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Date: 23 September 2024

Notice of meeting

Licensing Committee

Date: Tuesday, 1 October 2024

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)
M.J. Lee (Vice-Chair)
M. Arnold
C. Bateson

S. Bhadye
T. Burrell
R. Chandler
D.C. Clarke

J.T.F. Doran
K.M. Grant
B. Weerasinghe

Substitute Members: Councillors S.M. Doran, R.V. Geach, M. Gibson, K.E. Rutherford, O. Rybinski and P.N. Woodward

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

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Agenda

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1. Apologies and Substitutes

To receive any apologies for absence and notification of substitutions.

2. Minutes

3 - 6

To agree the minutes of the meeting held on 23 July 2024 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. Review and Setting of Fees & Charges for the licensing of Hackney Carriages, Private Hire, and Private Hire Operators

7 - 14

To consider approval of the proposed licensing fees and charges for consultation purposes and statutory advertising requirements.

5. Gambling Act Policy 2025-2028

15 - 54

To consider recommending adoption of the Gambling Act Policy 2025-2028 to Council.

**Minutes of the Licensing Committee
23 July 2024**

Present:

Councillor S.A. Dunn (Chair)
Councillor M.J. Lee (Vice-Chair)

Councillors:

M. Arnold	T. Burrell	J.T.F. Doran
C. Bateson	R. Chandler	K.M. Grant
S. Bhadye	D.C. Clarke	B. Weerasinghe

4/24 Minutes

The minutes of the meeting held on 5 March 2024 were agreed as a correct record.

5/24 Disclosures of Interest

There were none.

6/24 Hackney Carriage and Private Hire Licensing Policy

The Principal Licensing Officer presented the draft Hackney Carriage and Private Hire Licensing Policy prior to it undergoing a four-week consultation period by the Taxi trade.

The Principal Licensing Officer explained the Policy had been heavily revised to incorporate the Statutory Standards and Best Practice Guidance issued by the Department for Transport. Views on key changes to CCTV and window tinting had also been sought from key stakeholders, such as Surrey Police. The Principal Licensing Officer also advised the Committee that the following wording required adding to the draft policy: “For new vehicles between the policy being adopted and 30 September 2025, if the vehicle is not ULEZ (Ultra Low Emission Zone) compliant then a 10 year age limit for non-wheelchair accessible and 12 year age limit for wheelchair accessible will apply.”

The Committee was provided with a list of significant changes to the policy, which included:

- A revision of the emissions policy
- Relaxation to Window Tinting requirements
- Changes to requirements on DBS checks
- Removal of requirement to carry a first aid kit and fire extinguisher

- New training requirements including refresher training (disability awareness training, safeguarding training, child sexual abuse and exploitation training, county lines training)

The Committee debated whether the policy should be amended to remove references to the London Ultra Low Emission Zone compliance and instead reference European Emissions Standards. The Committee noted that references to ULEZ compliance were in line with neighbouring authorities in Surrey, and were more familiar to members of the public. The Committee suggested that references to ULEZ in the policy be footnoted with European Emissions Standards, and this was agreed.

The Committee also debated the removal of the requirement for taxis to carry a first aid kit and fire extinguisher. The Principal Licensing Officer explained that regular inspections indicated that these were rarely used and if the Licensing Authority required them to be carried, training on their use would also be required at a cost to the taxi industry. The Committee noted that drivers could still carry them voluntarily. The Committee voted on whether the requirement to carry a first aid kit and fire extinguisher should be removed from the policy, and **resolved** by majority to agree its removal.

The Committee **resolved** to approve the Hackney Carriage and Private Hire Policy 2024-2029 for consultation subject to the inclusion of the additional wording raised at the meeting.

7/24 Pavement Policy

The Principal Licensing Officer presented the draft Pavement Policy prior to it undergoing a four-week consultation period by relevant stakeholders.

The Principal Licensing Officer explained in June 2020, the Government announced relaxations to planning and licensing laws to assist the recovery of the hospitality industry from the pandemic. The legislation was initially temporary, but had been extended a number of times with the last extension expiring in September 2024. Pavement Licensing had also been delegated to the district/borough level away from the highways authority.

