

To the Members of the Licensing Committee,

Your attendance is requested at a meeting of the Licensing Committee to be held in the Council Chamber, Pippbrook, Dorking, on **WEDNESDAY 10th OCTOBER 2012 at 7.00pm** for the transaction of the business set out in the following agenda.

1st October 2012

ANGELA GRIFFITHS  
Corporate Head of Service

Members of the Committee

Councillors: Paul Elderton (Chairman), John Chandler (Vice-Chairman), Emile Aboud, Paula Hancock, Mick Longhurst, Wayne Monkman, Iain Murdoch, John Northcott, Paul Potter, David Sharland and Charles Yarwood.

**The Chairman would like to remind Members that they have the opportunity to ask Officers questions, in respect of issues concerning matters of detail or for further clarification, prior to the meeting.**

## AGENDA

### 1. Minutes

To approve as a correct record the minutes of the Licensing Committee meeting held on 24th May 2012.

### 2. Apologies For Absence

To receive apologies for absence.

### 3. Declarations of Interest

Members should declare interests that they have with respect to any item on the agenda and state whether they are personal or prejudicial and the nature of the interest.



**4. Proposed Changes to the Statement of Principles of the Gambling Act 2005**

The Committee is requested to consider the document and make any comments, amendments or additions to the Statement of Principles.

**5. Minutes of Meetings of the Licensing Sub-Committee**

To receive the minutes of the Licensing Sub-Committee held on 24<sup>th</sup> July 2012, 7<sup>th</sup> August 2012 and 13<sup>th</sup> August 2012.

**6. Urgent Items**

To consider any items of business, other than those shown on this agenda and which, by reason of special circumstances to be stated at the meeting, in the opinion of the Chairman, should be considered at the meeting as a matter of urgency.

If you require a copy of this agenda, any of the reports within it or a large print version of the agenda, please telephone Dia Irmal on 01306 879215 or e-mail:

[dia.irmal@molevalley.gov.uk](mailto:dia.irmal@molevalley.gov.uk)

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## Agenda Item 4

|   |  |
|---|--|
| <b>Executive Member</b>                       | Councillor James Friend                      |
| <b>Strategic Management Team Lead Officer</b> | Richard Haddad, Environmental Health Manager |
| <b>Author</b>                                 | John Pleasance, Senior Licensing Officer     |
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| <b>Date</b>                                   | 10 October 2012                              |

|   |   |
|---|---|
| <b>Subject</b>  | Gambling Act 2005 – Statement of Principles |
| <b>RECOMMENDATIONS</b>  |   |
| <ol style="list-style-type: none"> <li>1. The Licensing Committee is requested to consider the document and make any comments, amendments or additions to the Statement of Principles before it goes out to consultation.</li> <li>2. That the Council be recommended, following the consultation period to adopt the Gambling Act 2005 – Statement of Principles for the next three years, subject to any further additions that may need to be included during that period.</li> </ol> <p>The draft “Statement of Principles” with revisions as indicated is attached at Appendix A. The existing “Statement of Principles” is attached at Appendix B</p> |   |

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|--|
| <b>SUMMARY</b>   |
| <p>The Council introduced the Statement of Principles under the Gambling Act 2005 in January 2010. Every three years the Council must review this policy statement, consult on any proposed changes and then adopt a new policy. The document attached is the draft Statement of Principles policy</p> <p>The Licensing Committee is invited to consider the draft policy for prior to going out to consultation with those consultees as detailed at Paragraph 5.7. At the conclusion of the consultation period to be returned by the 13<sup>th</sup> November 2012, the draft policy, after consideration of the responses to the consultation period will be recommended to the Council for adoption.</p> <p>The Council as Licensing Authority for the District of Mole Valley is the appropriate authority in accordance with Section 2 of the Gambling Act 2005. The ‘Statement of Principles’ has been compiled under Section 25 of the Act following the ‘Guidance to Licensing Authorities’ from the Gambling Commission.</p> <p>The Council is required to adopt the three year “Statement of Principles” relating to Section 349 of the Gambling Act 2005 which states:<br/> <i>(1) A licensing Authority shall before each successive period of three years -</i></p> |

- (a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and*  
*(b) publish the statement*

## **CORPORATE PRIORITIES**

The Statement of Principles, once approved, will form part of the Council's Gambling Policy and will be used in the determination of gambling applications received throughout the district. In line with the Council's priority concerning access to services and listening to its communities, key stake holders will be consulted on this revised Policy and their comments will be taken into account to ensure that the policy is both accessible to applicants, is in line with legislative requirements and protects the character of Mole Valley.

