



## **Gambling Act 2005**

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

**Statement: \*\* \*\*\*\*\* 2018**

This Statement of Principles was approved by Spelthorne Borough Council on **\*\* \*\*\*\*\* 2018**

All references to the guidance refer to the 5th edition of the Gambling Commission's Guidance to Licensing Authorities, dated September 2015 and updated September 2016

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

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

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

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

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

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

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

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

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

## **1. Introduction**

### **1.1 The Gambling Act 2005**

#### **1.1.1 The Functions of Licensing Authorities**

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

functions in relation to gambling.

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

The main functions of licensing authorities are:

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

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

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

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

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### 1.1.2 The Licensing Objectives

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

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

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

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

- In general it is not expected that the Council will deal with issues of fairness and openness as this will usually be a matter for the Commission as the way gambling products are provided are subject to the conditions of the operating licence or personal licences. However, if there are suspicions that gambling is not being conducted in a fair and open way, the Council will bring this to the attention of the Commission.

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

- When considering application, the Council will always take the location of the premises into account with regard to the children and vulnerable persons licensing objective.

- In order to explain the Council's approach to this objective more clearly, it is necessary to separate it into 'children' and 'vulnerable people' respectively:

- Protecting children from being harmed or exploited by gambling means: preventing them from taking part; and restricting activities such as advertising so that its not aimed at or attractive to children.

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

- Supervision of entrances;
- supervisions of gaming machines; and
- the separation of certain areas within the premises.

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

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

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

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

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

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## **1.2 Spelthorne Borough – Local Area Profile**

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

~~Commercially, the area is one of the most active in Surrey. The local economy includes manufacturing and service industries, research, agriculture, the professions and many administration sites. In fact 20% of all commercial or industrial property in the county is located in the Borough, including the headquarters of national and international companies such as BP. Shepperton Film Studios and Kempton Park Racecourse are also located within the Borough. Heathrow, the busiest international airport in the world, lies on the Borough's northern edge and inevitably has a major impact on the area both economically (13% of Spelthorne's economically active population work there) as well as environmentally.~~

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

~~There are 20 betting shops, one adult amusement arcade located in Staines-upon-Thames, the Borough's principle town. There are 42 pubs in the Borough, most of which have gaming machines, and 23 Private Members' clubs. There are no bingo premises or casinos.~~

While relative to the county of Surrey as a whole, the Borough is marginally less affluent. However in national terms it is more affluent. According to a Local Economic Assessment conducted in 2013, unemployment levels in Spelthorne are very low at 0.9% (February 2015), although skill levels and consequently incomes are below average for the wider area.

Politically, the Spelthorne constituency has a strong Conservative majority, with 35 Conservative councillors returned in the 2015 borough elections, with three Liberal Democrat councillors and one Labour councillor.

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

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

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

A Map of Spelthorne Borough is at **Annex 1**

### 1.3 Consultation

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

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

A full list of consultees is attached as Annex 2.

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

#### 1.4 Declaration

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

#### 1.5 Responsible Authorities

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

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

- The Gambling Commission
- The Police
- The Fire Service
- The local planning authority
- Environmental health
- ~~Child Protection Committee~~ Surrey County Council's Children Services (see Section 1.5.1)
- HM Revenue and Customs
- A licensing authority in whose area the premises is situated
- Any other person prescribed in regulations by the Secretary of State

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

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

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

The contact details of all the Responsible Authorities under the Act are contained in Annex 3 of this policy



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

### 1.5.1 Protection of children

In exercising the Council's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

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

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

### 1.6 Interested parties

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

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

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

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

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

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

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

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

1.7 Exchange of Information

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

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

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

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

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

In handling information it receives consideration will be given to guidance issued by the Gambling Commission or Information Commissioner and to the Council's policies in relation to data protection, and freedom of information and the General

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### Data Protection Regulations-

The Council may also exchange information with other persons or bodies listed below, for use in the exercise of functions under the 2005 Act:

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

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Any person wishing to obtain further information about their rights under the Data Protection Act 1998, ~~or the~~ Freedom of Information Act 2000 or the General Data Protection Regulations may view the Council's policies at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk).

## **1.8 Enforcement**

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

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

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

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

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

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

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

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

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

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

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

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

## **2. Premises Licences**

### **2.1 Decision making - general**

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

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

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

The Council will not have regard to the expected demand for the facilities which it is proposed to provide, nor the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

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

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

## **2.2 Premises “ready for gambling”**

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

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

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

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

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

## **2.3 Location**

The location of premises may be relevant to the 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.