Amendments to the policy included the following:

- Removal of irrelevant sections
- Addition of section on enforcement
- Changes to the duration of licences
- Higher statutory fee caps of £500 for a new application, and £350 for a renewal

The Principal Licensing Officer advised the Committee that as part of an initial stakeholder consultation, Surrey Police and the Staines Business Improvement District had suggested a no glassware condition as part of the policy. This was not a condition that existed in other Surrey Licensing Authorities, and no evidence had been provided to demonstrate a need for the suggested condition.

The Committee debated the statutory fees being set at the maximum level. Some members of the Committee felt the maximum charge would be a burden on small businesses, and suggested a tiered charge or charge per chair. The Principal Licensing Officer advised the Committee that the maximum charge did not cover the cost to the Council to provide the service, and lower charges would be subsidised by taxpayers. Some members of the Committee noted the lowered cost set to assist businesses during the pandemic, and felt the maximum charge reflected the true cost of the service.

The Committee considered the request for a no glassware condition to be added to the policy. The Committee acknowledged there was no evidence behind the request and felt that glass was more climate friendly compared to plastic alternatives. It was proposed by Councillor Bateson and seconded by Councillor Lee that option one of the report, excluding the glass condition, be considered.

The Principal Licensing Officer advised the Committee that following legal advice, the recommendation would need to be reworded to “Agree the policy as proposed for consultation and recommend to Council an additional delegation in the Office Scheme of Delegations that minor amendments to the policy be approved by the Senior Environmental Health Manager.” The Committee requested any amendments be done in consultation with the Chair of the Licensing Committee, and this was agreed.

The Committee **resolved** to agree the policy as proposed for consultation and to recommend to Council an additional delegation in the Office Scheme of Delegations that minor amendments to the policy be approved by the Senior Environmental Health Manager in consultation with the Chair of the Licensing Committee.

8/24 Gambling Act Policy 2025-2028 Draft for Consultation

The Principal Licensing Officer presented the draft Gambling Act Policy 2025-2028 prior to it undergoing a four-week consultation by relevant authorities.

The Principal Licensing Officer explained that the Policy had only recently undergone a review and approval, and the only changes since it was last agreed were changes to formatting. The Committee’s attention was drawn to the list of consultees at the end of the policy.

A member of the Committee acknowledged the impact of gambling on vulnerable residents and queried if any further warning regarding gambling could be added to the policy. Other members of the Committee felt this was not necessary and noted this was not done on other policies. The Lawyer advised against additional wording as it may be read as an opinion.

The Committee **resolved** to approve the draft Statement of Gambling Policy 2025-2028 for consultation in accordance with the timetable set out in the report.

9/24 Forward Plan

The Committee noted the forward plan for future Committee business.

Licensing Committee



1 October 2024

Title	Review and Setting of Fees & Charges for the licensing of Hackney Carriages, Private Hire, and Private Hire Operators
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	Recovery, Service Delivery
Recommendations	Committee is asked to: - 1. Approve the proposed licensing fees and charges set out at Appendix B for consultation purposes and statutory advertising requirements.
Reason for Recommendation	In accordance with the Constitution, Committee is asked to approve the Licensing Fees for Taxi and Private Hire Licensing

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> The fees for 25/26 need to be approved for public consultation by the Licensing Committee 	<ul style="list-style-type: none"> Need to have the fees approved before public consultation
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> The Licensing Authority asks the Committee to approve and/or make amendments to the fees. 	<ul style="list-style-type: none"> Following Licensing Committee recommendation consultation will commence

- 1.1 This report seeks Licensing Committee’s approval of proposed fee levels for the purposes of consultation and statutory advertising requirements.
- 1.2 The proposed fees for 2025/26 are to cover increased costs to the service. It is proposed to charge the trade the cost of the taxi policy revision over the length of the policy which is 5 years to keep the cost increase as low as possible.

1.3 It is also proposed not to charge for the proposed 2025/26 fees for a previous Licensing Sub-Committee on a hackney carriage driver which was deferred from 2023/24 fees due to the amount of increase.

1.4 The fees were revised in 2022/23 in line with the legislative requirements and the most up to date caselaw and guidance, as well as changes to the licencing procedure for efficiency purposes. Another review of the fees has been carried out for the setting of 2025/26 fees.

2. Key issues for Taxi and Private Hire Licensing Fees:

2.1 Spelthorne Borough Council in its role as the Licensing Authority (LA) is responsible for licensing Taxis and Private Hire drivers, vehicles, and operators.