## **BACKGROUND**

### **1 Background**

- 1.1 The Council as the Licensing Authority for Mole Valley is obliged to compile and implement a Statement of Principles in accordance with the provisions of the Gambling Act 2005 and the "Guidance to Local Authorities" from the Gambling Commission issued under Section 25 of that Act. This statement has to be revised every three years.
- 1.2 The original statement has been amended in accordance with changes to the legislation.
- 1.3 Once the Licensing Committee is content with the draft policy it will be put out for consultation to those consultees as detailed at Paragraph 5.7 below.
- 1.4. Thereafter, subject to any amendments as a result of responses to the consultation, the Policy will be submitted to Council on 4<sup>th</sup> December for adoption and the new Statement of Principles will be published in accordance with Section 349 of the Gambling Act 2005.

### **2 Supporting Information**

- 2.1 The 'Guidance to Licensing Authorities' 3<sup>rd</sup> Edition May 2009, from the Gambling Commission
- 2.2 The Gambling Act 2005
- 2.3 LACORS Statement of Principles Template

### **3. Time Constraints**

- 3.1 The Council is required to have its Statement in place prior to the 3<sup>rd</sup> January 2013.

## **4 Options**

- 4.1 The Licensing Committee accepts the draft Statement of Principles based on the revised Guidance to Licensing Authorities issued by the Gambling Commission in May 2009 and the guidance issued by LACORS published May 2009.
- 4.2 The Licensing committee does not accept the amendments and refers back to the Senior Licensing Officer with further recommendations.

## **5 Corporate Implications**

### **5.1 Legal Implications –**

- 5.2 The Council is required under S.349 of the Gambling Act 2005 to prepare and publish every three years a statement of the principles it proposes to apply when exercising its functions under the Act and to review from time to time. Failure to adopt the statement of principles will result in the Council being unable to consider the revised statement when considering applications under the Act.

### **5.3 Financial and Risk Implications – None identified**

### **5.4 Equalities Implications – None identified**

### **5.5 Employment Issues - None identified**

### **5.6 Sustainability Issues – None identified**

### **5.7 Consultation – the Consultees to be contacted regarding this Statement of Principles are as follows:**

British Amusement Catering Trade Association  
Bar Entertainment and Dance Association  
British Beer and Pub Association  
British Holiday and Home Parks Association  
Federation of Licensed Victuallers  
Remote Gambling Association  
Responsibility in Gambling Trust  
GamCare  
Gamblers' Anonymous  
Dan Miller, Police Licensing Officer  
Surrey Fire & Rescue Service  
Health & Safety Executive  
County Child Employment Enforcement &  
Strategy Manager  
William Hill Organisation Ltd  
Coral Racing Ltd  
Ladbrook Betting & Gaming Limited  
Ashtead Football Club  
Ashtead Village Club  
Brockham Village Hall Club  
Elizabethan Sports & Social Club  
Betchworth Park Golf Club

Leatherhead Constitutional Club  
Goodwyns Community Association  
Grove House Club (Dorking) Limited  
Leatherhead and District Social Club  
Leatherhead Golf Club  
North Holmwood Sports Club  
Newdigate Sports and Social Club  
Royal British Legion  
Rusper Golf Club  
South Holmwood Village Club  
Westcott Village Club

# APPENDIX A

# Gambling Act 2005

# Statement of Principles

(Revised January 2013)

*This Statement of Licensing Principles was approved by Full Council on ????????????????*

*All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 4<sup>th</sup> Edition, published July 2012.*

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## 1. Introduction

### 1.1 The Licensing Objectives

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

The main functions of licensing authorities are:

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

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

Mole Valley District Council ('the Council' or 'licensing authority') is a licensing authority for the purposes of the Act.

