines, of categories C and/or D. The holder of the premises licence under the Licensing Act 2003, authorising the sale of alcohol will simply need to notify the Licensing Authority, and pay the prescribed fee.

The Licensing Authority may remove the automatic authorisation of any particular premises if: -

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
- gaming has taken place on the premises that breaches a condition of section 282 of the Act.
- the premises are mainly used for gaming.
- an offence under the Act has been committed on the premises.

If a premises wishes to have more than two machines, then the holder of the premises licence will need to apply for a permit. The Licensing Authority shall consider that application having regard to the licensing objectives, any guidance issued by the

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Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

The Licensing Authority shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Licensing Authority will expect applicants to demonstrate: -

- That there will be sufficient measures in place to ensure that under 18-year-olds do not have access to the adult only gaming machines.
- Measures may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
- Notices and signage.

With respect to the protection of vulnerable persons, the Licensing Authority will expect applicants to provide information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. An application for an Adult Gaming Centre premises licence would be necessary in these circumstances. The Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. The Licensing Authority will not attach any other conditions in granting such an application.

The holder of such a permit will be required to comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

3.3 Prize gaming permits

Applicants for prize gaming permits should set out the types of gaming that he or she is intending to offer. The applicant will be required to demonstrate:

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

In making its decision on an application for this type of permit the Licensing Authority does not need to have regard to the licensing objectives but will have regard to any Gambling Commission guidance. Weight will be given to child protection issues. Relevant considerations are likely to include the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises. Applicants for prize gaming permits must disclose any previous relevant convictions to the Licensing Authority.

The Licensing Authority may grant or refuse an application for a permit but will not attach any conditions. However, there are four conditions in the Act that permit holders must comply with. These are: -

- the limits on participation fees, as set out in regulations.
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and

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

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

3.4 Club gaming and club machine permits

Members clubs (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming and games of chance.

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit, which will enable the premises to provide gaming machines (three machines of categories B3A, B4, C or D).

Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally.

The Licensing Authority will only refuse such an application on one or more of the following grounds: -

- the applicant does not fulfil the requirements for a members' or commercial club or 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 condition 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.
- an objection has been lodged by the Gambling Commission or the Police.

There is a 'fast-track' procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which an authority can refuse a permit are reduced.

The grounds on which an application under the fast-track procedure may be refused are;

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

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The Licensing Authority may grant or refuse an application for a club gaming or club machine permit, but will not attach any conditions. However, there are several conditions in the Act that the holder must comply with.

3.5 Cancellation of Permits

3.5.1 Gaming /Machine Permits

The authority may cancel a permit in specified circumstances, which includes if the premises are used wholly or mainly by children or young persons, or if an offence under the Act has been committed. Before it cancels a permit an authority must notify the holder giving 21-days' notice of intention to cancel, it must consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed.

4. Small Local Society Lotteries

4.1 Small Society Lottery Registrations

A Small Society Lottery is a lottery that is promoted on behalf of a non-commercial society (such as a charity or similar non-profit making organisation) to raise funds for any of the purposes for which the society or organisation is set up.

Small Society Lotteries do not require a licence but must be registered with the Licensing Authority in the area where the society's principle premises is situated. An application to register a Small Society Lottery should be on the relevant application form, available from the website given below, and accompanied by any necessary documents and the appropriate fee. The maximum prize per ticket in either money or monies worth is £25,000.

In determining whether to grant or renew a small society lottery registration, the Licensing Authority will have regard to the Guidance to Local Authorities issued by the Commission. Societies may wish to refer to the relevant section of the Licensing Authority's website www.spelthorne.gov.uk for full details on how to register and maintain small society lottery registrations. It also details the steps that promoters have to take to comply with the legislation.

The Licensing Authority expects all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

5. Exempt Gambling

The Licensing Authority has no control over Gambling in these circumstances, provided the specific requirements are complied **with** and any limits on stakes and prizes are observed.

5.1 Non-commercial gaming

There are two types of non-commercial gaming allowed: non-commercial prize gaming and non-commercial equal chance gaming. Neither of these require any authorisation provided the maximum stakes and prizes are not exceeded. In each case the gaming can be incidental to another activity, or the activity itself. It must be non-commercial which means there must be no private profit or gain. However, the proceeds of such events may benefit an organisation, group or one or more individuals if the activity is organised: -

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- by, or on behalf of, a charity or for charitable purposes.
- to enable participation in, or support of, sporting, athletic or cultural activities.

5.2 Non-commercial prize gaming

In this case, the prize should be determined in advance and not be dependent on the number of players or monies staked. The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track).

This can include casino nights and race nights.

5.3 Non-commercial equal chance gaming

In this case, the stakes per player cannot exceed £8. In addition, the aggregate value of prizes in all games played at a single event cannot exceed £600 (but if the event is the final one of a series in which all the players have previously taken part, a higher prize fund of up to £900 is allowed). The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track). This can include casino nights and race nights.

5.4 Private Gaming

This covers situations where the public are not admitted to the gaming. This includes residential and domestic premises and workplaces. This can include casino nights and race nights.

5.5 Domestic gaming

Non-equal chance gaming can be played in private dwellings on domestic occasions provided no participation charge is made.

5.6 Residential gaming

Non-equal chance gaming can be played in hostels or halls of residence provided at least 50% of the participants are residents.

5.7 Non-commercial and private betting

This is betting in domestic premises or workplaces. In domestic premises the participants must habitually reside there, and for workers betting the participants must be employed by the same employer.

5.8 Incidental non-commercial lottery

These can take place as an incidental activity at another non-commercial event, e.g. a raffle at a dinner or a tombola at a garden party. No registration or permission is required provided the following requirements are met.

- Tickets can only be sold on the premises where the event takes place to people present and while the event is taking place.
- The draw must take place at the event and the results must be announced while the event is taking place.
- No rollovers are allowed.
- The maximum deduction allowed for prizes from the proceeds is £500.
- The maximum deduction allowed for organising costs from the proceeds is £100.

5.9 Exempt gambling in pubs

Various types of gambling can take place in premises that are licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises and which have a bar at which alcohol is served to customers, but this does not apply where the sale of alcohol can only take place as being ancillary to the sale of food.

5.10 Equal chance gaming in pubs

Equal chance gaming up to specified limits on stakes and prizes can take place, and this includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo, and poker. The following requirements must be met:

- The maximum stakes and prizes for each type of game must not be exceeded (£5 maximum stake for any game of chance except poker, dominoes and cribbage. For poker the maximum stake is £5, a daily maximum of £100 in aggregate stakes cannot be exceeded and the maximum prize limit is £100. There are no limits on stakes and prizes for dominoes or cribbage).
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice.
- No participation fees can be charged and no levy taken from stakes or prizes.
- The games cannot be linked to any other games in other premise.
- Nobody under 18 years old can take part.

5.11 Bingo in pubs

Low-turnover bingo where the aggregate of stakes and prizes in a seven-day period does not exceed £2000 can take place.

5.12 Exempt gambling in Clubs

There are two types of club for the purposes of the Act: members' clubs (including miners' welfare institutes- sometimes known as workingmen's institutes/working men's club) and commercial clubs. The club must be established for purposes other than gaming, but there is an exception for bridge or whist clubs. The exempt gaming that can take place differs according to the type of club. If a club has a club gaming permit, additional games and higher stakes and participation fees apply (see paragraph 3.4 above)

5.13 Equal chance gaming in clubs

Equal chance gaming with no specified limits on stakes and prizes (except for poker) can take place. The following requirements must be met: -

- Only club members (who have been members for at least 48 hours) or a bona fide guest of a member can participate.
- Except for poker, there is no maximum stake or prize.
- For poker there is a £10 maximum stake, a daily maximum of £250 in aggregate stakes and a seven-day maximum of £1000 in aggregate stakes cannot be exceeded, and the maximum prize limit is £250.
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice.
- A maximum participation fee of £1 can be charged but no levy taken from stakes or prizes (however if the games are bridge or whist, on a day when no other gaming is permitted, participation fees of up to £18 per person can be charged).
- The games cannot be linked to any other games in other premises.
- Nobody under 18 years old can take part.

