

WOKING BOROUGH COUNCIL

# GAMBLING ACT 2005 STATEMENT OF POLICY

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Adopted by Council:  
Commencement date:



	<b>Page</b>
Foreword	<b>4</b>
<b>PART A - General</b>	
<b>A1</b> - Introduction	<b>5</b>
<b>A2</b> - Woking Borough	<b>5</b>
<b>A3</b> - Licensing Objectives	<b>7</b>
<b>A4</b> - Types of Licence	<b>8</b>
<b>A5</b> - Declaration	<b>9</b>
<b>A6</b> - Responsible Authorities	<b>9</b>
<b>A7</b> - Interested Parties	<b>10</b>
<b>A8</b> - Exchange of Information	<b>10</b>
<b>A9</b> - Enforcement	<b>11</b>
<b>A10</b> - Child Sexual Exploitation	<b>12</b>
<b>PART B - Premises Licence</b>	
<b>B1</b> - General Principles	<b>13</b>
<b>B2</b> - Definition of Premises	<b>13</b>
<b>B3</b> - Premises Ready for Gambling	<b>15</b>
<b>B4</b> - Avoidance of Duplication	<b>15</b>
<b>B5</b> - Conditions	<b>15</b>
<b>B6</b> - Door Supervisors	<b>16</b>
<b>B7</b> - Definitions and Categories of Gaming and Betting Machines	<b>17</b>
<b>B8</b> - Adult Gaming Centres	<b>17</b>
<b>B9</b> - Licensed Family Entertainment Centres	<b>18</b>
<b>B10</b> - Tracks	<b>19</b>
<b>B11</b> - Casinos	<b>20</b>
<b>B12</b> - Betting Premises	<b>20</b>

<b>B13 - Bingo</b>	<b>21</b>
<b>B14 - Travelling Fairs</b>	<b>21</b>
<b>B15 - Provisional Statements</b>	<b>21</b>
<b>B16 - Reviews</b>	<b>22</b>
<b>B17 - Promotion of Equality</b>	<b>22</b>
<b>PART C - Permits, Temporary / Occasional Use Notices</b>	
<b>C1 - Unlicensed Family Entertainment Centre Gaming Machine Permits</b>	<b>23</b>
<b>C2 - Alcohol Licensed Premises</b>	<b>24</b>
<b>C3 - Prize Gaming Permits</b>	<b>24</b>
<b>C4 - Club Gaming and Club Machine Permits</b>	<b>25</b>
<b>C5 - Temporary Use Notices</b>	<b>26</b>
<b>C6 - Occasional Use Notices</b>	<b>27</b>
<b>C7 - Registration of Small Society Lotteries</b>	<b>27</b>
<b>PART D - Industry Social Responsibility</b>	
<b>D1 - Licence Conditions and Codes of Practice (LCCP)</b>	<b>29</b>
<b>D2 - Risk Assessments</b>	<b>29</b>
<b>D3 - Local Area Profile</b>	<b>30</b>
<b>PART E</b>	
<b>E1 - Administration, Exercise and Delegation of Functions</b>	<b>32</b>
<b>ANNEXES</b>	
<b>ANNEXE 1 - Map of Woking Borough</b>	<b>33</b>
<b>ANNEXE 2 - Responsible Authorities and Sources of Information</b>	<b>34</b>
<b>ANNEXE 3 - Categories of Gaming Machines</b>	<b>35</b>
<b>ANNEXE 4 - Glossary of terms</b>	<b>37</b>

## Foreword

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This Statement of Gambling Policy sets out the approach that Woking Borough Council intends to take in delivering its licensing duties under the Gambling Act 2005. This Policy Statement provides guidance to residents, visitors and businesses on gambling, gaming and lottery licensing issues within Woking Borough. The Council will work closely with other individuals and organisations that have responsibilities under the Gambling Act 2005, including organisations such as the Police and Fire Services, the Gambling Commission, licensees and certificate holders, businesses, residents and their representatives.

Views on gambling are wide and varied. Woking Borough Council must only consider issues in relation to the three licensing objectives referred to above when handling any applications it receives. It is not the role of the Council to make any judgement with regards to the benefits or otherwise of gambling. The Council will simply endeavour to ensure that gambling taking place within Woking Borough is carried out in accordance with the Gambling Act 2005.

The Policy itself covers the broader remit of licensing gambling premises, as well as functions in relation to specific types of gaming machines in other premises and the provision of small society lotteries within Woking Borough. The Policy identifies how the Council will promote the following licensing objectives referred to in the Act:

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

Woking Borough Council aims manage an effective licensing system, achieving the objectives of the Gambling Act 2005 for the benefit of the whole community.

Signed:

Cllr Debbie Harlow

Chairman of the Licensing Committee

## PART A

### GENERAL

#### A1 Introduction

- A1.1** Section 349 of the Gambling Act 2005 (hereafter referred to as the 'Act') requires each Licensing Authority (in this case Woking Borough Council) in England and Wales to determine and publish its Policy Statement on the exercise of its gambling functions every three years.
- A1.2** The Policy Statement will come into effect on ??????. It will be subject to review and further consultation no later than ?????? and may be reviewed in the interim.
- A1.3** This statement of policy has been prepared in consultation with the following persons / bodies:
- i. The Chief Officer of Police
  - ii. One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
  - iii. 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
- A1.4** The Council had regard to the Gambling Commission's Guidance when determining this Policy Statement.
- A1.5** In carrying out its gambling functions the Council will have regard to its Policy Statement and the Guidance issued by the Gambling Commission.

#### A2. Woking Borough

- A2.1** A map of Woking Borough is attached as **Annexe 1**.
- A2.2** Woking is situated in the heart of Surrey, 25 miles from central London, within 15 and 20 miles of Heathrow and Gatwick respectively. It is bordered by the Boroughs of Guildford to the south, Runnymede to the north, Elmbridge to the east and Surrey Heath to the west.
- A2.3** The Council vision is "**towards tomorrow today**".
- A2.4** This Vision is supported by a statement of intent about shaping our future, comprising a number of value aims under the three key thematic areas of **People, Place and Us** (our organisation), as follows

##### **People - A healthy, inclusive and engaged community**

We will improve the health and wellbeing of our community, by

- i. working with partners to raise personal health standards, with particular focus on mental health, alcohol, obesity and smoking
- ii. encouraging through a clear dialogue, with those who are able, to take responsibility and self-serve; while helping, with partner organisations (including the voluntary, community and faith sectors), those less able
- iii. promoting recreational opportunities for all sections of the community.

##### **Place - An enterprising, vibrant and sustainable place**

We will help to create a sustainable community which has a strong identity and is a place where people want to be, by

- i. maintaining a high quality natural environment where resources are used wisely and biodiversity is conserved

- ii. creating a high-quality built environment which meets local needs, and enables an enterprising culture to flourish and the local economy to prosper
- iii. providing, in collaboration with partners, the physical and electronic infrastructure to enable efficient and integrated travel, and supporting high quality electronic services.

### **Us - An innovative, proactive and effective council**

We will look ahead and, along with our partners, seek opportunities to shape and improve the services provided to the community, by

- i. communicating well, listening to the community and working with others to deliver services efficiently and effectively
- ii. developing the skills and behaviours of our staff, and making the best use of resources (money, people, assets) to deliver services
- iii. giving clear messages about the boundaries within which we expect our staff to work, encouraging them to take ownership, and empowering them to take measured risks when taking action or making decisions within those boundaries.