2.2 The taxi licensing regime is a “two tier” system involving five categories of licence, hackney carriages, and private hire: -

(a) Tier 1 – the licensing of hackney carriage drivers and hackney carriage vehicles.

(b) Tier 2 - the licensing of private hire drivers, vehicles, and operators.

2.3 Spelthorne Borough Council licenses (at the 31 March 2024) the following: -

(a) 15 Operators

(b) 66 Hackney Carriage Drivers (mixture of 3-year and 1-year licences)

(c) 43 Private Hire Drivers (mixture of 3-year and 1-year licences)

(d) 48 Hackney Carriage Vehicles

(e) 45 Private Hire Vehicles

2.4 A list of the current fees is attached at **Appendix A**.

2.5 A list of the proposed fees is attached at **Appendix B**.

2.6 If approved, the proposed fees will be subject to a full consultation process with the licensed trade and other relevant parties. It is proposed that this consultation period will begin following this Licensing Committee.

2.7 Following the statutory consultation process, and if no objections are received, the fees will take effect on 1 April 2025.

2.8 If objections are received, a further report will be presented to the Licensing Committee meeting setting out the results of the consultation and any amendments made to the proposed fees as a result. The Licensing Committee will determine the fees as well as the date from which it will take effect.

3. Options analysis and proposal

3.1 **Option 1** – to agree to consult with the taxi trade on the proposed fees. **(This is the preferred option)**

3.2 **Option 2** – to agree the proposed fees with other amendments provided that such amendments are permitted by legislation.

3.3 **Option 3** – not to agree the proposed fees - while this is an option it is not realistic taking into account the legal considerations outlined in section 7 below.

4. Financial implications

4.1 If the proposed percentage fee increase is not agreed then the income from the hackney carriage and private hire regime will not cover the costs.

5. Risk considerations

5.1 Fees may be challenged in the High Court (Judicial Review). It is therefore important that the process the Council follows is fair, open, and transparent.

6. Procurement considerations

6.1 There are no procurement considerations.

7. Legal considerations

7.1 Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') specifies that the costs related to issue and administration of licences can be recovered in driver's licence fees.

7.2 Section 70 of the Act specifies that the reasonable cost of inspecting vehicles, the reasonable cost of providing hackney carriage stands and any reasonable administrative costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.

7.3 The legislation does not require the Council to make a precise calculation so as to arrive at an income which exactly meets the cost of the administration of the various licences. Councils are required, however, to take a reasonable and proportionate approach and should aim to set a fee level that is sufficient to cover the cost but not make a surplus.

7.4 Licence fees cannot, however, be used for enforcement activities against unlicensed operators and it is therefore necessary for the cost of enforcement of unlicensed drivers, vehicles and operators to be met out of general funds. For the avoidance of doubt, the Licensing Authority supports and continues to support the trade investigating any concerns and is under an obligation to ensure the safety of the travelling public.

7.5 The fees and charges proposed in this report ensure that the service provided remains cost neutral, and create no additional cost to council tax payers.

8. Other considerations

8.1 There are none.

9. Equality and Diversity

9.1 An equality impact assessment has been carried out. No significant impacts were identified through the assessment.

10. Sustainability/Climate Change Implications

10.1 Taxi and Private Hire vehicles help reduce the need for private ownership of cars. They also play a pivotal role in transporting children to/from school and supporting the night-time economy. They can also help reduce emissions to the atmosphere.

11. Timetable for implementation

Licensing Committee to agree proposed fees	1 October 2024
Public Consultation	2 October for 28 days

11.1 Website 11.2 Notice board 11.3 Council Offices 11.4 Newspaper 11.5 Email to all licensed trade (hackney, private hire and operators)	
End of Consultation	30 October 2024
If no objections fees take effect	1 April 2025
If objections received Licensing Committee to be convened	November/December 2024 Licensing Committee to determine when fees take effect. Fees must be implemented on or before

12. Contact

Lucy Catlyn, Principal Licensing Officer

(01784 444295) l.catlyn@spelthorne.gov.uk or licensing@spelthorne.gov.uk

Background papers:

LGA Guidance on locally set fees:

<https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

Appendices: -

- Appendix A – Current Fees & Charges 2024/2025
- Appendix B – Proposed fees for 2025/2026