5.14 Bingo in clubs

Low-turnover bingo where the aggregate of stakes and prizes in a 7-day period does not exceed £2000 can take place in all types of club.

5.14 Bridge and Whist clubs

Unlimited stakes bridge or whist can be played. In addition participation fees (up to £18) can be charged.

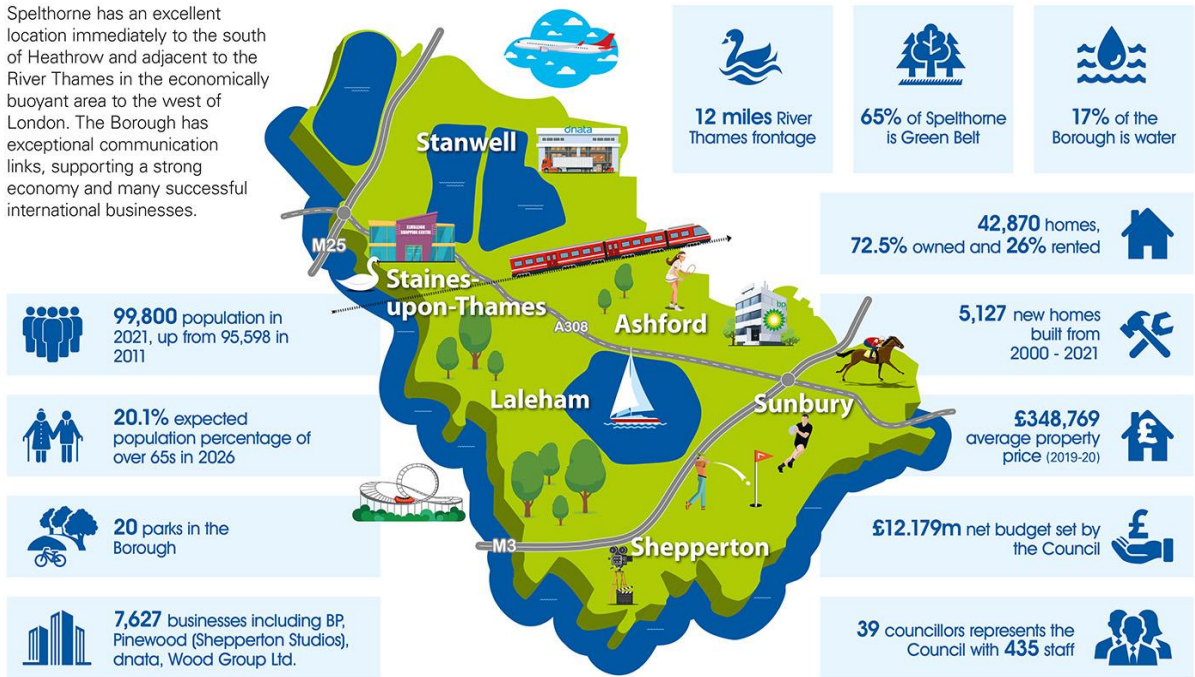
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APPENDICES

Annex 1 – Local area profile

Spelthorne in numbers

Spelthorne has an excellent location immediately to the south of Heathrow and adjacent to the River Thames in the economically buoyant area to the west of London. The Borough has exceptional communication links, supporting a strong economy and many successful international businesses.



Annex 2 - List of Consultees

Persons or bodies representing the interests of those carrying on a gambling business in the borough:	Persons or bodies representing the interests of those who are likely to be affected by the exercise of the authority's functions:	Current holders of licenses, permits etc. in Spelthorne:
Association of British Bookmakers mail@abb.uk.com	All Elected (Ward) Councillors, Spelthorne Borough Council	Representatives of Premises Licence holders with section 34 gaming permits (including Breweries that hold Premises Licences for premises that sell alcohol)
Association of Licensed Multiple Retailers info@almr.org.uk	All "Responsible Authorities" as defined under the Gambling Act, see Annex 3.	Representatives of Qualifying Clubs with Club Premises Certificates
British Amusement Catering Trade Association info@bacta.org.uk	All departments within Spelthorne Borough Council	
British Amusement Catering Trade Association info@bacta.org.uk	Citizen Advice Bureau Sunbury Library The Parade Staines Road West, Sunbury-On-Thames TW16 7AB	Neighbouring London, County and District Councils: <ul style="list-style-type: none"> • London Boroughs of: Hounslow, Hillingdon & Richmond; (licensing@hounslow.gov.uk) (licensing@hillingdon.gov.uk) (licensing@richmond.gov.uk) • Elmbridge Borough Council (licensing@elmbridge.gov.uk) • Royal Borough Of Windsor & Maidenhead (licensing@rbwm.gov.uk) • Runnymede Borough Council (licensing@runnymede.gov.uk) • Woking Borough Council

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		(licensing@woking.gov.uk)
British Beer & Pub Association contact@beerandpub.com	The Lotteries Council frank@lotteriescouncil.org.uk	
British Institute of Innkeeping BII and BIIAB, Wessex House, 80 Park Street, Camberley, Surrey, GU153PT	Society for the Study of Gambling ssgtreasurer@aol.com	
British Horseracing Authority info@britishhorseracing.com	Gamblers Anonymous sr.pro@gamblersanonymous.org.uk	
Federation of Licensed Victuallers admin@flva.co.uk	Gamcare info@gamcare.org.uk	
Ladbrookes Betting and Gaming Ltd richard.royal@ladbrokes.co.uk	The Samaritans admin@samaritans.org	
Remote Gambling Association chawkswood@rga.eu.com	Responsibility in Gambling Trust support@gamblingtherapy.org	
William Hill Plc jnorris@williamhill.co.uk	Catalyst Alcohol & Drug Advisory Service info@catalystsupport.org.uk	
Gala Coral group New Castle House, Castle Boulevard, Nottingham, NG7 1FT	Surrey Chamber of Commerce louise.punter@surrey-chambers.co.uk	
The Bingo Association info@bingo-association.co.uk	Surrey Trading Standards business.advice@surreycc.gov.uk	
Working Men's Club & Institute Union info@wmciu.org	Surrey Youth Offending Team Head of Service: jamie.cottington@surreycc.gov.uk	
Racecourse Association Ltd info@racecourseassociation.co.uk	The Salvation Army info@salvationarmy.org.uk	

Note: This list is not intended to be exhaustive. Comments and Observations Were welcomed from anyone interested in this policy. Should you have any comments about this policy statement please send them via e-mail or letter using the details in Annex 3.

Annex 3 - Schedule of Responsible Authorities

For the purposes of the Act, Responsible Authorities are public bodies that must be notified of all applications and who are entitled to make representation in relation to Premises.