- A2.5** The Borough has a population of approximately 100,000 and covers an area of 6,357 hectares. Most residents live in Woking's well defined urban area and 80% of residents refer to "Woking" as their town or nearest town. The Borough is 60% green belt and the town itself surrounded by open countryside, including thousands of acres of woods and heathland across Horsell Common. Equally important to Woking's identity are the villages of Brookwood, Knaphill, Byfleet, West Byfleet, Horsell, Mayford, Old Woking, Pyrford, St. John's and Sutton Green.
- A2.6** Woking has long been committed to protecting the environment and boasts Beacon Status for the adoption of sustainable energy and tackling climate change, leading on the application of innovative transport and energy initiatives.
- A2.7** Woking has a prosperous commercial centre, with two indoor shopping malls and a covered market. A number of leading international businesses have their headquarters in the Borough, including the McLaren Group, Asahi UK and the Ambassador Theatre Group.
- A2.8** Visitors to Woking are catered for by a number of hotels, including the Premier Inn, Travelodge and Double Tree by Hilton Hotels. When completed, the new Victoria Square development will also include a new four star Hilton Hotel. Woking also has over 30 restaurants and food outlets.
- A2.9** The H.G Wells Conference and Event Centre offers conference facilities.
- A2.10** Woking is a centre of excellence for the arts, its three theatres attract 350,000 visitors a year and the New Victoria Theatre has the largest auditorium (1,300 seats) in the South East. Live performances are complemented by a six screen cinema.
- A2.11** Woking offers a range of accessible indoor leisure and sports facilities, actively promoting health and wellbeing. Outdoor activity includes over 11 miles of canal towpaths, 9 countryside sites, 27 miles of cycle paths, 9 golf courses, 22 parks and recreation grounds a tennis centre and Woking Football Club which has a stadium capacity of 6,000.
- A2.12** Woking's rich cultural heritage dates back to the Norman Conquest but the modern town was born out of the railway, which provides links to the South West and a 25 minute journey to Waterloo. The Shah Jahan Mosque was established in 1889 and the Muslim community has been well represented in Woking ever since, significantly contributing to cultural diversity.
- A2.13** There are approximately 260 premises and 40 clubs currently licensed under the Licensing Act 2003 in Woking. These licences authorise the supply of alcohol, provision of late night refreshment, regulated entertainment, indoor sports, boxing and wrestling, either on their own or in combination.
- A2.14** Woking has one bingo hall, one adult gaming centre and 12 betting premises (betting shops). The Council also issues approximately 22 alcohol licensed premises gaming machine permits and 5 club machine permits. All of these require licences and permits which are or will become the responsibility of Woking Borough Council.

### **A3. Licensing Objectives**

**A3.1** The Gambling Act 2005 ('the Act') gives licensing authorities various regulatory functions in relation to gambling.

**A3.2** The main functions of licensing authorities are

- i. Licensing premises for gambling activities
- ii. Considering notices given for the temporary use of premises for gambling
- iii. Granting permits for gaming and gaming machines in clubs and miners' welfare institutes
- iv. Regulating gaming and gaming machines in alcohol licensed premises
- v. Granting permits to family entertainment centres for the use of certain lower stake gaming machines
- vi. Granting permits for prize gaming
- vii. Considering occasional use notices for betting at tracks
- viii. Registering small societies lotteries

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

**A3.3** In exercising most of 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

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

**A3.4** Premises licences granted must be reasonably consistent with the above listed licensing objectives. With these objectives in mind, Woking Borough Council has reflected on guidance provided by the Gambling Commission:

#### **A3.4.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

Woking Borough Council will consider the location of premises in the context of this licensing objective when considering applications for a premises licence or permit in an area noted for particular problems with disorder and criminal activity. This will include giving due consideration to the need for any controls that might be appropriate in preventing premises from being associated with or used to support crime i.e. a requirement for door supervisors.

Woking Borough Council will give due consideration to determine whether a disturbance is serious enough to constitute disorder and how threatening the behaviour was to those who could see or hear it, therefore requiring police assistance.

Where there are persistent or serious disorder problems that an operator could or should do more to prevent, Woking Borough Council will bring this to the attention of the Gambling Commission for consideration regarding the suitability of the operator to hold an operating licence.

Should Woking Borough Council receive information while considering a premises licence application, or at any other time, that causes it to question the suitability of the applicant to hold an operating licence, these concerns will immediately be brought to the attention of the Gambling Commission.

#### **A3.4.2 Ensuring that gambling is conducted in a fair and open way**

The task of ensuring that gambling is conducted in a fair and open way is generally a matter for the management of the gambling establishment and subject to the operating licence. Alternatively it will be in relation to the suitability and actions of an individual and subject to the granting of a personal licence.

As such, the Gambling Commission would not normally expect licensing authorities to become concerned with ensuring or enforcing compliance with this particular objective.

However, if Woking Borough Council does have cause for concern in this regard, or any concerns are brought to its attention, these concerns will be forwarded to the Gambling Commission.

#### **A3.4.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling**

Woking Borough Council acknowledges the Gambling Commission consideration, “for regulatory purposes” (rather than forming a specific definition), of the following as vulnerable persons:

- i. people who gamble more than they want to
- ii. people who gamble beyond their means
- iii. people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs

Woking Borough Council will consider whether any special considerations apply in relation to the protection of vulnerable persons. These considerations will be on a case by case basis, with due attention being paid to the Codes of Practice issued by the Gambling Commission and will be balanced against the authority’s objective to aim to permit the use of premises for gambling.

Woking Borough Council notes the Gambling Commission’s guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). Woking Borough Council will carefully consider whether specific measures are required at particular premises on a case by case basis i.e. conditions relating to the supervision of entrances/machines; segregation of areas etc.

## **A4. Types of Licence**

**A4.1** This document sets out the policies that the Council will apply when making decisions upon applications or notifications for

- i. Premises Licences
- ii. Temporary Use Notices
- iii. Occasional Use Notices
- iv. Permits as required under the Act
- v. Registrations as required under the Act

### **A4.2 Licensable Premises and Permits**

**A4.2.1** This Policy Statement relates to the following licensable premises, notices, permits and registrations identified as being covered by the provisions of the Act

- i. Casinos
- ii. Bingo Premises
- iii. Betting Premises
- iv. Tracks
- v. Adult Gaming Centres
- vi. Licensed Family Entertainment Centres
- vii. Unlicensed Family Entertainment Centres
- viii. Club Gaming Permits and Club Machine Permits
- ix. Alcohol Licensed Premises
- x. Prize Gaming and Prize Gaming Permits
- xi. Occasional Use Notices
- xii. Temporary Use Notices
- xiii. Small Society Lotteries

**A4.2.3** Licensing authorities are not involved in the licensing of remote gambling. This function is covered by the remit of the Gambling Commission through Operating Licences. Spread betting is regulated by the Financial Conduct Authority (FCA) and the National Lottery is regulated by the National Lottery Commission.

**A4.2.4** Additional to the requirement for premises to be licensed, licensees are also required to secure an operating licence and a personal licence. These specific licences are issued by the Gambling Commission.

## **A5. Declaration**

**A5.1** 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.

**A5.2** This statement of policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

**Part E** shows the delegation of functions under the Act.

## **A6. Responsible Authorities**

**A6.1** Responsible Authorities are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to one or more of the licensing objectives.

**A6.2** Section 157 of the Act defines those authorities. With specific regard to applications to Woking Borough Council they are

- i. Surrey Police
- ii. Surrey Fire and rescue Service
- iii. Woking Borough Council Environmental Health Manager
- iv. Woking Borough Council Borough Planning Officer
- v. Woking Borough Council Licensing Manager
- vi. HM Revenue and Customs
- vii. Surrey Children's Services Head of Statutory Child Protection and Child Care
- viii. The Gambling Commission

**A6.3** In exercising Council 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

- i. the need for the body to be responsible for an area covering the whole of the licensing authority's area
- ii. 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, Woking Borough Council designates Surrey Children's Services for this purpose.