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:

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

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

## 1.2 Mole Valley District Council

Mole Valley District Council is situated in the County of Surrey, which contains 11 Councils in total, 2 District and 9 Boroughs. The Council area has a population of 80,287 (Census 2001) making it mid-way in the County in terms of population. In terms of area it is the third largest, covering 99.73 square miles.

There are approximately 34,502 dwellings within the district. The main urban areas are in the northern part and centred around Leatherhead, whilst the much greater southern area is predominantly rural with small villages whose focus is Dorking.

A map of Mole Valley District is attached at Annexe 1.

## 1.3 Consultation

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

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

The statement of policy was published on the [????????????????](#), and comes into effect on the **31<sup>st</sup> January 2013**. It will remain in force for no more than 3 years, but may be reviewed at any time.

Deleted: 24<sup>th</sup> November 2009

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## 1.4 Declaration

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

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.

## 1.5 Responsible Authorities

The contact details of all the Responsible Authorities under the Act are available via the Council's website at <http://www.molevalley.gov.uk>.

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

- the need for the body to be responsible for an area covering the whole of the licensing authority's area.

- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

Having regard to the above principles, the Council designates the Surrey County Council's Safeguarding Support Service for Vulnerable People relating to Child Protection for this purpose.

## 1.6 Interested parties

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

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

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

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

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

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

- trade associations:
- residents' and tenants' associations;
- ward/county/parish councillors
- Members of Parliament

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

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

## **1.7 Exchange of Information**

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

The Council may share information in accordance with the following provisions of the Act: -

- Sections 29 & 30 (with respect to information shared between the Council and the Gambling Commission)
- Section 350 (with respect to information shared between the Council and the other persons listed in Schedule 6 to the Act)

In the exercise of the above functions, consideration shall also be given to the common law duty of confidence, the law relating to defamation, the guidance issued by the Gambling Commission and to the Council's policies in relation to data protection and freedom of information.

Any information shared between the Council and Surrey Police must also be carried out in accordance with the Surrey Information Sharing Protocol produced by the Surrey Community Safety Unit.

Any person wishing to obtain further information about their rights under the Data Protection Act 1998 or the Freedom of Information Act 2000 may view the Council's policies at Pippbrook, Dorking, Surrey, RH4 1SJ, or alternatively contact the Head of Legal Services on 01306 876124

## **1.8 Enforcement**

The Council will adopt a risk-based approach to the inspection of gambling premises. This will allow for the targeting of high-risk premises, or those where a breach would have serious consequences. Premises that are low risk and/ or well run will be subject to a less frequent inspection regime.

Where necessary, appropriate enforcement (including prosecution under section 346 of the Act) will be carried out in a fair and consistent manner in accordance with

- Regulator's Compliance Code - Statutory Code of Practice for Regulators
- Mole Valley District Council Environmental Health Department Enforcement & Prosecution Policies

The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

The Council will adopt the principles of better regulation.

The licensing authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the licensing authority will contact first should any compliance queries or issues arise.

This licensing authority has adopted a risk-based inspection programme, based on;

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

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority 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.

## 1.9 Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits to Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on Exchange of Information)
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences

## **2. Premises Licences**

### **2.1 General Principles**

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed 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.

### **2.2 Decision making - general**

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

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's Statement of Principles

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

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

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

### **2.3 Location**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to licensing authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

### **2.4 Multiple licences/ layout of buildings**

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

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:

- the ability of children to gain access to or observe gambling facilities (even accidentally) entrances and exits from parts of a building covered by more than one premises licence should be separate and identifiable so that the separation of different premises is not compromised and that people (and, in particular, children) do not drift into a gambling area.
- the compatibility of the 2 or more establishments; and
- the ability of the establishments to comply with the requirements of the Act.