Spelthorne Licensing Department

Spelthorne Borough Council
Council Offices
Knowle Green
Staines
TW18 1XB
licensing@spelthorne.gov.uk

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP
licensing@gamblingcommission.gov.uk

Licensing Northern Surrey Police

Spelthorne Neighbourhood Team
PO Box 101
Guildford
GU1 9PE
licensingnorthern@surrey.police.uk

Surrey Fire & Rescue Service

Headquarters
Croydon Road
Reigate
Surrey
RH2 0EJ
sfrs.firesafety@surreycc.gov.uk

Head of Planning

Spelthorne Planning Department

Spelthorne Borough Council
Council Offices
Knowle Green
Staines
TW18 1XB
Planning.DevelopmentControl@spelthorne.gov.uk

Surrey County Council's Children's Services

Quadrant Court
35 Guildford Road

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Woking
GU22 7QQ
childemployment@surreycc.gov.uk

HM Revenue & Customs

National Registration Unit
Portcullis House
21 India Street
Glasgow
Scotland
G2 4PZ
nrubetting&gaming@hmrc.gsi.gov.uk

Surrey Trading Standards

Consort House
5-7 Queensway
Redhill
RH1 1YB
trading.standards@surreycc.gov.uk

Spelthorne Environmental Health Department

Spelthorne Borough Council
Council Offices Knowle
Green Staines
TW18 1XB
Environmental.Health.Commercial@spelthorne.gov.uk

Head of Planning

Spelthorne Borough Council
Council Offices
Knowle Green
Staines-upon-Thames
TW18 1XB
planning.development.control@spelthorne.gov.uk

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Gambling Act 2005

Spelthorne Borough Council's Statement of Gambling Policy 2019 - 2022

Statement: 13 December 2018

This Statement of Principles was approved by Spelthorne Borough Council on **13 December 2018**. All references to the guidance refer to the 5th edition of the Gambling Commission's Guidance to Licensing Authorities, dated September 2015 and updated September 2016

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Annex 1 Local area profile (including map of Spelthorne)**Annex 2 List of Consultees****Annex 3 Schedule of Responsible Authorities****Annex 4 Council’s scheme of delegations of functions****Annex 5 Glossary of terms**

Note: The greyed areas of this Policy highlight the principles which will be applied by the Council in exercising its powers as a Licensing Authority under the Gambling Act 2005.
General Statement of Principles

Spelthorne Borough Council ('The Council') recognises the wide variety of premises which require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.

In carrying out its licensing functions the Council will have regard to any guidance issued by the Gambling Commission from time to time.

The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met the Council will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

Where children and other vulnerable people are allowed access to premises where gambling takes place, the Council may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under-age gambling.

The Council will not normally seek to limit the access of children to any premises unless it receives representations to that effect or it believes it is right to do so for the prevention of their physical, moral or psychological harm.

Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

The overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits. The Council acknowledges that when exercising licensing functions under the 2005 Act, it should have regard to this Policy but that in rare cases, being reasonably consistent with the licensing objectives may lead it to make exceptions to policies or depart from the Guidance. The Guidance and this Policy cannot anticipate every possible scenario or set of circumstances that may arise and exceptions will be rare. If an exception is made, full reasons for doing so will be given. In deciding whether an exception to this Policy should be made, reasons for the specific principle will be considered as well as whether or not making an exception would undermine the objectives of this Policy.

1. Introduction

1.1 The Gambling Act 2005

1.1.1 The Functions of Licensing Authorities

The Gambling Act 2005 ('the Act') gives licensing authorities various regulatory

functions in relation to gambling.

Spelthorne Borough Council ('the Council') is a licensing authority for the purposes of the Act.

The main functions of licensing authorities are:

- Licensing premises for gambling activities
- Considering notices given for the temporary use of premises for gambling
- Granting permits for gaming and gaming machines in clubs and miners' welfare institutes (where appropriate)
- Regulating gaming and gaming machines in alcohol licensed premises
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines
- Granting permits for prize gaming
- Considering occasional use notices for betting at tracks
- Registering small societies' lotteries

The Gambling Commission has responsibility for dealing with personal licences and operating licences

For the avoidance of confusion, Councils do not have powers to deal with the following activities:

- Remote (online gambling)
- The National lottery
- Operating licences
- Personal functional licences
- Personal management licences
- Gambling software
- Football pools
- Gaming machine manufacturers
- Gaming machine suppliers

1.1.2 The Licensing Objectives

In exercising their functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - When considering applications, the Council will always take the location of the premises into account with regard to the crime and disorder objective. The Council will have particular regard to premises that are situated in areas that represent a higher risk of potential vulnerability to gambling-related harm.
- The Council will not consider whether the applicant is suitable to apply for a premises licence because this issue will already have

been addressed by the Gambling Commission before an operator's licence was issued. However, if issues arise during the application process or subsequently once a licence has been granted, this will be brought to the attention of the Commission.

- Ensuring that gambling is conducted in a fair and open way
 - In general it is not expected that the Council will deal with issues of fairness and openness as this will usually be a matter for the Commission as the way gambling products are provided are subject to the conditions of the operating licence or personal licences. However, if there are suspicions that gambling is not being conducted in a fair and open way, the Council will bring this to the attention of the Commission.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling
 - When considering application, the Council will always take the location of the premises into account with regard to the children and vulnerable persons licensing objective.
 - In order to explain the Council's approach to this objective more clearly, it is necessary to separate it into 'children' and 'vulnerable people' respectively:
 - Protecting children from being harmed or exploited by gambling means: preventing them from taking part; and restricting activities such as advertising so that it is not aimed at or attractive to children.

In considering the operators risk assessment, the Council will assess the measures an operator has in place to mitigate risks to this objective. It will also decide whether specific measures are required at particular premises, such as:

- Supervision of entrances;
 - supervisions of gaming machines; and
 - the separation of certain areas within the premises.
- In seeking to protect vulnerable people from being harmed or exploited by gambling, the Council will not seek to prevent particular groups of adults from gambling or gaming in the same way it stops children doing so. However, it is concerned about the potential for vulnerable people to be harmed or exploited by gambling. The Council acknowledges the many serious issues which can result from problem gambling, potentially exacerbated by someone's vulnerability.

When dealing with gambling premises applications, the Council will pay attention to applications for premises near venues where, for example, Gamblers Anonymous groups (or similar) meet, residential homes and hospitals. In considering the above, the

Council will base its decision on whether the proximity of the premises to the vulnerable group is likely to present a risk to this licensing objective. Where relevant evidence is available, the Council may consider the likelihood of vulnerable people using the premises, whether they have other reason to be in the vicinity or not.

When determining an application where this issue is raised, we will also take into account the operator's risk assessment and determine the controls that are (or will be) in place to protect vulnerable people and have regard to the licensing objectives at the premises. Depending on the circumstances, the Council may have particular regard to:

- the size of the premises
- staffing levels at the premises
- procedures in place to identify a vulnerable person and to stop a vulnerable person from gambling
- the location and type of gaming machine on the premises
- arrangements in place to supervise the gaming machines

Due regard will be given to conditions on existing premises licences at venues issued under the Licensing Act 2003, to ensure there is no duplication of regulatory requirements.

1.2 Spelthorne Borough – Local Area Profile

Spelthorne's local area profile is an assessment of the local environment and identifies the key characteristics of the Borough. It is intended that the local area profile will provide the Council's staff, operators and public with a better understanding and awareness of the gambling-related risks in the Borough. In this context, risk includes actual and potential risk and also takes into account any future or emerging risks.

It is accepted that the local environment can change and we must therefore retain the ability to review and quickly update the local area profile so that we remain aware of the current and emerging risks. For this reason, and in accordance with National Guidance issued by the Gambling Commission, we have not included our local area profile within the body of this Policy and it has instead been attached at **Annex 1**. This will allow us to update factual information within the local area profile and to quickly assess new or emerging risks from which to inform our decisions without the need for full consultation.

1.3 Consultation

This statement of policy has been prepared in consultation with the following persons / bodies:

- 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
- 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

A full list of consultees is attached as Annex 2.

This statement of policy replaces our previous Policy (published on 9 December 2015) and will remain in force for no more than three years, but may be reviewed at any time.

1.4 Declaration

This statement of policy has been prepared with due regard to the licensing objectives, the guidance to licensing authorities issued by the Gambling Commission and with due weight attached to any responses received from those consulted.

1.5 Responsible Authorities

These are generally public bodies that must be notified of all Gambling Act Premises Licence applications and who are entitled to make representations to the Council if they are relevant to the licensing objectives.

In the context of Spelthorne Borough Council's statement of Policy, Section 157 of the Act defines those authorities as:-

- The Gambling Commission
- The chief officer of police for the police area in which the premises is situated
- The fire and rescue authority for the area in which the premises is situated
- The local planning authority
- Environmental health
- Surrey County Council's Children Services (see Section 1.5.1)
- HM Revenue and Customs
- A licensing authority in whose area the premises is situated
- Any other person prescribed in regulations by the Secretary of State.

Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the Council will not generally take into account representations which are deemed to be irrelevant, i.e.:

- there are too many gambling premises in the locality
- the premises are likely to be a fire risk
- the location of the premises is likely to lead to traffic congestion
- the premises will cause crowds to congregate in one area causing noise and nuisance
- The location is unsuitable because it is in a conservation area
- Planning permission or building regulations approval has not been obtained
- There are moral objections

Each representation will, however, be considered on its own individual merits.

The contact details of all the Responsible Authorities under the Act are contained in

Annex 3 of this policy

The Regulatory Reform (Fire Safety) Order 2005 will apply when Gambling premises buildings are occupied. These regulations require the responsible person to carry out a suitable and sufficient fire risk assessment and to act on its findings. The assessment must be reviewed regularly and if any changes are proposed to the licensed premises.

1.5.1 Protection of children

In exercising the Council's 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 following principles have been applied:

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

Having regard to the above principles and part 6 of the Guidance, the Council designates the **Surrey County Council Children's Service** for this purpose.

1.6 Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. The Act defines interested parties as persons who, in the opinion of the licensing authority:

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) have business interests that might be affected by the authorised activities; or
- c) represent persons who satisfy paragraph (a) or (b) *

Whether or not a person is an interested party is a decision that will be taken by the Council on a case-by-case basis. However, the following factors will be taken into account:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment);
- the nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident; (b) a residential school for children with truanting problems; and (c) residential hostel for vulnerable adults;
- the 'catchment' area of the premises (i.e. how far people travel to visit); and

whether the person making the representation has business interests in that catchment area, that might be affected.

This list is not exhaustive and other factors may be taken into consideration in an individual case.

*The Council considers the following bodies/ associations to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities:-

- trade associations;
- trade unions;
- residents' and tenants' associations;
- ward/ county councillors
- MPs

This list is not exhaustive and the Council may consider other bodies/ associations & persons to fall within the category in the circumstances of an individual case. The Council may require written evidence that the person/ association/ body represents an interested party.

1.7 Exchange of Information

The Council regards the lawful and correct treatment of information as very important to the successful and efficient performance of the Council's functions, and to maintaining confidence between the people/ bodies we deal with and ourselves. We ensure that our organisation treats information lawfully and correctly. Information provided to the Council in connection with the Gambling Act may not be held confidentially if, in order to fulfil its functions, the Council is under a duty to share it with, for example;

- the Gambling Commission, or,
- other public bodies.

The Gambling Commission can require the Council to provide specific information if it forms part of its licensing register or is held in connection with licensing functions under the 2005 Act. At present, the Commission requires submission of an annual return which is subsequently included in the Department for Communities and Local Government Single Data List. It is therefore intended that the Council will continue to provide the following details to the Commission at the end of each financial year:

- permits issued
- temporary use notices issued
- occasional use notices issued
- premises inspections conducted
- reasons for and outcomes of reviews

It is accepted that the Commission may change its requirements during the period of this Policy and we will therefore provide any other requested information in so far as we hold and are required to provide it.

In handling information it receives consideration will be given to guidance issued by

the Gambling Commission or Information Commissioner and to the Council's policies in relation to data protection, freedom of information and the General Data Protection Regulations

The Council may also exchange information with other persons or bodies listed below, for use in the exercise of functions under the Act:

- a constable or police force
- an enforcement officer
- a licensing authority
- HMRC
- the First Tier Tribunal
- the Secretary of State

Any person wishing to obtain further information about their rights under the Data Protection Act 2018, Freedom of Information Act 2000 or the General Data Protection Regulations may view the Council's policies at www.spelthorne.gov.uk.

1.8 Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises, and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified. This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to licensing authorities and will endeavour to be:

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

In accordance with the Gambling Commission's Guidance to licensing authorities, this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

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

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing principles

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The issues that the Council's Officers may

cover during their visits will include:

- details of training policies and training undertaken by staff
- records of refusals to serve /admit on age grounds (subject to the terms of any primary authority agreements)
- records of any relevant incidents in or outside the premises, for example anti-social behaviour
- approach to managing self-exclusion and numbers of people currently self-excluded
- involvement/impact of any work in local schemes or partnership working with other local businesses
- reviewing paperwork relating to the purchase of games from licensed manufacturers 20 Gambling regulation Councillor handbook
- interviews with staff members
- confirming that appropriate signage is in place.

The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority shall have regard to the principles of “Better Regulation” as outlined by the Department for Business Innovation and Skills.

The council will take account of the Gambling Commission’s guidance document issued in February 2015 (or any subsequent amendments) ‘Approach to Test Purchasing’ when considering making test purchases at gambling premises.

In dealing with test purchase failures, complaints from residents or neighbours and anti-social behaviour issues, the Council will have regard to its enforcement policy in its approach. This policy is available online.

2. Premises Licences

2.1 Decision making - general

In accordance with Section 153 of the Act, the Council shall aim to permit the use of premises for gambling in so far as it thinks it:

- 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

This means that we will aim to moderate the impact of gambling on the Borough for example by attaching conditions to licences, rather than aiming to prevent it altogether.

The Council will not have regard to the expected demand for the facilities which it is

proposed to provide, nor the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

Moral objections to gambling will not be considered by the Council, as they are not a valid reason for rejecting an application for a premises licence.

Each case will be considered on its individual merits. However, in order to assist applicants and objectors alike, this section sets out the general factors that will be taken into account by the Council when considering applications for premises licences.

2.2 Premises “ready for gambling”

Gambling Commission Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of the premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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

2.3 Location

The location of premises may be relevant to the consideration of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern:

- schools
- vulnerable adult centres
- residential areas with a high concentration of children

Much will depend upon the type of gambling that it is proposed will be offered on the premises. The Council will, where appropriate, consider the location on a case-by-case basis. If the proposed location does pose a risk to the promotion of the licensing objectives, the applicant will be invited to show how they propose to overcome such concerns.

2.4 Plan

The Council expects applications for premises licences to be accompanied by a plan of the premises to scale. The plan of the premises could include:

- Outline of the boundary and internal and external walls
- Location of doors
- Location of escape routes if different
- Where more than one licence is being granted within a single building, details of the segregation of gambling and non-gambling area(s)
- Location of counter
- Locations of gaming machines
- Location of any public conveniences
- Location of fire extinguishers, fire doors, fire alarms

This information is of use to the Council, as it enables its Officers to evaluate whether an applicant is giving due regard to its responsibilities, and the key objectives as set out in this Policy. For example, negotiation may be required if it is clear from the plan that staff working behind the counter are not in a suitable position to identify whether customers using gaming machines are underage and / or vulnerable.

2.5 Multiple licences/ layout of buildings

Where multiple licences are sought for a building (or a discrete part of a building used for other non-gambling purposes), specific issues will be considered by the Council before such application(s) can be granted. These include

- the ability of children to gain access to or observe gambling facilities (even accidentally) – entrances and exits from parts of a building covered by more than one premises licence should be separate and identifiable so that the separation of different premises is not compromised and that people (and in particular, children) do not drift into a gambling area;
- the compatibility of the two or more establishments; and
- the ability of the establishments to comply with the requirements of the Act.

Where the Council determines that multiple premises licences can be granted within a single building, it may require specific measurements to be included as conditions on the licences. Such measures may include:

- the supervision of entrances
- segregation of gambling from non-gambling areas, which may include the type and position of partitions and / or
- the supervision of the premises and gaming machines

Splitting of premises

“Premises” can include “any place” but the Council shall pay particular attention if there are issues about sub-divisions of a single building or plot. Revised guidance from the Gambling Commission includes the following advice: “The Commission does not consider that areas of the building that are artificially or temporarily separated, for example by moveable partitions, can properly be regarded as different premises”, and also that “the crux of the matter is whether the proposed

premises are genuinely separate premises that merit their own licence with, for example, the machine entitlements that brings are not an artificially created part of what is readily identifiable as a single premises”.