**A6.4** The contact details of all the Responsible Bodies under the Act are set out in **Annexe 2**.

## **A7. Interested parties**

**A7.1** 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 Woking Borough Council

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

**A7.2** Whether or not a person is an interested party is a decision that will be taken by Woking Borough Council on a case-by-case basis. However, the following factors will be taken into account

- i. the size of the premises
- ii. the nature of the premises
- iii. the distance of the premises from the location of the person making the representation
- iv. the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)
- v. the nature of the complainant i.e. the interests of the complainant which may be relevant to the distance from the premises. It could be reasonable for the Council 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
- vi. 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.

**A7.3** Woking Borough 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

- i. Trade Associations
- ii. Trade Unions
- iii. Residents and Tenants Associations
- iv. Ward / Borough / County / Parish Councillors
- v. MP's
- vi. Places of Worship

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.

**A7.4** Woking Borough Council will require written evidence that a person / body ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and / or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

**A7.5** If individuals wish to approach Councillors to ask them to represent their views consideration should be given that the Councillors are not part of the Gambling Licensing Committee dealing with the licence application. If there are any doubts then please contact Woking Borough Council Licensing Department on **01483 755855** or alternatively e-mail [licensing@woking.gov.uk](mailto:licensing@woking.gov.uk)

## **A8. Exchange of Information**

**A8.1** Woking Borough 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.

- A8.2** The Council may share information in accordance with the following provisions of the Act:
- i. **Sections 29 & 30** (with respect to information shared between the Council and the Gambling Commission)
  - ii. **Section 350** (with respect to information shared between the Council and the other persons listed in Schedule 6 to the Act)
- A8.3** The principle that the Council applies is that it will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection legislation will not be contravened.
- A8.4** The Council will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- A8.5** When the law allows, the Council will agree secure mechanisms to share information with other regulators about gambling premises to help target resources and activities and minimise duplication.
- A8.4** The Council will adopt the principles of better regulation.
- A9. Enforcement**
- A9.1** 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.
- A9.2** Woking Borough Council's principles are to be guided by the Gambling Commission's Guidance to Licensing Authorities, and will endeavour to be:
- i. **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
  - ii. **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny
  - iii. **Consistent:** rules and standards must be joined up and implemented fairly
  - iv. **Transparent:** regulators should be open, and keep regulations simple and user friendly
  - v. **Targeted:** regulation should be focused on the problem, and minimise side effects
- A9.3** As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- A9.4** This licensing authority has adopted and implemented a risk-based inspection programme, based on;
- i. the licensing objectives
  - ii. relevant codes of practice
  - iii. guidance issued by the Gambling Commission, in particular at Part 36
  - iv. the principles set out in this statement of licensing policy
- A9.5** The main enforcement and compliance role for Woking Borough Council with regard to the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- A9.6** This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- A9.7** Bearing in mind the principle of transparency, Woking Borough Council's enforcement / compliance protocols / written agreements are available upon request to Woking Borough Council Licensing Department on **01483 755855** or alternatively e-mail [licensing@woking.gov.uk](mailto:licensing@woking.gov.uk)

## **A10. Child Sexual Exploitation**

- A10.1** Child Sexual Exploitation (CSE) is a form of abuse which involves children under 18, male and female, of different ethnic origins and of different ages, receiving something, usually food, drugs, alcohol, cigarettes, gifts and/or money, in exchange for sexual activity. It can occur through the use of technology without the child's immediate recognition, for example, being persuaded to post images on the internet or mobile phone without immediate payment or reward. Child Sexual Exploitation involves children being groomed into a relationship where they are forced or coerced into sexual activity in return for something and it can occur on the internet without the child's immediate recognition or gain. Violence, coercion and intimidation are common. Involvement in exploitative relationships is characterised by the child's or young person's limited availability of choice as a result of their social, economic and emotional vulnerability. A common feature of CSE is that the child or young person does not recognise the coercive nature of the relationship and does not see themselves as a victim of exploitation.
- A10.2** Surrey Safeguarding Children Board has produced Child Sexual Exploitation leaflets for children signposting them to [www.surreycc.gov.uk/cse](http://www.surreycc.gov.uk/cse) for support and advice where there are also posters for children and parents.
- A10.3** There are weekly Risk Management Meetings to discuss those children that have been identified at risk and to ensure that appropriate safeguarding measures are put in place to protect the child. This sharing of intelligence, and the exchange of current strategy developed by the Safeguarding Children Board, ensures that the protection of children from harm is proactively addressed.
- A10.4** Child Sexual Exploitation is a hidden crime; where victims are often too afraid to come forward and do not always see themselves as a victim of crime. Therefore it is essential that partners work together to try and prevent this abuse.
- A10.5** The Partnership needs to educate everyone, professionals and members of the public, on what Child Sexual Exploitation is, the risk indicators and warning signs in order to protect children by spotting it and reporting it. Children and young people also need educating to ensure they know what a healthy relationship looks like and what exploitative behaviour looks like.
- A10.6** Woking Borough Council is committed to protecting children from harm and is aware that the use of gambling premises by young people, and the frequentation of CSE offenders to gambling premises, is a risk to those children.
- A10.7** While gambling is primarily carried out by adults, this does not prevent young people visiting some premises where some gambling activities occur i.e. amusement arcades etc. Children are permitted to attend some gambling premises without any adult supervision, potentially resulting in a higher risk to those children from adults who also attend those premises and may find a vulnerability they choose to exploit. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.
- A10.8** Woking Borough Council encourages licence holders and operators of licensed premises
- i. to ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime
  - ii. to raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas

## **PART B**

### **PREMISES LICENCES**

#### **B1 General Principles**

- B1.1** Premises Licences will be considered in line with permissions / restrictions as stipulated in the Gambling Act 2005 and regulations. This shall be accompanied by consideration in accordance with mandatory and default conditions specified in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- B1.2** In accordance with Section 153 of the Act, Woking Borough Council is aware that in making decisions about premises licences it shall aim to permit the use of premises for gambling in so far as it thinks is
- i. in accordance with any relevant code of practice issued by the Gambling Commission
  - ii. in accordance with any relevant guidance issued by the Gambling Commission
  - iii. reasonably consistent with the licensing objectives
  - iv. in accordance with the authority's statement of licensing policy
- B1.3** 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.
- B1.4** Moral objections to gambling will not be considered by the Council, as they are not considered a valid reason for rejecting an application for a premises licence.
- B1.5** 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.

#### **B2. Definition of Premises**

**B2.1** The Act defines premises as "any place".

#### **B2.2 Premises Location**

**B2.2.1** 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

- i. schools
- ii. vulnerable adult centres
- iii. residential areas with a high concentration of children

**B2.2.2** 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.

#### **B2.3 Multiple Licences / Layout of Buildings**

**B2.3.1** Section 152 of the Act prevents more than one premises licence applying to any place.

**B2.3.2** It is the responsibility of the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises and will be a question of fact in the circumstances.

**B2.3.3** The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises.

**B2.3.4** Where multiple licences are sought for a building (or a discrete part of a building used for other non gambling purposes), specific issues will need to be considered by the Council before such application(s) can be granted. These include

- i. the ability of children to gain access to or closely observe gambling facilities (even accidentally)
- ii. 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
- iii. the compatibility of the 2 or more establishments
- iv. the ability of the establishments to comply with the requirements of the Act

**B2.3.5** 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.

**B2.3.6** Woking Borough Council will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

**B2.4** The statutory guidance gives a list of factors which the licensing authority should be aware of, which may include

- i. Do the premises have a separate registration for business rates?
- ii. Is the premises neighbouring premises owned by the same person or someone else?
- iii. Can each of the premises be accessed from any other gambling premises?

The authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

**B2.5** The following are the Gambling Commission's relevant access provisions for each premises type:

#### **B2.5.1 Casinos**

- i. The principal access entrance to the premises must be from a street (as defined in the guidance).
- ii. No entrance to a casino must be from premises that are used wholly or mainly by children and /or young persons.
- iii. No customer must be able to enter a casino directly from any other premises holding a gambling premises licence.

#### **B2.5.2 Adult Gaming Centres**

No customer must be able to access the premises directly from any other licensed gambling premises.

#### **B2.5.3 Betting Shops**

- i. Access must be from a street (as per paragraph 7.23 of the guidance) or from another premises with a betting premises licence
- ii. No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed

#### **B2.5.4 Tracks**

No customer should be able to access the premises directly from:

- i. a casino
- ii. an adult gaming centre

### **B2.5.5 Bingo Premises**

No customer must be able to access the premise directly from:

- i. a casino
- ii. an adult gaming centre
- iii. a betting premises, other than a track

### **B2.5.6 Family Entertainment Centre**

No customer must be able to access the premises directly from

- i. a casino
- ii. an adult gaming centre
- iii. a betting premises, other than a track

## **B3 Premises Ready for Gambling**

**B3.1** Woking Borough Council notes Gambling Commission guidance stipulating a licence to use premises for gambling should only be issued where the Council are satisfied the proposed licensed premises will be ready for use 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.

**B3.2** In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at the premises, this authority will determine applications on their merits, applying a two stage consideration process:

- i. whether the premises ought to be permitted to be used for gambling
- ii. 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

**B3.3** 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 licence.

## **B4 Avoidance of Duplication**

**B4.1** Woking Borough Council is aware of Section 210 of the Gambling Act whereby it's Licensing Committee, in making a decision on an application, shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building. The Council will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning.

## **B5 Conditions**

**B5.1** Conditions may be imposed upon a premises licence in a number of ways. These are

- i. **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
- ii. **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
- iii. **Specific** - conditions that can be attached to an individual licence by the licensing authority.

- B5.2** Conditions imposed by the Council will be proportionate to the circumstances that they are seeking to address. In particular, Woking Borough Council will ensure that premises licence conditions
- i. are relevant to the need to make the proposed building suitable as a gambling facility
  - ii. are directly related to the premises and the type of licence applied for
  - iii. are fairly and reasonably related to the scale and type of premises
  - iv. are reasonable in all other respects

- B5.3** Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures the Council will consider utilising should there be a perceived need, such as
- i. the use of door supervisors
  - ii. supervision of adult gaming machines
  - iii. appropriate signage for adult only areas etc

There are specific comments made in this regard under each of the licence types below. Woking Borough Council will also expect the licence applicant to offer their own suggestions on how licensing objectives can be met effectively.

- B5.4** Certain matters may not be the subject of conditions. These are
- i. any condition on the premises licence which makes it impossible to comply with an operating licence condition
  - ii. conditions relating to gaming machine categories, numbers, or method of operation
  - iii. 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
  - iv. conditions in relation to stakes, fees, winning or prizes

## **B6 Door Supervisors**

- B6.1** It is not a mandatory requirement of the Act to impose a condition relating to door supervision. Guidance from the Gambling Commission suggests that licensing authorities may consider the need for door supervisors with regard to the following licensing objectives
- i. protection of children and vulnerable persons from being harmed or exploited by gambling
  - ii. preventing premises becoming a source of crime
- B6.2** If Woking Borough Council considers it necessary to impose a condition on a premises licence requiring the presence of door supervisors, such persons would normally need to hold a licence from the Security Industry Authority (SIA).
- B6.3** 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 individual cases.
- B6.4** While there is no evidence that the operation of betting offices has required door supervisors for the protection of the public, Woking Borough Council will consider door supervisor requirements only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

## **B7 Definitions and Categories of Gaming and Betting Machines**

### **B7.1 Gaming Machines**

**B7.1.1** Broadly speaking (but with a few exceptions) there are four categories of gaming machines A, B, C, and D with category B machines being subdivided into five further categories. Details of the different categories and the maximum stake and maximum prize provided for each is set out in **Annexe 3**.

### **B7.2 Betting Machines**

**B7.2.1** A betting machine is not a gaming machine as it has been designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These “betting machines” are not gaming machines and therefore cannot be counted towards the maximum permitted number of gaming machines. There is also no requirement to comply with any stake or prize limits. Such betting machines merely automate the process which can be conducted in person and therefore do not require regulation as gaming machines.

**B7.2.2** Where a machine is able take bets on virtual races i.e. images generated by computer to resemble races or other events, that machine is considered to be a gaming machine and counts towards the maximum permitted number of gaming machines for that premises. It should therefore meet the relevant category limitations for the premises.

### **B7.3 Skill Games**

**B7.3.1** The Act does not cover machines awarding prizes determined purely by the skill of the players. If there were any element of chance imparted by the action of the machine it is classified as a gaming machine. An example of a skill game would be trivia game machines, where players answer general knowledge questions; racing games, such as F1 simulators; shooting games; and sport based games, such as basketball high score games to win cash prizes.

**B7.3.2** Many family entertainment centres have games that give prizes by redemption of tickets accumulated, and these machines that give prizes according to the skill of the player are exempt.

## **B8 Adult Gaming Centres**

**B8.1** Persons operating an adult gaming centre must obtain an operating licence from the Gambling Commission and a premises licence from the Council. This will permit the operator to make category B, C & D machines available to their customers.

**B8.2** No persons under the age of 18 are permitted to enter an adult gaming centre.

**B8.3** In considering licence applications for adult gaming centres, Woking borough Council will have particular regard for 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

- i. Proof of age schemes
- ii. CCTV
- iii. Door Supervisors
- iv. Supervision of entrances / machine areas
- v. Location of and entry to premises (so as to minimise the opportunities for children to gain access)
- vi. Notices / signage
- vii. Training for staff on challenging persons suspected of being under-age
- viii. Specific opening hours

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

**B8.4** In respect of the protection of vulnerable persons, Woking Borough Council will consider measures such as the use of self-barring schemes and the provision of information leaflets / helpline numbers for organisations such as GamCare.

**B8.5** Please see **Section B5** for details of conditions that may be attached to premises licences authorising adult gaming centres.

## **B9 Licensed Family Entertainment Centres**

**B9.1** The Act stipulates that there are two classes of family entertainment centre.

**B9.1.1** The first does not require a premises licence and can only provide category D gaming machines. This class of premises will require a permit for the gaming machines and can cater for families and unaccompanied children and young persons. See **Section D (Industry Social Responsibility)** for further information.

**B9.1.2** The second class does require a premises licence and can provide both category C and D machines. Children and young persons are permitted to enter this class of premises but may only use category D machines. In operating licences the Gambling Commission is likely to set conditions requiring operators to ensure category C machines are clearly marked for over 18s use only and that staff must prevent access by under 18s and challenge any young persons who attempt to use the machines.

**B9.2** 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.

**B9.3** Children and young persons will be able to enter licensed family entertainment centres and use category D machines. They will not be permitted to use category C machines.

**B9.4** As family entertainment centres will particularly appeal to children and young persons, priority shall be given to child protection issues.

**B9.5** Where category C machines are available in licensed family entertainment centres the Council will normally require that

- i. 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
- ii. only adults are admitted to the area where the machines are located
- iii. access to the area where the machines are located is supervised
- iv. the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
- v. 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

**B9.6** 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

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

**B9.7** In respect of the protection of vulnerable persons, Woking Borough Council will consider measures such as the use of self-barring schemes and the provision of information leaflets / helpline numbers for organisations such as GamCare.

- B9.8** This licensing authority will refer to the Gambling Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.
- B9.9** This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- B9.10** Please see **Section B5** for details of conditions that may be attached to premises licences authorising licensed family entertainment centres.