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

## 2.5 Conditions

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

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

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

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

Certain matters may not be the subject of conditions. These are:

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

## 2.6 Door Supervisors

The Gambling Commission advises in its Guidance to licensing authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to

attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether such supervisors need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

This requirement does not apply to door supervisors at licensed casino or bingo premises, who are exempt from the licensing requirements of the Private Security Industry Act 2001. The Council may however impose specific requirements on door supervisors at such premises if considered appropriate in an individual case.

## 2.7 Adult gaming centres

Persons operating an adult gaming centre must obtain an operating licence from the Gambling commission and a premises licence from the Council. The holder of an adult gaming centre premises licence may make available for use 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 and any number of category C or D machines. Premises in existence before 13 July 2011 are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. The holder of an adult gaming centre premises licence granted on or after 13 July 2011 but before 1 April 2014 is entitled to make available a maximum of four category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. Regulations state that category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

*(A full explanation of Gaming Machines is shown at [Appendix A](#))*

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

Applicants are encouraged to consider the following steps:

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

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

**Deleted:** Persons operating an adult gaming centre must obtain an operating licence from the Commission and a premises licence from the Council. These Licences allow the operator to make up to **four** of either category B3 or B4 or any combination of both and **any** number of category C & D machines available to their customers - (category B3 machine = £1 stake limit + £500 prize limit; Category B4 machine = £1 stake limit + £250 prize limit; Category C = £1 stake limit + £70 prize limit; Category D machine = 10p stake limit + £5 cash or £8 non-cash prize limit). No one under the age of 18 is permitted to enter an adult gaming centre.¶



Please see paragraph 2.5 for details of conditions that may be attached to premises licences authorising adult gaming centres.

## **2.8 (Licensed) family entertainment centres**

Operators of licensed family entertainment centres will require an operating licence from the Gambling Commission, and a premises licence from the Council. This will allow the operator to make **any** number of category C & D machines available to their customers - (category C = £1 stake limit + £70 prize limit; Category D machine = 10p stake limit + £5 cash or £8 non-cash prize limit).

Children and young persons will be able to enter licensed family entertainment centres and play on the category D machines. They will not be permitted to play on category C machines.

As family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the Council will normally require that:

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

Applicants are therefore encouraged to consider the steps set out at paragraph 2.7 of this statement in order to prevent children and young persons from gaining access to category C machines. In addition, applicants are encouraged to consider the following:

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

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

Please see paragraph 2.5 for details of conditions that may be attached to premises licences authorising licensed family entertainment centres.

## **2.9 Tracks**

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

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

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

Applicants are encouraged to consider the steps set out at paragraph 2.7 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

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

*Gaming machines* – holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to 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.

*Betting machines at tracks* - the Council will apply similar considerations to those set out in paragraph 2.11 (in relation to betting machines made available at off-course betting premises) to betting machines made available at tracks.

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

*Applications and plans* - the Council will require the following information from applicants for premises licences in respect of tracks: -

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

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

## **2.10 Casinos**

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

## **2.11 Betting Premises**

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

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

While the licensing authority has discretion as to the number and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

Please see paragraph 2.5 for details of conditions that may be attached to betting premises licences.

## **2.12 Bingo**

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

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

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

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and

- at the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Please see paragraph 2.5 for details of conditions that may be attached to bingo premises licences.

### **2.13 Temporary Use Notices**

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

A person holding the appropriate operating licence issued by the Gambling Commission can give a TUN (temporary use notice) in respect of a premises. Temporary Use Notices are limited to providing facilities for any form of 'equal chance' gaming where the people participating in the gaming are taking part in a competition which is intended to produce a single overall winner.

Effectively this limits a TUN to a competition of poker, bridge, cribbage or dominos. Therefore only the holder of a Casino Operating Licence can apply for a TUN. There are a number of statutory limits in regards to temporary use notices.

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).

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:

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

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

### **2.14 Occasional Use Notices**

The licensing authority has very little discretion where an occasional use notice has been given by someone in respect of a track who intends to accept bets on a track, or to cause or permit premises to be used for the acceptance of bets, aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though check that the track is genuine. Section 353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place and whether the applicant is permitted to avail him/herself of the notice.