Taxi and Private Hire Fees with effect from 1 April 2024

Licence	Cost code	Fee	1 year fee	3 year fee	5 year fee
New Driver Hackney Carriage	31807 7302		£242	£395	
New Driver Private Hire	31807 7313		£242	£395	
Renewal Driver Hackney Carriage	31807 7302		£203	£452	
Upgrade Private Hire Driver to Hackney Carriage Driver (Includes 1 attempt at conditions test, 1 attempt at geographic test, vehicle check & processing & issuing driver and vehicle licence)	31807 7302	£212			
Renewal Driver Private Hire	31807 7313		£197	£410	
Vehicle Hackney Carriage	31807 7308		£254		
Vehicle Private Hire	31807 7315		£251		
Change of Vehicle	HC 31807 7308 PH 31807 7315	£175			
Discounted PH/HC vehicle with wheelchair accessibility	PH 31807 7315 HC 31807 7308		£127 / £125		
Operators	31807 7318		£366		£1027
Hackney Carriage Geographic Test & Retest	31807 7302	£73			
Hackney Carriage Conditions Test & Retest	31807 7302	£52			
Private Hire Geographic Test & Retest	31807 7313	£52			
Private Hire Conditions Test & Retest	31807 7313	£52			
English & Numeracy Test & Retest	HC 31807 7302 PH 31807 7313	£31			
DBS	HC 31807 7302 PH 31807 7313	£47			
Cancellation of booked appointment fee (payment code depends on appt type)	HC Driver 31807 7302 HC Vehicle 31807 7308 PH Driver 31807 7313 PH Vehicle 31807 7315	£42			
Reissue of PH/HC driver or vehicle licence due to any other reason	HC Driver 31807 7302 HC Vehicle 31807 7308 PH Driver 31807 7313 PH Vehicle 31807 7315	£26			
Replacement of plates	HC Vehicle 31807 7308 PH Vehicle 31807 7315	£24			

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Taxi and Private Hire Fees with effect from 1 April 2025

Licence	Cost code	Fee	1 year fee	3 year fee	5 year fee
New Driver Hackney Carriage	31807 7302		£249	£429	
New Driver Private Hire	31807 7313		£253	£429	
Renewal Driver Hackney Carriage	31807 7302		£233	£468	
Upgrade Private Hire Driver to Hackney Carriage Driver (Includes 1 attempt at conditions test, 1 attempt at geographic test, vehicle check & processing & issuing driver and vehicle licence)	31807 7302	£234			
Renewal Driver Private Hire	31807 7313		£236	£457	
Vehicle Hackney Carriage	31807 7308		£260		
Vehicle Private Hire	31807 7315		£257		
Change of Vehicle	HC 31807 7308 PH 31807 7315	£180			
Discounted PH/HC vehicle with wheelchair accessibility	PH 31807 7315 HC 31807 7308		£130 / £128.50		
Operators	31807 7318		£367		£1030
Hackney Carriage Geographic Test & Retest	31807 7302	£76			
Hackney Carriage Conditions Test & Retest	31807 7302	£54			
Private Hire Geographic Test & Retest	31807 7313	£54			
Private Hire Conditions Test & Retest	31807 7313	£54			
English & Numeracy Test & Retest	HC 31807 7302 PH 31807 7313	£32			
DBS	HC 31807 7302 PH 31807 7313	£48.5 0			
Cancellation of booked appointment fee (payment code depends on appt type)	HC Driver 31807 7302 HC Vehicle 31807 7308 PH Driver 31807 7313 PH Vehicle 31807 7315	£44			
Reissue of PH/HC driver or vehicle licence due to any other reason	HC Driver 31807 7302 HC Vehicle 31807 7308 PH Driver 31807 7313 PH Vehicle 31807 7315	£29			
Replacement of plates	HC Vehicle 31807 7308 PH Vehicle 31807 7315	£27			

Licensing Committee



1 October 2024

Title	Gambling Act Policy 2025-2028 for Council adoption
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 recommend adoption of the Gambling Act Policy 2025-2028 by Council (Appendix A)
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 recommend the Statement of Gambling Policy 2025-2028 policy to Council for adoption 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 Regular review and adoption of the Statement of Gambling Policy ensures that the licensing framework are up to date and effective in ensuring a safe and regulated environment for users of licensed premises. It will also ensure that there are methods for robust enforcement and review of problem licensed premises.