## **B10 Tracks**

- B10.1** 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).
- B10.2** Woking Borough Council is aware that the Gambling Commission may provide further specific guidance as regards tracks. Tracks are different from other premises in that they may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.
- B10.3** 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.
- B10.4** Applicants are encouraged to consider the steps set out at **Section B8** in order to prevent the access of children and young people to machines of category B & C. In addition, applicants are encouraged to consider the following
- i. Physical separation of areas
  - ii. Measures / training for staff on how to deal with school children on the premises, at all times and particularly if suspected of playing truant
  - iii. Proof of age schemes
  - iv. CCTV
  - v. Door supervisors
  - vi. Supervision of entrances / machine areas
  - vii. Location of entry
  - viii. Notices / signage
  - ix. Specific opening hours
  - x. Location of gaming machines

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

## **B10.5 Gaming Machines**

Holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may (currently) make available up to 4 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.

## **B10.6 Betting Machines at Tracks**

The Council will apply similar considerations to those set out in **Section B12** (in respect of betting machines made available at off-course betting premises) to betting machines made available at tracks.

## **B10.7 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.

In respect of the protection of vulnerable persons, Woking Borough Council will consider measures such as the use of self-barring schemes and the provision of information leaflets / helpline numbers for organisations such as GamCare.

## **B10.8 Applications and Plans**

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

- i. 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”)
- ii. 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 should make 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. The Gambling Commission provide guidance on the format and precise content of plans.

## **B11 Casinos**

On 4th April 2006 the Council voted against putting in a bid to the Casino Advisory Panel for authority to invite applications for a large casino in the Borough. However, Woking Borough Council has not passed a ‘no casino’ resolution as a matter of policy 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, through a three yearly review.

## **B12 Betting Premises**

**B12.1** Off-course betting 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 Woking Borough Council.

**B12.2** The holder of a betting premises licence may make available for use up to 4 gaming machines of category B (B2, B3 or B4), C or D.

**B12.3** The Council 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 Council will take into account the following

- i. the size of the premises
- ii. the number of counter positions available for person-to-person transactions
- iii. 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

**B12.4** Please see **Section B5** for details of conditions that may be attached to betting premises licences.

## **B13 Bingo**

**B13.1** Woking Borough Council will take into consideration guidance from the Gambling Commission which states

Licensing Authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This is a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises

**B13.2** 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.

**B13.3** The holder of a bingo premises licence may, in addition to bingo in all its forms, make available for use up to 4 category B gaming machines (B3 & B4) and any number of category C & D machines.

**B13.4** 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

- i. 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
- ii. only adults are admitted to the area where the machines are located
- iii. access to the area where the machines are located is supervised
- iv. the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
- v. 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

**B13.5** Please see **Section B5** for details of conditions that may be attached to bingo premises licences.

## **B14 Travelling Fairs**

**B14.1** It will be the responsibility of the Council to decide whether, where category D machines and / or equal chance prize gaming without a permit is 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 has been met.

**B14.2** Woking Borough Council will also consider whether the applicant falls within the statutory definition of a travelling fair.

**B14.3** 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. Woking Borough Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **B15 Provisional Statements**

**B15.1** An applicant may apply for a provisional statement in relation to premises that

- i. they expect to be constructed
- ii. they expect to be altered
- iii. they expect to acquire a right to occupy

**B15.2** Following the grant of a provisional statement no further representations from relevant authorities or interested parties can be taken into account, in respect of representations about premises licence applications. Exceptions to this rule are if the representations concern matters which could not have been addressed at the provisional statement stage, or if they reflect a change in the applicant's circumstances.

**B15.3** The Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters which,

- i. could not have been raised by objectors at the provisional licence stage
- ii. in the authority's opinion, reflect a change in the operator's circumstances

**B15.4** It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. Woking Borough Council will, generally speaking, require the building to be complete in order to ensure that the authority can inspect it fully.

## **B16 Reviews**

**B16.1** Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is at the discretion of the licensing authority as to whether the review is to be carried-out. This decision will take into account whether the request for the review is relevant to the matters listed below. The Council will also consider whether the request for a review is frivolous or vexatious; will definitely not result in the alteration / revocation / suspension of the licence; or whether it is substantially the same as any historical representations or requests for review.

**B16.2** Woking Borough Council consider whether the request for a review is

- i. in accordance with any relevant code of practice issued by the Gambling Commission
- ii. in accordance with any relevant guidance issued by the Gambling Commission
- iii. reasonably consistent with the licensing objectives
- iv. in accordance with the authority's statement of licensing policy.

**B16.3** The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## **B17 Promotion of Equality**

**B17.1** When drafting Woking Borough Council's Gambling Policy, and this Statement of Policy, the Equality Act 2010 (the Act) has been considered and applied. The Act protects people from discrimination, harassment and victimisation on the basis of their 'protected characteristics'. These are: sex (gender); gender reassignment; race; disability; sexual orientation; age; religion or belief (or lack of religion or belief); pregnancy and maternity and; marriage or civil partnership.

*Further information about the council's role in upholding its duties under the Equality Act can be found on our website <https://www.woking.gov.uk/community/edsi/equalityact2010>*

## PART C

### PERMITS, TEMPORARY / OCCASIONAL USE NOTICES

#### **C1 Unlicensed Family Entertainment Centre Gaming Machine Permits**

- C1.1** Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for a gaming machine permit.
- C1.2** Unlicensed family entertainment centres may offer category D machines if granted a permit by the Council and, where such a permit is granted, no limit can be placed on the number of category D machines that can be made available.
- C1.3** An application for a permit may be granted only if the Council is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the Chief Officer of Police has been consulted on the application.
- C1.4** Considerations which the Council will take into account will be
- i. the applicant's suitability, such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre
  - ii. the suitability of the premises in relation to their location
  - iii. issues about disorder
- C1.5** 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.
- C1.6** The Council can grant or refuse an application for a permit, but cannot attach conditions.

#### **C1.7 Statement of Principles**

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

Woking Borough 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 a general duty of care and wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include

- i. appropriate measures / training for staff as regards suspected truant school children on the premises
- ii. measures / training covering how staff should deal with unsupervised very young children being on the premises
- iii. measures / training covering how staff should deal with children causing perceived problems on / around the premises

The Council will also take into account

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

- C1.8** In respect of the renewals of these permits, Woking Borough Council may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

## **C2 Alcohol Licensed Premises Gaming Machine Permits**

- C2.1** The Act makes provision for premises licensed to sell alcohol for consumption on the premises to automatically have 2 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.
- C2.2** The Council can remove the automatic authorisation in respect of any particular premises if
- i. provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
  - ii. gaming has taken place on the premises that breaches a condition of section 282 of the Act
  - iii. the premises are mainly used for gaming
  - iv. an offence under the Act has been committed on the premises
- C2.3** If a premises wishes to have more than 2 machines, the holder of the premises licence will need to apply for a permit.
- C2.4** When considering an application to have more than 2 machines, the Council shall give due consideration to
- i. the licensing objectives
  - ii. any guidance issued by the Gambling Commission issued under Section 25 of the Act
  - iii. any other matters that are considered relevant
- C2.5** 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 persons under the age of 18 do not have access to the adult only gaming machines.

Measures which will satisfy the authority that there will be no access may include

- i. the adult machines being in sight of the bar
  - ii. the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18
  - iii. notices and signage
- C2.6** With respect to the protection of vulnerable persons, the Council will expect applicants to be prepared to provide information leaflets / helpline numbers for organisations such as GamCare.
- C2.7** It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- C2.8** The Council can decide to grant the application with a smaller number of machines and / or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- C2.9** The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

## **C3 Prize Gaming Permits**

- C3.1** The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- C3.2** Woking Borough Council has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the policy statement.