In determining whether two premises are truly separate, factors that we are advised to consider are:

- Whether the premises have different postal addresses
- Whether the premises have separate registration for business rates
- Whether the premises are owned by the same company

In accordance with the Gambling Commission guidance, an overriding consideration will be 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.

Appropriate Licence Environment

The Guidance to Local Authorities and the Licence Conditions and Codes of Practice (LCCP) commencing May 2015, set out additional matters that the council should take into account when considering licence applications for premises licences.

Guidance section 19, LCCP condition 16 and code 9 prescribe restrictions on gambling activities on premises, previously known as primary gambling activity. The council will consider any application based on the provisions in these codes and guidance.

Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises, and that the premises is adequately supervised at all times.

Licence Conditions and Codes of Practice

Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children, young people and vulnerable adults from accessing gambling premises.

The Licence Conditions and Codes of Practice (LCCP) issued in 2015 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

In particular operators must ensure that;

- all staff are trained,
- that all customers are supervised when on gambling premises
- must have procedures for identifying customers who are at risk of gambling related harm.

The council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records

Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities.

2.6 Risk Assessments: Betting Premises

Such risk assessments are required from operators in support of new applications, and when:

- seeking to vary a licence.
- taking account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy; or
- there are significant changes at a licensee's premises that may affect their mitigation of local risks.

The LCCP requires all operators of Casinos, AGCs, Bingo Premises, FECs, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the Council's inspection regime and may be requested when officers are investigating complaints.

Whilst applications will be considered on a case-by-case basis, the matters to be considered by operators when making their risk assessment could include:-

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
- Matters relating to children and young persons, including;
- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.
- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
- Areas that are prone to issues of youths participating in anti-social behaviour (including such activities as graffiti/tagging, underage drinking, etc.) and therefore more likely to have a higher number of youths loitering in close proximity
- Recorded incidents of attempted underage gambling

Matters relating to vulnerable adults, including:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments

- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Proximity of premises which may be frequented by vulnerable people such as those in hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate

This list is not intended to be exhaustive. Operators should include in their assessment any matter that they deem relevant. The Council does expect any assessment to include information on the provisions of information on gambling responsibly, as well as self-exclusion measures – and how readily available both are on a premises.

2.7 Conditions

Conditions may be imposed upon a premises licence in a number of ways. These are

- (a) **Mandatory** – set by the Secretary of State (some set out on the face of the Act) and some to be prescribed in regulations, for all, or classes of licence;
- (b) **Default** – to be prescribed in regulations made by the Secretary of State, to be attached to all or classes of licences unless excluded by the licensing authority;
- (c) **Specific** – conditions that can be attached to an individual licence by the licensing authority.

Conditions imposed by the Council will be proportionate to the circumstances that they are seeking to address. In particular, this Council will ensure that premises licence conditions:

- Are relevant to the need to make the proposed building suitable as a gambling facility
- Are directly related to the premises and the type of licence applied for;
- Are fairly and reasonably related to the scale and type of premises; and
- Are reasonable in all other respects

The Council will not apply conditions upon a premises licence in relation to the following matters:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes

Conditions that are additional to the mandatory and default conditions will only be imposed where there is evidence of a risk to the licensing objectives.

2.8 Door Supervisors

It is not a mandatory requirement of the Act to impose a condition relating to door supervision.

However, if the Council do consider it necessary to impose a condition on a premises licence requiring the presence of door supervisors, such persons will be required to hold the appropriate licence from the Security Industry Authority (SIA).

This requirement does not apply to door supervisors at licensed casino or bingo premises, who are exempt from the licensing requirements of the Private Security Industry Act 2001.

The Council may however impose specific requirements on door supervisors at such premises if considered appropriate in an individual case.

The Council will only impose a condition requiring door supervisors where such a condition is considered necessary and proportionate to be compatible with the licensing objectives

2.9 Adult gaming centres

Persons operating an adult gaming centre must obtain an operating licence from the Commission and a premises licence from the Council. This will allow the operator to make four category B3/B4 machines and any number of Category C machines available to their customers. No one under the age of 18 is permitted to enter an adult gaming centre.

In considering licence applications for adult gaming centres, weight will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Council will therefore expect applicants to demonstrate that there will be sufficient measures in place with regard to this objective.

Applicants are encouraged to consider the following steps:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Location of and entry to premises (so as to minimise the opportunities for children to gain access)
- Notices / signage
- Training for staff on challenging persons suspected of being under-age
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Betwatch schemes

This list is not exhaustive, and is merely indicative of example measures.

2.10 Licensed family entertainment centres

Operators of licensed family entertainment centres will require an operating licence

from the Gambling Commission, and a premises licence from the Council. This will allow the operator to make category C & D machines available to their customers.

Children and young persons will be able to enter licensed family entertainment centres and play on category D machines but will not be permitted to play on category C machines. As family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the Council will normally require that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective 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 for persons under 18.

Applicants are therefore encouraged to consider the steps set out at paragraph 2.6 of this statement in order to prevent children and young persons from gaining access to category C machines. In addition, applicants are encouraged to consider the following

- Physical separation of areas
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not exhaustive, and is merely indicative of example measures.

2.11 Tracks

Tracks are sites (including racecourses and dog tracks) where sporting events take place. Operators of tracks will require a premises licence from the Council, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

It will be a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided, and any area where a gaming machine, other than a category D machine, is situated. Special dispensation from this rule is provided for dog tracks and horse racecourses, on days when racing takes place, in relation to the areas used for betting. On these days families will be entitled to attend the track or racecourse, and children enter the areas where facilities for betting are provided. This race day dispensation does not apply to the areas where gaming machines of category B & C are provided, and the Council will therefore wish to ensure that suitable

measures are in place to prevent children from entering such areas.

Applicants should consider the steps set out at paragraph 2.6 in order to prevent the access of children and young people to machines of category B & C. In addition, applicants should consider the following

- Physical separation of areas
- Measures / training for staff on how to deal with suspected truant school children on the premises

Gaming machines

Holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to four gaming machines (categories B2 to D) on the track.

The Council will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.

Condition on rules being displayed

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

Applications and plans

The Council will require the following information from applicants for premises licences in respect of tracks: -

- detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”)
- in the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities

Plans will need to make it clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

2.12 Casinos

No Casinos resolution - The Council has not issued a ‘no casino’ resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

2.13 Betting Premises

This paragraph deals with off-course betting, that is betting that takes place other than at a track (commonly known as a licensed betting office). Operators of betting premises will require an operating licence from the Gambling Commission and a premises licence from the Council.

The holder of a betting premises licence may make available for use up to four gaming machines of category B (B2, B3 or B4), C or D.

Holders of a Betting Premises Licence are also permitted (at the discretion of the Council) to have betting machines (otherwise known as self-service betting terminals [SSBTs]). Betting machines / SSBTs differ from gaming machines in that they are designed or adapted to be used to place bets on future real events, e.g. horse racing. These machines may be a substitute for placing a bet in person over the counter.

The Council may, in accordance with section 181 of the Act, restrict the number of gaming and / or betting machines, their nature, and the circumstances in which those machines are made available for use. When considering whether to impose such a condition, the Council will take into account the following: -

- the size of the premises;
- the number of counter positions available for person-to-person transactions;
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people; and
- whether the machines have been, or are likely to be used in breach of the licensing objectives.

The Council will therefore expect applicants to have fully considered these issues in their application and risk assessments and may ask for alterations to plans where it is not satisfied that adequate supervision of the machines can be ensured.

The Council will only restrict the number of betting machines where there is evidence that breaches of the licensing objectives have occurred or are likely to occur.