### **2.15 Travelling Fairs**

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit are/is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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

## 2.16 Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

That it is:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by this licensing authority as to whether the request is frivolous, vexatious, or whether it would not cause the licensing authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

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The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and

(d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

### 3. Permits

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

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

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

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

The Council will expect the applicant to show that there are policies and procedures in place to:

- Protect children from harm. (Harm in this context is not limited to harm from gambling but includes wider child protection considerations.)

The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures, such as:

- Training for staff as regards suspected truant school children on the premises
- Measures / training covering how staff should deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.
- The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres
- That the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act); and that all staff are trained to have a full understanding of the maximum stakes and prizes.

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

There is an automatic entitlement to two gaming machines of category C or D, subject to the licence holder notifying the Council, paying the prescribed fee and complying with any relevant code of practice issued by the Gambling Commission. If the person ceases to be the holder of the on-premises alcohol licence for the premises, the automatic entitlement to the two gaming machines also ceases. In order to retain the entitlement to gaming machines, whoever applies for the new premises alcohol licence would also need to apply to the council with their intention to make the gaming machines available for use and paying the prescribed fee.

In addition, an application may be made for a licensed premises gaming machines permit, which allows for further category C or D machines to be made available in alcohol-licensed premises. There is no limit in the Act to the number of additional machines that may be authorised. This is a total figure and is not in addition to the two machines which can be sited automatically. The Council will determine this in each case, and specify this on the permit.

The Council shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third Gambling Act licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Council will expect applicants to demonstrate that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help

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

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

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

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence (paragraph 2.7).

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.

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**Deleted:** Premises licensed to sell alcohol for consumption on the premises can 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. ¶

**Deleted:** If there is a wish for premises to have more than 2 machines, then the holder of the premises licence will need to apply for a permit. The Council shall consider that application having regard to the Gambling Act licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.¶

¶ The Council shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third Gambling Act licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Council will expect applicants to demonstrate that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. ¶

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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.

### 3.3 Prize gaming permits

The meaning of “Prize Gaming” – Gaming is prize gaming for the purpose of the Act if neither the nature nor the size of a prize played for is determined by reference to:

- a) the number of persons playing, or
- b) the amount paid for or raised by the gaming

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:

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

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

The Council can grant or refuse an application for a permit, but cannot attach any conditions. However, there are 4 conditions in the Act that permit holders must comply with. These are:

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

### 3.4 Clubs

The automatic entitlement to two gaming machines permitted by section 282 does not apply to clubs. However, the Act provides that the holder of a club gaming permit or club machine permit may make available for use on premises operated by a members' club, a commercial club or a miners' welfare institute, up to three machines of category B, C or D (that is, three machines in total). As well as clubs with alcohol licences, premises that are not licensed to sell alcohol, for example, works premises which operate membership-based social clubs, are able to apply to the council for club machine permits or club gaming permits. They need to have 25 members, be permanently established and be for the benefit of the members. The regulations state that category B machines for club machine permits are restricted to sub-category B3A and/or B4 machines, depending on

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the class of club. Commercial clubs are restricted to B4 machines only whereas members' clubs and miners' welfare institutes may site sub-category B3A and/or B4 machines.

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

Deleted: Members clubs may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B3A, B4, C or D), equal chance gaming and games of chance.

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

An application may only be refused on one or more of the following grounds;