- C3.3** Woking Borough 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 a general duty of care and wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include
- i. Disclosure and Barring Service (DBS) checks for staff
  - ii. appropriate measures / training for staff as regards suspected truant school children on the premises
  - iii. measures / training covering how staff should deal with unsupervised very young children being on the premises
  - iv. measures / training covering how staff should deal with children causing perceived problems on / around the premises
- C3.4** Applicants for prize gaming permits should set out the types of gaming that he or she is intending to offer. The applicant should be able to demonstrate
- i. that they understand the limits to stakes and prizes that are set out in Regulations
  - ii. that the gaming offered is within the law.
- C3.5** 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 must have regard to any Gambling Commission guidance. Importance will be given to child protection issues, and relevant considerations are likely to include
- i. the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming)
  - ii. the suitability of the premises.
- C3.6** Applicants for prize gaming permits must disclose any previous relevant convictions to the Council.
- C3.7** The Council can grant or refuse an application for a permit, but cannot attach any conditions. However, the following are the 4 conditions in the Act that permit holders **must** comply with
- i. the limits on participation fees, as set out in regulations, must be complied with
  - ii. 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
  - iii. the prize for which the game is played must not exceed the amount set out in regulations (if a monetary prize), or the prescribed value (if a non-monetary prize)
  - iv. participation in the gaming must not entitle the player to take part in any other gambling

#### **C4 Club Gaming and Club Machine Permits**

- C4.1** Members' Clubs (but not commercial clubs) and Miners' Welfare Institutes may apply for a club gaming permit. This enables the premises to provide gaming machines (3 machines of categories B4, C or D), equal chance gaming and games of chance.
- C4.2** 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. This enables the premises to provide gaming machines (3 machines of categories B4, C or D).
- C4.3** The Act provides for the Secretary of State to make regulations defining four classes of gaming machines and premises where these machines can be used.
- C4.4** 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.
- C4.5** 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.

- C4.6** Before granting the permit the Council will need to be satisfied that the premises meet the requirements of a Members' Club and may grant the permit if the majority of members are over the age of 18.
- C4.7** Woking Borough Council is aware that an application may only be refused on one or more of the following grounds
- i. 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
  - ii. the applicant's premises are used wholly or mainly by children and / or young persons
  - iii. an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming facilities
  - iv. a permit held by the applicant has been cancelled in the previous ten years
  - v. an objection has been lodged by the Gambling Commission or the Police (Gambling Commission's Guidance for Local Authorities)
- C4.8** The Council shall have regard to the guidance issued by the Gambling Commission and, subject to that guidance, the licensing objectives.
- C4.9** 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.
- C4.10** The grounds on which an application under the fast track procedure may be refused are
- i. that the club is established primarily for gaming, other than gaming prescribed under schedule 12
  - ii. that in addition to the prescribed gaming, the applicant provides facilities for other gaming
  - iii. that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled
- C4.11** The Council can grant or refuse an application for a club gaming or club machine permit, but cannot attach any conditions. However, there are a number of conditions in the Act that the holder must comply with.

## **C5 Temporary Use Notices**

- C5.1** Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
- C5.2** Premises that might be suitable for a Temporary Use Notice include hotels, conference centres and sporting venues.
- C5.3** The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- C5.4** 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 (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming where the gaming is intended to produce a single winner which, in practice, denotes poker tournaments.
- C5.5** Regulations state that temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. However, the facilities may not be provided in circumstances where any person participating in the gaming does so by means of a gaming machine. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

- C5.6** The same set of premises may not be the subject of a Temporary Use Notice for more than 21 days in any 12-month period, but may be the subject of several notices provided that the total does not exceed 21 days.
- C5.7** 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".
- C5.8** 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.
- C5.9** There are a number of statutory limits in regards to Temporary Use Notices.
- C5.10** 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 must hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).
- C5.11** If the Council, after a hearing has taken place or been dispensed with, considers that the Temporary Use Notice should not have effect it must issue a counter-notice which may
- i. prevent the Temporary Use Notice from taking effect
  - ii. limit the activities that are permitted
  - iii. limit the time period of the gambling
  - iv. allow the activities to take place subject to a specified condition
- C5.12** The Council will apply the principles set out in **Section B1** of this statement to any consideration as to whether to issue a counter-notice.

## **C6 Occasional Use Notices**

- C6.1** Occasional Use Notices allow betting to take place on a track without a premises licence provided that it takes place on eight days or less in a calendar year.
- C6.2** The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.
- C6.3** However, the licensing authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail themselves of the notice.
- C6.4** The licensing authority will also ensure that no more than 8 Occasional Use Notices are issued in one calendar year in respect of any venue.

## **C7 Registration of Small Society Lotteries**

- C7.1** The Council will adopt a risk based approach towards its enforcement responsibilities for small society lotteries.
- C7.2** Woking Borough Council considers that the following list, although not exclusive, could affect the risk status of an operator
- i. submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
  - ii. submission of incomplete or incorrect returns
  - iii. breaches of the limits for small society lotteries
- C7.3** Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event.

- C7.4** Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised
- i. by, or on behalf of, a charity or for charitable purposes
  - ii. to enable participation in, or support of, sporting athletic or cultural activities

## PART D

### INDUSTRY SOCIAL RESPONSIBILITY

#### D1 Licence Conditions & Codes of Practice (LCCP)

In April 2018 the Gambling Commission announced the introduction of Licence Conditions and Codes of Practice (LCCP), the code strengthened the Social Responsibility code (SR) requirements. Further details can be accessed via the Gambling Commission website at

<https://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Compliance.aspx>

#### D2 Local Risk Assessments

**D2.1** Social Responsibility code 10.1.1 requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy statement.

**D2.2** Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated

- i. when applying for a variation of a premises licence
- ii. to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
- iii. when there are significant changes at a licensee's premises that may affect their mitigation of local risks

**D2.3** Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence, and are to be presented to the licensing authority upon application.

**D2.4** The code requires all operators of the following premises to assess local risks to the licensing objectives and to have policies, procedures and control measures in place to mitigate those risks

- i. Casino's
- ii. Adult Gaming Centre's
- iii. Bingo Premises
- iv. Family Entertainment Centre's
- v. Betting Shops
- vi. Remote Betting Intermediaries

**D2.5** The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy, and this council expects the following matters to be considered by operators when making their risk assessment

- i. Information held by the licensee regarding self-exclusions and incidences of underage gambling
- ii. Arrangement for localised exchange of information regarding self exclusions and gaming trends
- iii. Urban setting such as proximity to schools, commercial environment, factors affecting footfall

**D2.6** Operators are required by the Social Responsibility 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.

**D2.7** Where concerns do exist, perhaps prompted by new or existing risks, a licensing authority might request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions are required.

**D2.8** Where a licensing authority's policy statement sets out its approach to regulation, with clear reference to local risks, it will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

**D2.9** The Council expects the following matters to be considered by operators when making their risk assessment.

**Matters relating to children and young persons, including**

- i. 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.
- ii. Recorded incidents of attempted underage gambling

**Matters relating to vulnerable adults, including**

- i. Information held by the licensee regarding self-exclusions and incidences of underage gambling
- ii. Arrangement for localised exchange of information regarding self exclusions and gaming trends.
- iii. 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, etc.

**D3 Local Area Profile**

**D3.1** Licensing authorities will find it useful to complete their own assessment of the local environment as a means of 'mapping out' local areas of concern, which can be reviewed and updated to reflect changes to the local landscape.

**D3.2** For the purpose of this Guidance, we refer to such assessments as **local area profiles**.

**D3.3** Completion of a local area profile is not a requirement on licensing authorities but the undertaking of such a process presents significant benefits to both the licensing authority and operators i.e. having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risks, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

**D3.4** An effective local area profile is likely to take account of a wide range of factors, data and information held by the licensing authority and its partners.