2.14 Bingo

Operators of premises offering bingo (cash or prize) will require a bingo operating licence from the Gambling Commission, and a premises licence from the Council.

The holder of a bingo premises licence may, in addition to bingo in all its forms, make available for use up to four category B gaming machines (B3 & B4) and any number of category C & D machines.

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

- all such machines are located in an area of the premises separate from the

remainder of the premises by a physical barrier which is effective 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.

There are new rules laid out in the Act about the playing of bingo specifically in alcohol-licensed premises, clubs and miners' welfare institutes. Where the level of bingo played in these premises reaches a threshold of £2,000 during a seven-day period, it is referred to as 'high turnover bingo'. If it comes to the attention of the Authority that alcohol-licensed premises, clubs or institutes are playing bingo which exceeds this threshold, the Gambling Commission will be informed so that they discuss with the licensee issuing a bingo operating licence.

2.15 Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operator's licence wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for Temporary Use Notices would include hotels, conference centres and sporting venues. The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices. At the time of writing this statement the relevant regulations state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner. In practice this means poker tournaments. There are a number of statutory limits in regards to temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises. This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

If objections are received to a temporary use notice (from the Police, Gambling Commission, HM Revenues & Custom or any other licensing authority in whose area the premises are situated, the Council will hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

If the Council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it will issue a counter-notice

which may:

- prevent the temporary use notice from taking effect;
- limit the activities that are permitted;
- limit the time period of the gambling; or
- allow the activities to take place subject to a specified condition

The Council will apply the principles set out in paragraph 2.1 of this Statement of Policy to any consideration as to whether to issue a counter-notice.

2.16 Review of a premises licence

A premises licence may be reviewed by the Council or on receipt of an application made by an interested party or responsible authority. When determining whether or not to initiate a review, the Council will have regard to its enforcement policy. This policy sets out the Council's approach to achieving compliance with the laws governing licensable activities and can be viewed online.

3 Permits

3.1 Unlicensed Family Entertainment Centre gaming machine permits

Unlicensed family entertainment centres will be able to offer category D machines if granted a permit by the Council. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Gambling Commission and a premises licence from the Council.

The Council can grant or refuse an application for a permit, but cannot attach conditions.

As unlicensed family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues.

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The policies and procedures are expected to include:

- what staff should do if they suspect that truant children are on the premises
- how staff should deal with unsupervised young children on the premises
- how staff should deal with children causing perceived problems on or around the premises

The Council will also expect applicants to demonstrate

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act);
- that staff are trained to have a full understanding of the maximum

stakes and prizes.

3.2 (Alcohol) Licensed premises gaming machine permits

Premises licensed to sell alcohol for consumption on the premises, can automatically have two gaming machines, of categories C and/or D. The holder of the premises licence authorising the sale of alcohol will simply need to notify the Council, and pay the prescribed fee.

The Council may remove the automatic authorisation in respect of any particular premises if;

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act;
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

If a premises wishes to have more than two machines, then the holder of the premises licence will need to apply for a permit. The Council shall consider that application having regard to the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

The Council shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Council will expect applicants to demonstrate

- that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.
- Measures may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
- Notices and signage.

With respect to the protection of vulnerable persons, the Council will expect applicants to provide information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. An application for an Adult Gaming Centre premises licence would be necessary in these circumstances. The Council may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. The Council will not attach any other conditions in granting such an application.

The holder of such a permit will be required to comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

3.3 Prize gaming permits

Applicants for prize gaming permits should set out the types of gaming that he or she is intending to offer. The applicant will be required to demonstrate:

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

In making its decision on an application for this type of permit the Council does not need to have regard to the licensing objectives but will have regard to any Gambling Commission guidance. Weight will be given to child protection issues. Relevant considerations are likely to include the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises. Applicants for prize gaming permits must disclose any previous relevant convictions to the Council.

The Council may grant or refuse an application for a permit, but will not attach any conditions. However, there are four conditions in the Act that permit holders must comply with. These are:

- the limits on participation fees, as set out in regulations;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

3.4 Club gaming and club machine permits

Members clubs (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming and games of chance.

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit, which will enable the premises to provide gaming machines (three machines of categories B4, C or D).

Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968, which has now been repealed. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally.

Examples include working men's clubs, branches of Royal British Legion and clubs

with political affiliations.

The Council will only refuse such an application on one or more of the following grounds;

- the applicant does not fulfil the requirements for a members' or commercial club or 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 condition 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 Gambling Commission or the Police

The Council will have regard to the guidance issued by the Gambling Commission and (subject to that guidance), the licensing objectives.

There is a 'fast-track' procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which an authority can refuse a permit are reduced.

The grounds on which an application under the fast track procedure may be refused are;

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

The Council may grant or refuse an application for a club gaming or club machine permit, but will not attach any conditions. However, there are a number of conditions in the Act that the holder must comply with.

3.5 Cancellation of Permits

3.5.1 Gaming /Machine Permits

The authority is able to cancel a permit. It may do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels an authority must notify the holder giving 21 days' notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed.

3.5.2 Gaming / Club Machine Permits

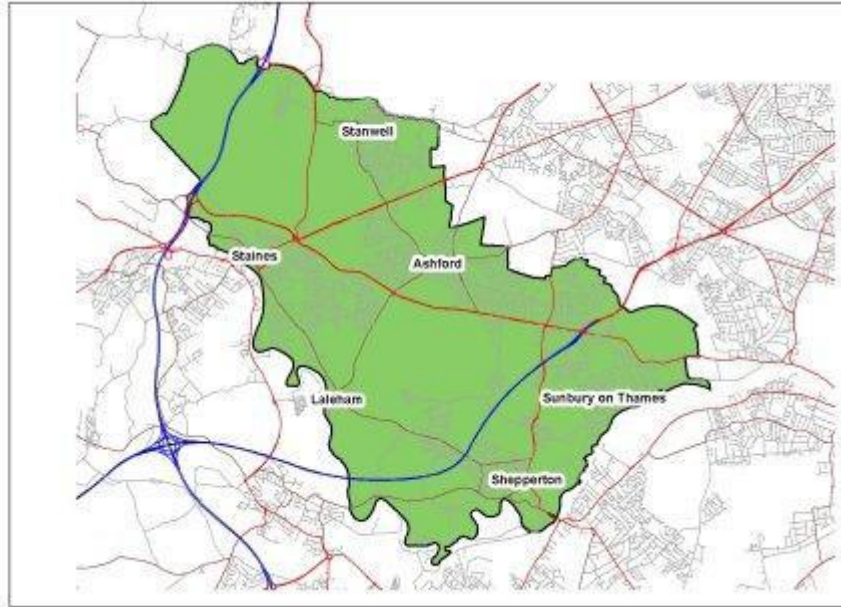
Decisions relating to the cancellation of a Club Gaming or Club Machine Permit may

not be made by an officer of the authority. Such decisions shall be dealt with by a Licensing Sub Committee.

3.5.3 Alcohol licensed premises permits

In the event of representations being received against a notice of cancellation, the matter will be determined by a licensing sub-committee. Where no representations are received or have been withdrawn, then the decision may remain with an officer.

Annex 1 – Local area profile



Spelthorne Borough Council lies fifteen miles west of central London and sits in the far north-west corner of Surrey, bounded by a long meander of the Thames and close to the boundary of Berkshire. The Borough is also bordered by the London Boroughs of Hillingdon, Hounslow and Richmond. The Borough, covering twenty square miles, is at the inner edge of the Metropolitan Green Belt, with 45% being urban and the remainder protected as Green Belt. Spelthorne's resident population was 95,600 by the end of 2011, based on the 2011 census. The main centres of population are the towns of Staines-upon-Thames, Ashford, Sunbury-on-Thames, Shepperton and Stanwell.