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

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

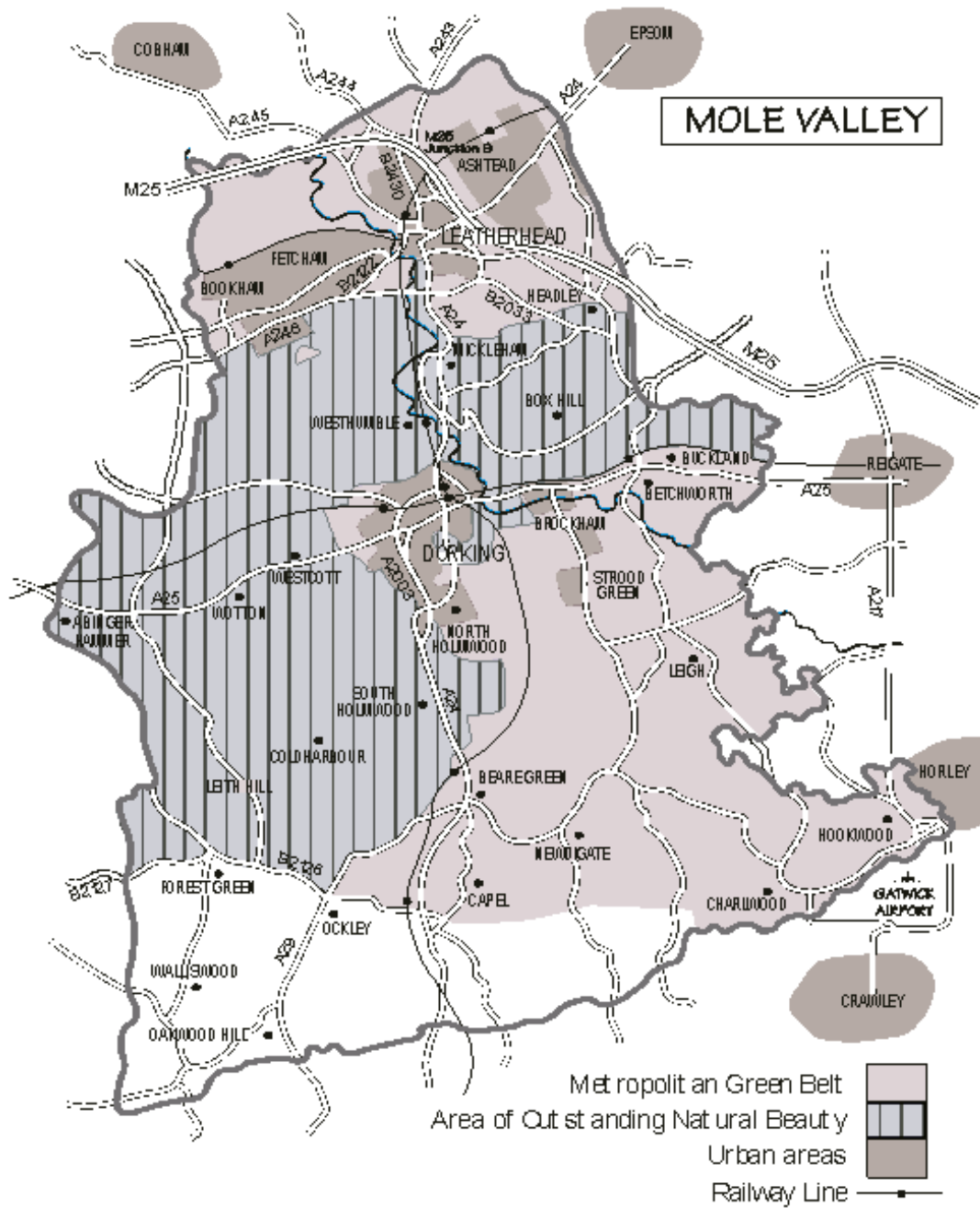
There is a 'fast-track' procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which an authority can refuse a permit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

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

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

The Council 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.