**D3.5** An important element of preparing the local area profile will be proactive engagement with responsible authorities as well as other organisations in the area that can give input to 'map' local risks in their area such as

- i. public health
- ii. mental health
- iii. housing
- iv. education
- v. community welfare groups and safety partnerships
- vi. organisations such as Gamcare or equivalent local organisations

**D3.6** Good local area profiles will increase awareness of local risks and improved information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks.

**D3.7** A local area profile will help to inform specific risks that operators will need to address in their risk assessment, which will form a part of any new licence application or an application to vary a licence.

For example, an area might be identified as high risk on the basis that it is located within close proximity to a youth centre, rehabilitation centre, or school. The licensing authority might indicate that they would expect licensees to take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises. The licensee would

be reasonably expected to have sufficient controls in place to mitigate associated risks in such areas and, if not, the licensing authority would consider other controls themselves.

- D3.8** It is the responsibility of the licensing authorities to determine whether to include a local area profile within the body of their policy statement or separately.
- D3.9** If included in the policy statement, the licensing authority's view of local risks would be a consideration for local gambling regulation in the context of section 153 of the Act. Licensing authorities may consider this is best achieved by making reference to the local area profile, so that it can be reviewed and updated without the need for full consultation.
- D3.10** There is no prescriptive template for a local area profile, as each assessment will be influenced by local circumstances. However it is expected that that it will draw upon the knowledge and expertise of responsible authorities and be updated on a regular basis to reflect changes to the local environment.
- D3.11** As stated, there is no mandatory requirement to have a local area profile, but benefits can include
- i. enabling licensing authorities to better serve their local community, by better reflecting the community and the risks within it
  - ii. providing greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application
  - iii. enabling licensing authorities to make robust but fair decisions based on a clear, published set of factors and risks which are therefore less susceptible to challenge
  - iv. encouraging a proactive approach to risk that is likely to result in reduced compliance and enforcement action

## PART E

### E1 Administration, Exercise and Delegation of Functions

**E1.1** The Act provides that decisions and functions may be taken or carried out by the Licensing Committee, delegated to Sub-Committees or, in appropriate cases, by one or more officers of the Council.

**E1.2** Many of the licensing procedures will be purely administrative in nature. These will be dealt with by the Council's Licensing Department. However, where representations or reviews have been requested these will be dealt with by the Licensing Committee or one of its Sub-Committees. Full details of the delegation of functions are set out below

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

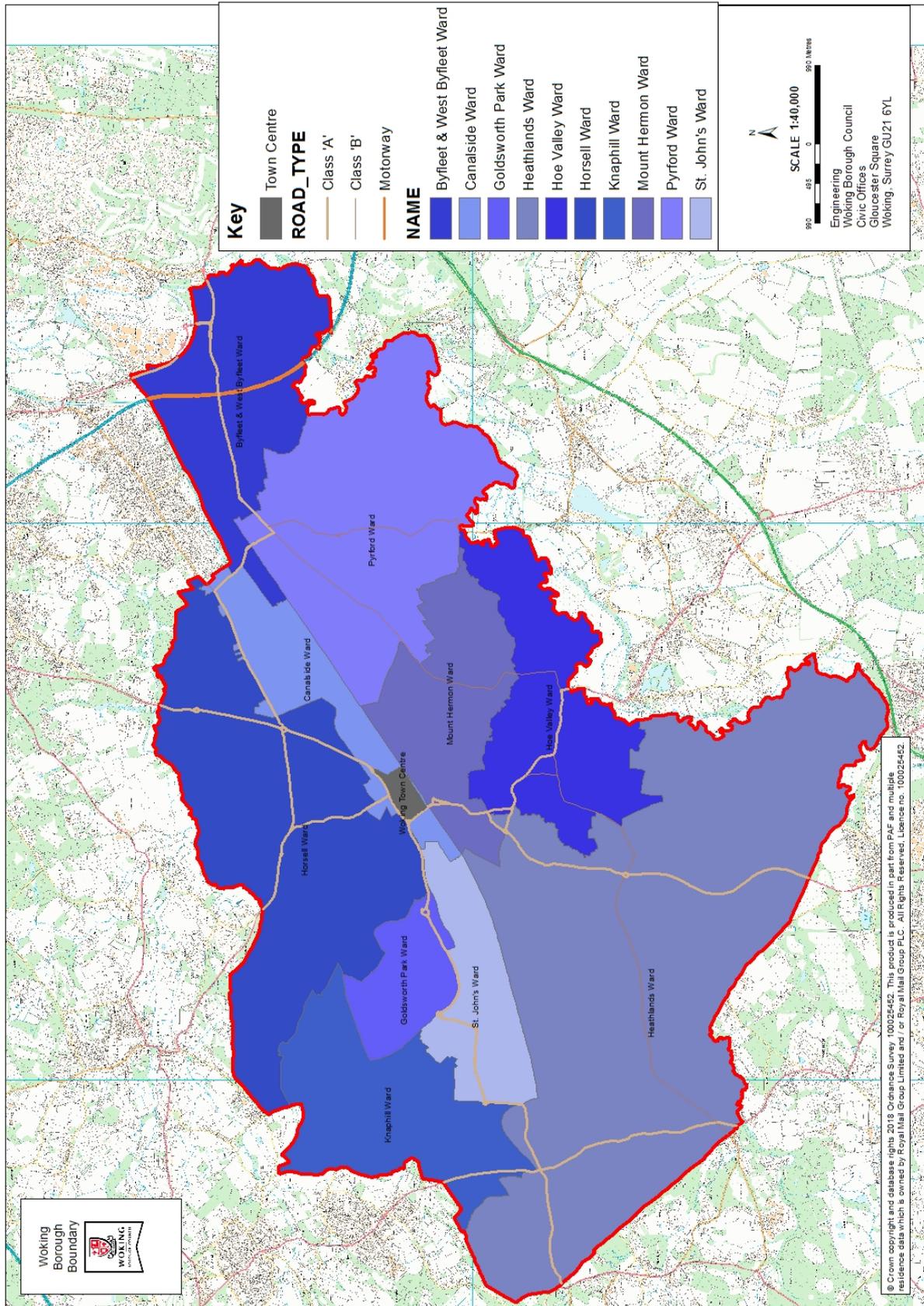
**X** Indicates at the lowest level to which decisions can be delegated

Gambling Act 2005, section 154; Gambling Commission Guidance to Licensing Authorities: parts 4, 6, 14, 17

*Decisions that are delegated to a licensing committee may be further delegated to a sub-committee.*

## ANNEXE 1

### MAP OF THE BOROUGH OF WOKING



## ANNEXE 2

### RESPONSIBLE AUTHORITIES AND SOURCES OF INFORMATION

Responsible Authority	Address	Phone / Fax	Website
<b>Surrey Police</b>	PO Box 101 Guildford GU1 9PE	Tel: 01483 571212  Fax: 01483 655170	<a href="http://www.surrey.police.uk">www.surrey.police.uk</a>
<b>Surrey Fire and Rescue</b>	Surrey Fire and Rescue Service Croydon Road Reigate Surrey RH2 0EJ	Tel: 03456 009009	<a href="http://www.surreycc.gov.uk">www.surreycc.gov.uk</a>
<b>Woking Borough Council</b> Environmental Health Manager	Civic Offices Gloucester Square Woking Surrey GU21 6YL	Tel: 01483 755855  Fax: 01483 750585	<a href="http://www.woking.gov.uk">www.woking.gov.uk</a>
<b>Woking Borough Council</b> Borough Planning Officer	Civic Offices Gloucester Square Woking Surrey GU21 6YL	Tel: 01483 755855  Fax: 01483 750585	<a href="http://www.woking.gov.uk">www.woking.gov.uk</a>
<b>Woking Borough Council</b> Licensing Manager	Civic Offices Gloucester Square Woking Surrey GU21 6YL	Tel: 01483 755855  Fax: 01483 750585	<a href="http://www.woking.gov.uk">www.woking.gov.uk</a>
<b>HM Revenue and Customs</b>	National Registration Unit (Betting and Gaming) Portcullis House 2 India Street Glasgow G2 4PZ		
<b>Surrey Children's Services</b> Head of Statutory Child Protection and Child Care	Child Protection and Independent Review Unit Children's Team Room 296-298 Penrhyn Road Kingston-Upon-Thames Surrey KT1 2DN	Tel: 0300 200 1006	<a href="http://www.surreycc.gov.uk">www.surreycc.gov.uk</a>
<b>Gambling Commission</b>	Victoria Square House Victoria Square Birmingham B2 4BP		<a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>