Commercially, the area is one of the most active in Surrey. The local economy includes manufacturing and service industries, research, agriculture, the professions and many administration sites. In fact 20% of all commercial or industrial property in the county is located in the Borough, including the headquarters of national and international companies such as BP. Shepperton Film Studios and Kempton Park Racecourse are also located within the Borough. Heathrow, the busiest international airport in the world, lies on the Borough's northern edge and inevitably has a major impact on the area both economically (6.9% of Spelthorne's residents work there, according to the 2016 Local Economic Assessment) as well as environmentally.

Transport links in the area are mainly good but traffic can get very congested. The busiest section of the M25 passes through the western part of the Borough while the M3 commences in the south of Spelthorne at Sunbury Cross. Bus and rail links to London are good, but poor to the rest of Surrey.

There are 21 betting shops, one adult amusement arcade located in Staines-upon-Thames, the Borough's principle town. There are 45 pubs in the Borough, most of which have gaming machines, and 23 Private Members' clubs. There are no bingo premises or casinos.

While relative to the county of Surrey as a whole, the Borough is marginally less affluent. However in national terms it is more affluent. According to the Office for National Statistics, unemployment levels in Spelthorne are very low at 0.7% (April 2017), although skill levels and consequently incomes are below average for the wider area.

Politically, the Spelthorne constituency has a strong Conservative majority, with 30 Conservative councillors returned in the 2018 borough elections, four Ashford & Staines Residents councillors, three Liberal Democrat councillors, one Labour councillor and an unaffiliated independent councillor

The Campaign for Fairer Gambling commissioned a study into money lost on Category B2 Gaming Machines commonly referred to as Fixed Odds Betting Terminals (FOBTs). These are the high stake machines found in many betting shops. The report analysed the economic impact of FOBTs. The study appears to show that in the year 2013 to 2014, gamblers in Spelthorne lost more money on these machines (£3.3m) than other boroughs in Surrey, However, to put this into a wider context, the same survey shows losses in the neighbouring boroughs of Windsor and Maidenhead of £3.6m, Slough £5.4m, Richmond £5.9m and Hounslow £14.8m. These statistics are provided to assist applicants in completing risk assessments.

Each application will be determined on its individual merits.

Annex 2

Schedule of Consultees

<p>Persons or bodies representing The interests of those carrying on gambling businesses in the Borough: Association of British Bookmakers mailto:mail@abb.uk.com British Amusement Catering Trade Association mailto:info@bacta.org.uk Leisure Link Group http://leisurelink.com/contact-us/ Racecourse Association Ltd mailto:info@racecourseassociation.co.uk</p> <p>Persons or bodies representing the interests of those who are likely to be affected by the exercise of the authority's functions: All Elected (Ward) Councillors, Spelthorne Borough Council All "Responsible Authorities" as defined under the Gambling Act Spelthorne Borough Council Heads of Service Surrey Police GamCare info@gamcare.org.uk Responsibility in Gambling Trust alan@responsiblegamblingtrust.org.uk Samaritans jo@samaritans.org Surrey Youth Offending Team surreycc.gov.uk Community Groups, residents' groups and tenant's associations The Salvation Army info@salvationarmy.org.uk Licensing Solicitors (John Gaunt, Winckworth Sherwood, Poppleston Allen, Lockett & Co., Blake Laphorn an Gosschalks)</p>	<p>Neighbouring London, County and District Councils:</p> <ul style="list-style-type: none"> • London Boroughs of: Hounslow, Hillingdon & Richmond; • Elmbridge Borough Council • <u>Royal Borough Of Windsor & Maidenhead</u> • Runnymede Borough Council • Woking Borough Council <p>Current holders of licences, permits etc. in Spelthorne:</p> <ul style="list-style-type: none"> • Representatives of Licensing Act 2003 Premise Licence holders • Representatives of Qualifying Clubs with Club Premises Certificates
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* **Note:** This list is not intended to be exhaustive. Comments and observations are welcome from anyone interested in this policy. Should you have any comments about this policy statement please send them via e-mail or letter to licensing@spelthorne.gov.uk Licensing Department, Spelthorne Borough Council, Council Offices, Knowle Green, Staines, TW18 1XB

Annex 3

Schedule of Responsible Authorities

For the purposes of the Act, Responsible Authorities are public bodies that must be notified of all applications and who are entitled to make representation in relation to Premises

Spelthorne Licensing

Department Spelthorne Borough
Council Council Offices
Knowle Green
Staines
TW18 1XB

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP

Licensing Northern Surrey Police

Spelthorne Neighbourhood Team
PO Box 101
Guildford
GU1 9PE

Surrey Fire & Rescue Service

Headquarters
Croydon Road
Reigate
Surrey
RH2 0EJ

Head of Planning

Spelthorne Planning

Department
Spelthorne Borough Council
Council Offices
Knowle Green
Staines
TW18 1XB

Surrey County Council's Childrens Services

Quadrant Court
35 Guildford Road
Woking
GU22 7QQ

HM Revenue & Customs

National Registration Unit
Portcullis House
21 India Street
Glasgow
Scotland
G2 4PZ

Surrey Trading Standards

Consort House
5-7 Queensway
Redhill
RH1 1YB

Spelthorne Environmental Health Department

Spelthorne Borough Council
Council Offices Knowle
Green Staines
TW18 1XB

Authorities for vessels:

- Navigation Authority
- The Enforcement Agency
- The British Waterways Board
- The Secretary of State

Annex 4 – Council’s Scheme of Delegation for its Function Under the Gambling Act 2005

Matter to be dealt with	Full Council	Sub-committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting – when appropriate	X (after recommendation from Licensing Committee and Executive)		
Application for premises licences		Where representations have been received & not withdrawn	Where no representations received / representations have been withdrawn
Application for a variation to a licence		Where representations have been received & not withdrawn	Where no representations received / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received & not withdrawn	Where no representations received / representations have been withdrawn
Review of a premises licence		X	
Application for club gaming / club machine permits		Where representations have been received & not withdrawn	Where no representations received / representations have been withdrawn
Cancellation of club gaming / club machine permits		X X	
			X

Appendix B

Applications for other permits			
Cancellation of licensed premises gaming machine permits		Where permit holder requests a hearing	Where permit holder does not choose to have representations considered
Consideration of temporary use notice		X (where representations are received)	X (where no representations are received)
Decision to give a counter notice to a temporary use notice		X	

ANNEX 5 – GLOSSARY OF TERMS

Admissible Representations: - representations submitted by a Responsible Authority or Interested Party.

Authorised Local Authority Officer: - a Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.

Authorised Person: - a licensing officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:

- Inspectors appointed under the Fire Precautions Act 1971;
- Inspectors appointed under the Health and Safety at work, etc. Act 1974;
- Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995; &
- A person in a class prescribed in regulations by the Secretary of State.

Automated Roulette Equipment: - equipment that is either linked to a live game of chance, e.g. roulette, or plays live automated games, i.e. operates without human intervention.

Automatic Conditions: - conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.

AWP machines: - Amusement with Prize Machines

BACTA: - the British Amusement Catering Trade Association

Betting Intermediary: - someone who offers services via remote communication, such as the internet.

Betting Ring: - an area that is used for temporary 'on course' betting facilities.

Bingo: - a game of equal chance.

Casino: - an arrangement whereby people are given an opportunity to participate in one or more casino games.

Casino Games: - games of chance that are not equal chance gaming.

Casino Premises Licence Categories: - regional, large, small, casinos permitted under transitional arrangements.

Casino Resolution: - resolution concerning whether or not to issue Casino Premises Licences.

Child: - an individual who is less than 16 years old.

Christmas Day Period: - the period of 24 hours from midnight on 24 December.

Club Gaming Machine Permit: - a permit to enable the premises to provide gaming machines (three machines of Categories B, C or D)

Club Gaming Permit: - a permit to enable the premises to provide gaming machines (three machines of Categories B C or D), equal chance gaming and games of chance.

Complex Lottery: - an arrangement where:

- Persons are required to pay to participate in the arrangement;
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class;
- The prizes are allocated by a series of processes; and
- The first of those processes relies wholly on chance.