2.5 The policy statement under the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time

- 2.6 The Licensing Committee agreed a draft revised policy for consultation on 23 July 2024. Consultation took place between 26 July 2024 and 26 August 2024 with those as published in the draft policy.
- 2.7 During the consultation period, there were three responses. The responses had nothing to add to the policy at this time:
- (a) Lotteries Council asked that their email address be updated to admin@lotteriescouncil.org.uk
 - (b) Housing Options replied with no comments.
 - (c) GamCare have made a number of positive comments on the policy and suggested that the changes they propose are viewed in the context of the Gambling Act Review which will happen following the Government amending the legislation.

3. Options analysis and proposal

- 3.1 The preferred option is for Licensing Committee to recommend the policy to Council for adoption – in accordance with the timetable set out in this report.
- 3.2 There is an option for Licensing Committee to amend the policy. However, if the Committee decides on the latter course of action this will cause a delay in implementation of the policy.
- 3.3 If the Council fails to prepare and publish the policy statement the Council may be challenged when exercising its functions under the Act through a number of routes, e.g. service complaints to the Local Government and Social Care Ombudsman and judicial review. Conversely, by preparing and publishing the policy statement, the Council is complying with its legal obligation. In addition, the Council provides a defined framework within which to exercise its functions and makes it clear to all stakeholders the manner by which the Council intends to exercise its functions.
- 3.4 The recommendations are not at variance with the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications. The recommendations are in line with relevant legal procedures prescribed by the Act and with guidance issued by the Gambling Commission.
- 3.5 The policy statement does not breach any individual or group's human rights; it sets out processes and procedures that aim to protect human rights, in particular those rights that relate to a right to a fair trial, no punishment without law and right to respect for private and family life. If the policy statement were not followed, there is a risk that human rights may be breached.
- 3.6 Equality and Social Inclusion Impact issues for Protected Characteristic groupings during the consultation.
- 3.7 Age, in relation to children and young people;
- Disability, in relation to vulnerable adults; and

- Social Inclusion, in relation to the above and to those whom we may describe as vulnerable, including armed forces and ex-armed forces service personnel.

3.8 Reducing gambling related harm to residents is addressed in both the Gambling Act 2005

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 2022-2025 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 2022-2025 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 1 October 2024 to seek a recommendation to adopt a final proposed policy.
- Recommendation to Council on 24 October 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 Borough Council Statement of Gambling Policy 2025-2028

Appendix B – Gamcare response

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**Spelthorne Borough Council
Statement of Gambling Policy
2025-2028**

Statement: *TO BE INSERTED**

This Statement of Principles was approved by Spelthorne Borough Council on ****TO BE INSERTED**** and comes into effect on ****TO BE INSERTED****. It replaces Spelthorne Borough Council previous Policy (published on 17 January 2024) 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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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

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.

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**.

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.

- 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 Regulation, 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 Regulation 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.

- 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

- 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: -

- 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.

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

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 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 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.

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 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: -

- 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 premises.
- 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

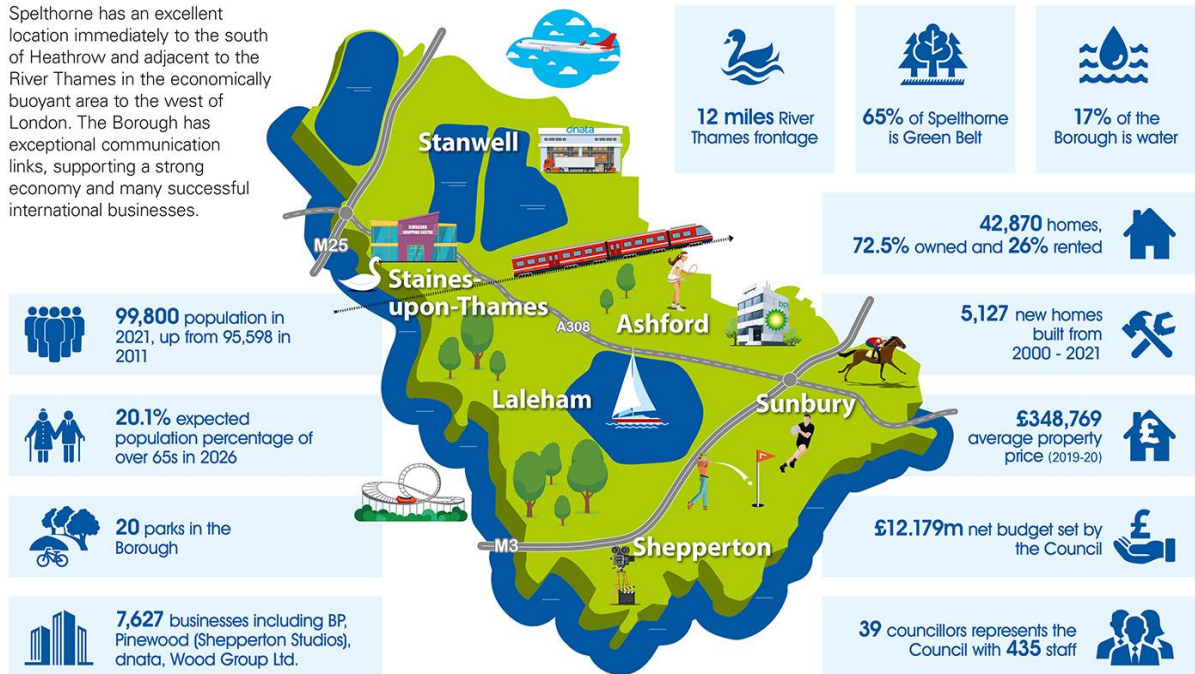
Unlimited stakes bridge or whist can be played. In addition participation fees (up to £18) can be charged.