## **2.4 Plan**

The Council expects applications for premises licences to be accompanied by a plan of the premises to scale (normally 1/100). The plan of the premises should include:

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

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

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## 2.5 Multiple licences/ layout of buildings

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

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

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

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

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### Splitting of premises

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

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

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

In accordance with the Gambling Commission guidance, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

### **Appropriate Licence Environment**

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

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

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

### **Licence Conditions and Codes of Practice**

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

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

In particular operators must ensure that;

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

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

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

## 2.6 Risk Assessments: Betting Premises

Such risk assessments are required from new applicants, and from existing premises licensees:-

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

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

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

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

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

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

## 2.7 Conditions

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

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

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

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

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

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

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

## 2.8 Door Supervisors

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

supervision.

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

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

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

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

## **2.9 Adult gaming centres**

Persons operating an adult gaming centre must obtain an operating licence from the Commission and a premises licence from the Council. This will allow the operator to make four category B, C & D-3/B4 machines and any number of Category C machines available to their customers. No one under the age of 18 is permitted to enter an adult gaming centre.

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

Applicants are encouraged to consider the following steps:

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

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

## **2.10 Licensed family entertainment centres**

Operators of licensed family entertainment centres will require an operating licence from the Gambling Commission, and a premises licence from the Council. This

will allow the operator to make category C & D machines available to their customers.

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

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

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

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

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

## **2.11 Tracks**

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

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

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

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

-Physical separation of areas

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

### **Gaming machines**

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

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

### **Condition on rules being displayed**

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

### **Applications and plans**

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

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

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

## **2.12 Casinos**

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

## **2.13 Betting Premises**

This paragraph deals with off-course betting, that is betting that takes place other

than at a track (commonly known as a licensed betting office). Operators of betting premises will require an operating licence from the Gambling Commission and a premises licence from the Council.

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

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

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

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

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

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

## **2.14 Bingo**

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

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

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

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

remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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## 2.15 Temporary Use Notices

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

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

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

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

which may:

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

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

## **2.16 Review of a premises licence**

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

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## **3 Permits**

### **3.1 Unlicensed Family Entertainment Centre gaming machine permits**

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

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

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

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

The policies and procedures are expected to include:

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

The Council will also expect applicants to demonstrate

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

### 3.2 (Alcohol) Licensed premises gaming machine permits

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

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

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

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

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

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

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

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

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

### 3.3 Prize gaming permits



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

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

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

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

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

### **3.4 Club gaming and club machine permits**

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

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

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

Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

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

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

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

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

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

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

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

### **3.5 Cancellation of Permits**

#### **3.5.1 Gaming /Machine Permits**

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

#### **Gaming / Club Machine Permits**

Decisions relating to the cancellation of a Club Gaming or Club Machine Permit may not be made by an officer of the authority. Such decisions shall be dealt with by a

Licensing Sub Committee.

#### 3.5.2 Alcohol licensed premises permits

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



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

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

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

Each application will be determined on its individual merits.

## Annex 2

### Schedule of Consultees

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

## **Annex 3**

### **Schedule of Responsible Authorities**

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

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#### **Spelthorne Licensing**

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

#### **The Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

#### **Licensing Northern Surrey Police**

Spelthorne Neighbourhood Team  
PO Box 101  
Guildford  
GU1 9PE

#### **Surrey Fire & Rescue Service**

Headquarters  
Croydon Road  
Reigate  
Surrey  
RH2 0EJ

Head of Planning

#### **Spelthorne Planning**

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

**Surrey County Council's Childrens Services**

Quadrant Court  
35 Guildford Road  
Woking  
GU22 7QQ

**HM Revenue & Customs**

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

**Surrey Trading Standards**

Consort House  
5-7 Queensway  
Redhill  
RH1 1YB

**Spelthorne Environmental Health Department**

Spelthorne Borough Council  
Council Offices Knowle  
Green Staines  
TW18 1XB

**Authorities for vessels:**

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



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

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

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

## ANNEX 5 – GLOSSARY OF TERMS

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

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

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

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

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

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

**AWP machines:** - Amusement with Prize Machines

**BACTA:** - the British Amusement Catering Trade Association

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

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

**Bingo:** - a game of equal chance.

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

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

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

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

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

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

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

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

**Complex Lottery:** - an arrangement where:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Fixed Odds Betting:** - general betting on tracks.

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

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

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

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

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

Article 6: - the right to a fair hearing

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

Article 10: - the right to freedom of expression

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

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

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

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

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

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

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

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

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

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

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

**Licensing Objectives:** - there are three objectives

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Private lottery:** - there are three types of private lottery

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

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

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

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

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

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

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

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

**Simple Lottery:** - an arrangement where

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

**SWP:** - a Skills-with-Prizes machine

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

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

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



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

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

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

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

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

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

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

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

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

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

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