Conditions: - conditions to be attached to licences by way of:

- Automatic provision
- Regulations provided by Sec. Of State
- Conditions provided by Gambling Commission
- Conditions provided by Licensing Authority
- Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence,

Customer Lotteries: - lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.

Default Conditions: - conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

Delegated Powers: - decisions delegated by the Licensing Authority either to a Licensing Committee, Sub-Committee or Licensing Officers.

Disorders: - in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.

Domestic Computer: - one used for in a residential property for private, non-commercial purposes and is exempt from a Gaming Machine Permit.

Dual Use Computer: - definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.

Equal Chance Gaming: - games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants

EBT: - Electronic Bingo Ticket Minders consisting of electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.

Exempt Lotteries: - lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:

- Small Society Lottery (required to register with Licensing Authorities)
- Incidental Non Commercial Lotteries
- Private Lotteries
- Customer Lotteries

External Lottery Manager: - an individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

Fixed Odds Betting: - general betting on tracks.

Gaming: - prize gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming and where the prizes are determined by the operator before the play commences.

Gaming Machine: - a machine used for gambling under all types of gambling activity, including betting on virtual events.

Guidance to Licensing Authorities: - guidance issued by the Gambling Commission dated April 2006.

Human Rights Act 1998: - Articles 1, 6, 8 and 10

Article 1: Protocol 1 – the right to peaceful enjoyment of possessions

Article 6: - the right to a fair hearing

Article 8: - the right of respect for private and family life

Article 10: - the right to freedom of expression

Inadmissible Representation: - a representation not made by a Responsible Authority or Interested Party.

Incidental non-commercial lottery: - a lottery that is run as an additional amusement at non-commercial events with tickets only sold and drawn during the event, such as a raffle at a dance, bazaar etc.

Information Exchange: - exchanging of information with other regulatory bodies under the Gambling Act.

Interested Party: - a person who in the opinion of the Licensing Authority

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- Has business interests that might be affected by the authorised activities, or
- Represents persons above, including Trade Associations, Trade Unions, Residents and Tenants Associations where they can demonstrate that they represent such persons.

In determining if a person lives or has business interests sufficiently close to the premises, the following factors will be considered: -

- The size and nature of the premises to be licensed.
- The distance of the premises from the location of the person making the representation.
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment).
- The nature of the complaint, i.e. not the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises.
- The catchment area of the premises (i.e. how far people travel to visit).

Appendix B

- Whether the person making the representation has business interests that might be affected in that catchment area.

Irrelevant Representations: - representations that are vexatious, frivolous or will certainly not influence the authority's determination of the application.

Large Lottery: - where the total value of tickets in any one lottery exceeds £20,000 or tickets in separate lotteries in one calendar year exceeds £250,000. This type of lottery requires an operating Licence from the Gambling Commission.

Licensed Lottery: - large society lotteries and lotteries run for the benefit of local authorities will require operating licences to be issued by the Gambling Commission.

Licensing Objectives: - there are three 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; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Live Gambling: - gambling on a live game as it happens.

Lottery: - an arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.

Lottery Tickets: - every lottery must have tickets for each chance

- Identifying the promoting society
- Stating the price of the ticket, which must be the same for all tickets
- Stating the name and address of the member of the society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and
- Stating the date of the draw, or sufficient information to enable the date of the draw to be determined.

Mandatory Conditions: - conditions that must be attached to a Premises Licence, to a class of Premises Licence or licences for specified circumstances.

Members Club: - a club must have at least 25 members, be established and conducted 'wholly or mainly' for purposes other than gaming, be permanent in nature, not established to make commercial profit and controlled by its members equally.

Non-commercial event: - an event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.

Non-commercial society: - a society established and conducted for charitable purposes; for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or for any other non-commercial purpose other than that of private gain.

Occasional Use Notice: - a notice that may only be issued in respect of a track, that permits betting on a track without the need for a Premises Licence and which only the person responsible for administration of events on the track or the occupier of the track may issue.

Off Course Betting: - betting that takes place other than at a track, i.e. at a licensed betting shop.

Off Course Betting: - betting that takes place in self-contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.

On Course Betting: - betting that takes place on a track while races are taking place.

Operating Licence: - a licence issued by the Gambling Commission to permit individuals and companies to provide facilities for certain types of gambling, including remote or non-remote gambling.

Permit: - an authorisation issued by the Licensing Authority to provide gambling facilities where the stakes and prizes are low or gambling is not the main function of the premises.

Personal Licence: - a licence issued by the Gambling Commission to individuals who control facilities for gambling or are able to influence the outcome of gambling.

Pool Betting (Tracks): - pool betting may only be offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.

Premises: - 'any place' including anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water, a hovercraft or anything or any place situated on or in water. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.

Premises Licence: - a licence issued by the Licensing Authority to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres where an operator's licence and personal licence have been issued by the Gambling Commission. A licence is restricted to one premise only but one set of premises may have separate licences issued in respect of different parts of the building.

Private lottery: - there are three types of private lottery

- Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society
- Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises
- Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises

Prize Gaming: - gaming in which the nature and size of the prize is not determined by the number of players or the amount paid for or raised by the gaming, the prizes having been determined before play commences, e.g. bingo with non-cash prizes. (NB: bingo with cash prizes and that carried on in commercial bingo halls will need to be licensed by the Gambling Commission; prize gaming does not include gaming by use of gaming machines.)

Prize Gaming Permit: - a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specific premises.

Provisional Statement: - an application to the Licensing Authority in respect of premises that are

- Expected to be constructed
- Expected to be altered
- Expected to acquire a right to occupy

Relevant Representations: - representations that relate to the Gambling Licensing Objectives, the Gambling Commission's Guidance, the Codes of Practice.

Responsible Authorities: - public bodies for the area in which the premises are mainly or wholly situated

- Licensing Authority in whose area the premise is partly or wholly situated
- Chief Officer of Police
- Fire & Rescue Service
- Planning Authority
- Environmental Health (related to pollution and harm to human health)
- Body competent to advise on protection of children from harm, i.e. Children & Young Peoples' Service
- Authority in relation to vulnerable adults
- Navigation Authority whose statutory functions are in relation to waters where a vessel is usually moored or berthed
- Environment Agency
- British Waterways Board
- Maritime & Coastguard Agency
- HM Revenue & Customs
- Gambling Commission

Simple Lottery: - an arrangement where

- Persons are required to pay to participate in the arrangement
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class and
- The prizes are allocated by a process which relies wholly on chance.

SWP: - a Skills-with-Prizes machine

Skills with Prizes machine: - a machine on which the winning of a prize is determined only by the player's skill and there is no element of chance. SWP's are unregulated.

Small Lottery: - where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

Small Society Lottery: - a lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

Small Operations: - independent on course betting operators with only one or two employees or a bookmaker running just one shop.

Statement of Principles: - matters the Licensing Authority may publish in the Statement of Licensing Principles that they intend to apply when considering an applicant's suitability in applications for permits for unlicensed family entertainment centres and prize gaming.

Temporary Use Notice: - a notice that may be issued in respect of a set of premises where there is no premises licence, but where a person or company holding an operating licence relevant to the proposed temporary use of premises wishes to use the premises temporarily for providing facilities for gambling.

Totalisator (Tote): - the only permitted operators of pool betting on horseracing tracks.

Track: - a site where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.

Travelling Fair: - a fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.

Vehicles: - includes trains, aircraft, sea planes and amphibious vehicles other than hovercraft.

Vessel: - anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything or part of any place situated on or in water.

Virtual Betting: - gambling by machine that takes bets on virtual races, i.e. images generated by computer to resemble races or other events.

Vulnerable Persons: - no set definition but likely to mean group to include people who gamble more than they want to, people who gamble beyond their means; people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

Young Person: - an individual who is over 16 years of age but who is under 18 years of age.