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 admin@randscab.org.uk	Neighbouring London, County and District Councils: <ul style="list-style-type: none"> • London Boroughs of: Hounslow, Hillingdon & Richmond; (licensing@hounslow.gov.uk) (licensing@hillington.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

		(licensing@woking.gov.uk)
British Beer & Pub Association contact@beerandpub.com	The Lotteries Council admin@lotteriescouncil.org.uk	
British Institute of Innkeeping BII and BIIAB Customersupport@biiab.co.uk	Society for the Study of Gambling support@gamblingtherapy.org	
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	
Ladbrokes Betting and Gaming Ltd richard.royal@ladbrokes.co.uk	The Samaritans admin@samaritans.org	
William Hill Plc jnorris@williamhill.co.uk	Responsibility in Gambling Trust support@gamblingtherapy.org	
Gala Coral group help@coral.co.uk	Catalyst Alcohol & Drug Advisory Service info@catalystsupport.org.uk	
The Bingo Association info@bingo-association.co.uk	Surrey Chamber of Commerce louise.punter@surrey-chambers.co.uk	
Working Men's Club & Institute Union info@wmciu.org	Surrey Trading Standards business.advice@surreycc.gov.uk	
Racecourse Association Ltd info@racecourseassociation.co.uk	Surrey Youth Offending Team Head of Service: jamie.cottington@surreycc.gov.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

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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GamCare’s response to Spelthorne Borough Council – Consultation on the revision of statement of principles under the Gambling Act 2005

About GamCare:

GamCare is an independent charity and the leading provider of information, advice, and support for anyone affected by gambling harms. We operate the National Gambling Helpline, provide structured support for anyone harmed by gambling, and create awareness about safer gambling and treatments. For 26 years, our confidential, non-judgemental services, have supported more than half a million people to get their lives back on track.

We hold data locally and nationally through our National Gambling Helpline. We also work closely with those who have lived experience in shaping and delivering our services and programmes, ensuring that all our work is coproduced with our lived experience community at its heart.

GamCare’s comments on the revision of the statement of principles:

- We welcome the position Spelthorne Borough Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles.
- Local authorities can play a greater role in reducing gambling harm, particularly for those of our clients who experience harm in land-based gambling venues, due to council’s licensing responsibilities.
- It is vital that Spelthorne Borough Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area.
- Building on the proactive approach the council is already taking, we would like to see Spelthorne Borough Council commit in its statement of principles **to a public health approach** to gambling.
- This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers. GamCare has worked with Haringey Council to implement a similar system, that has received widespread support.
- In the absence of Cumulative Impact Assessments as a method by which the “aim to permit” approach can be challenged, Spelthorne Borough Council should continue to pursue a [Local Area Profile](#) approach that specifically analyses gambling risk, and use this data as a basis from which to scrutinise and possibly oppose a licensing application.
- The changes to Spelthorne Borough Council’s statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment.



*If you have any questions or would like to discuss in more detail, please contact Pollyanna Hopkins,
Senior External Affairs Officer: pollyanna.hopkins@gamcare.org.uk*