<b>Department of Culture Media and Sport (DCMS)</b>	<a href="http://www.culture.gov.uk">www.culture.gov.uk</a>
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## ANNEXE 3

### CATEGORIES OF GAMING MACHINES

Section 236 of the Gambling Act 2005 provides for the Secretary of State to make regulations to define the following classes of gaming machine: categories A, B1, B2, B3A, B3, B4, C, and D. The regulations define the classes according to the maximum amount that can be paid for playing the machine and the maximum prize that can be won.

The below table shows the different categories of machine and the maximum stakes and prizes that currently apply.

Category of machine	Maximum stake (from Jan 2014)*	Maximum prize (from Jan 2014)*
<b>A</b>	No category A gaming machines are currently permitted	
<b>B1</b>	£5	£10,000
<b>B2</b>	£100	£500
<b>B3A</b>	£2	£500
<b>B3</b>	£2	£500
<b>B4</b>	£2	£400
<b>C</b>	£1	£100
<b>D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)</b>	30p	£8
<b>D - non-money prize (crane grab machine)</b>	£1	£50
<b>D (money prize other than a coin pusher or penny falls machine)</b>	10p	£5
<b>D - combined money and non-money prize (other than a coin pusher or penny falls machine)</b>	10p	£8 (of which no more than £5 may be a money prize)
<b>D - combined money and non-money prize (coin pusher or penny falls machine)</b>	20p	£20 (of which no more than £10 may be a money prize)

\* with the option of a maximum £20,000 linked progressive jackpot on a premises basis only

Details of the four categories of gaming machines and the possible location of such machines are set out in the table on the following page.

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine / table ratio)					
Small casino (machine / table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine / table ratio)					
Pre-2005 Act casino (no machine / table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 **		No limit on category C or D machines	
Adult Gaming Centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 **		No limit on category C or D machines	
Family Entertainment Centre (with premises licence)						No limit on category C or D machines	
Family Entertainment Centre (with permit)							No limit on category D machines
Clubs or Miners' Welfare Institute (with permits)					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises (with gaming machine permit)						Number of category C – D machines as specified on permit	
Travelling Fair							No limit on category D machines
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>

\* Members' Clubs and Miners' Welfare Institutes are entitled to site a total of three machines in categories B3A to D, but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

\*\* Adult Gaming Centre and Bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13th July 2011 are entitled to make available four (Adult Gaming Centre premises) or eight (Bingo premises) Category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult Gaming Centre premises and Bingo premises licences granted on or after 13th July 2011, but before 1st April 2014, are entitled to a maximum of four or eight Category B gaming machines or 20% of the total number of gaming machines, whichever is the greater. From 1st April 2014 these premises will be entitled to 20% of the total number of gaming machines only, but not B3A machines.

## ANNEXE 4

### GLOSSARY OF TERMS

#### **Adult Gaming Centre**

Premises in respect of which an adult gaming premises licence has effect.

*Section 237 Gambling Act 2005*

#### **Bingo**

Categorised as an 'equal chance' game. It can be played in a variety of circumstances, for example in commercial clubs, as prize bingo in amusement arcades, or on a non commercial basis with low stakes and prizes in clubs, pubs and other institutes.

#### **Casino**

An arrangement whereby people are given an opportunity to participate in one or more casino games. A casino game is a game of chance which is not equal chance betting.

#### **Equal Chance Gaming**

Does not involve playing or staking against a bank, and the chances are equally favourable to all participants. Casinos are designated as regional, large and small. The numbers of casinos in each category is restricted by the Casino Advisory Panel.

*Sections 6, 7, 8 Gambling Act 2005*

#### **Child**

Person under 16

*Section 45 Gambling Act 2005*

#### **Club Gaming Permit**

Issued by the licensing authority to authorise provision of facilities for gaming in members' clubs and miner's welfare institutions but not in commercial clubs. These are subject to 3 mandatory conditions.

*Section 271 Gambling Act 2005*

#### **Club Machine Permit**

Issued by a licensing authority authorising up to 3 gaming machines (but not other activities), each of which must be of category B, C or D, to be made for use in commercial as well as members' clubs and miner's welfare institutions.  
Section 273 Gambling Act 2005

#### **Credit**

- i. a person commits an offence if he supplies, installs or makes available for use a gaming machine which is designed or adapted to permit money to be paid by means of a credit card
- ii. 'credit card' means a card which is a credit token within the meaning of section 14 of the Consumer Credit Act 1974 (c.39)

*Section 245 Gambling Act 2005*

#### **Exempt Gaming**

Where the following conditions are satisfied: limited amounts of stakes and prizes, no amounts deducted from stakes or winnings, no participation fee charged, no game played on one set of premises is linked with a game played on another set of premises; children and young persons are excluded.

*Section 279 Gambling Act 2005*

#### **Family Entertainment Centre**

May be licensed or unlicensed. Premises (other than an adult gaming centre) wholly or mainly used for making gaming machines available for use.

*Section 238 Gambling Act 2005*

**Family Entertainment Machine Gaming Permit:**

Allow category D gaming machines for use in a specified family entertainment centre, without the need for an operating or premises licence. Issued by the licensing authority.

*Section 247 Gambling Act 2005*

**Gaming Machine**

A machine which is designed or adapted for use by individuals to gamble (whether or not it can be used for other purposes)

*Section 235 Gambling Act 2005*

**Lotteries**

Lotteries operate under a licence issued by the Gambling Commission. However, certain lotteries are exempt, as follows

- i. Incidental non-commercial lotteries
- ii. Private lotteries
- iii. Customer lotteries
- iv. Small society lotteries

The Licensing Authority currently register small society lotteries under the Lotteries and Amusements Act 1976, this will continue and become a function under the Gambling Act 2005. Small society lotteries are non-commercial, which is to say they are established and conducted

- i. For charitable purposes
- ii. For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- iii. For any other non-commercial purpose other than private gain

*Section 14 & 19 Gambling Act 2005*

**Prize**

- i. includes any money, article, right or service won, whether or not described as a prize, but
- ii. does not include an opportunity to play the machine again.

*Section 239 Gambling Act 2005*

**Prize Competitions**

The Government does not consider that prize competitions are a form of gambling.

**Prize Gaming**

Where neither the nature nor size of a prize is determined by reference to

- i. the number of persons playing, or
- ii. the amount paid for or raised by the gaming

*Section 288 Gambling Act 2005*

**Remote Gambling**

Gambling in which persons participate by the use of remote communication: the internet, telephone, television, radio, or any other kind of electronic or other technology for facilitating communication. Regulation and licensing of remote gambling is not a function of licensing authorities.

*Section 4 Gambling Act 2005*

**Young Person**

A person who is not a child but who is less than 18 years old.

*Section 45 Gambling Act 2005*