**ANNEXE 1 – MAP OF MOLE VALLEY DISTRICT**



## Appendix A: Summary of gaming entitlements for clubs and alcohol-licensed premises

|   | <a href="#">Members' club or MW institute with club gaming permit</a>   | <a href="#">Bridge or whist club</a>  | <a href="#">Members' club or commercial club with club machine permit</a>  | <a href="#">Members' club, commercial club or MW institute without a club gaming permit or club machine permit</a>   | <a href="#">Pubs and other alcohol-licensed premises</a>  |
|---|---|---|--|--|---|
| <a href="#">Equal chance gaming</a>                             | <a href="#">Yes</a>   | <a href="#">Bridge and/or Whist only</a>  | <a href="#">Yes</a>  | <a href="#">Yes</a>  | <a href="#">Yes</a>   |
| <a href="#">Limits on stakes</a>                                | <a href="#">No limit</a>  | <a href="#">No limit</a>  | <a href="#">Poker</a><br><a href="#">£1000 per week</a><br><a href="#">£250 per day</a><br><a href="#">£10 per person per game</a><br><a href="#">Other gaming</a><br><a href="#">No limit</a> | <a href="#">Poker</a><br><a href="#">£1000 per week</a><br><a href="#">£250 per day</a><br><a href="#">£10 per person per game</a><br><a href="#">Other gaming</a><br><a href="#">No limit</a> | <a href="#">Poker</a><br><a href="#">£100 per premises per day</a><br><a href="#">Other gaming</a><br><a href="#">£5 per person per game</a><br><a href="#">Cribbage &amp; dominoes</a><br><a href="#">No limit</a> |
| <a href="#">Limits on prizes</a>                                | <a href="#">No limit</a>  | <a href="#">No limit</a>  | <a href="#">Poker</a><br><a href="#">£250 per game</a><br><a href="#">Other gaming</a><br><a href="#">No limit</a>   | <a href="#">Poker</a><br><a href="#">£250 per game</a><br><a href="#">Other gaming</a><br><a href="#">No limit</a>   | <a href="#">Poker</a><br><a href="#">£100 per game</a><br><a href="#">Other gaming</a><br><a href="#">No limit</a>  |
| <a href="#">Maximum participation fees – per person per day</a> | <a href="#">Bridge and/or whist*</a><br><a href="#">£20</a><br><a href="#">Other gaming</a><br><a href="#">£3</a> | <a href="#">£18 (without club gaming permit)</a><br><a href="#">£20 (with club gaming permit)</a> | <a href="#">Bridge and/or whist*</a><br><a href="#">£18</a><br><a href="#">Other gaming</a><br><a href="#">£3 (commercial club)</a><br><a href="#">£1 (members' club)</a>                      | <a href="#">Bridge and/or whist*</a><br><a href="#">£18</a><br><a href="#">Other gaming</a><br><a href="#">£1</a>  | <a href="#">None permitted</a>  |
| <a href="#">Bankers or unequal chance gaming</a>                | <a href="#">Pontoon</a><br><a href="#">Chemin de Fer</a>  | <a href="#">None permitted</a>  | <a href="#">None permitted</a>   | <a href="#">None permitted</a>   | <a href="#">None permitted</a>  |
| <a href="#">Limits on bingo</a>                                 | <a href="#">Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.</a>         | <a href="#">No bingo permitted</a>  | <a href="#">Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.</a>  | <a href="#">Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.</a>  | <a href="#">Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.</a>   |

\*On a day when no other facilities for gaming are provided

## Appendix B: Summary of gaming machine categories and entitlements

| <u>Category of machine</u>   |   |  | <u>Maximum stake (from July 2011)</u> | <u>Maximum prize (from July 2011)</u>                      |
|--|---|--|---------------------------------------|--|
| <u>A</u>   | <u>No Category A machines are currently permitted</u> |  |                                       |  |
| <u>B1</u>  |   |  | <u>£2</u>                             | <u>£4,000</u>  |
| <u>B2</u>  |   |  | <u>£100 ( in multiples of £10)</u>    | <u>£500</u>  |
| <u>B3A</u>   |   |  | <u>£1</u>                             | <u>£500</u>  |
| <u>B3</u>  |   |  | <u>£2</u>                             | <u>£500</u>  |
| <u>B4</u>  |   |  | <u>£1</u>                             | <u>£250</u>  |
| <u>C</u>   |   |  | <u>£1</u>                             | <u>£70</u>   |
| <u>D – non money prize (other than a crane grab machine or a coin pusher or penny falls machine)</u> |   |  | <u>30p</u>                            | <u>£8</u>  |
| <u>D – non-money prize (crane grab machine)</u>  |   |  | <u>£1</u>                             | <u>£50</u>   |
| <u>D – money prize (other than a coin pusher or penny falls machine)</u>                             |   |  | <u>10p</u>                            | <u>£5</u>  |
| <u>D – combined money and non-money prize other than a coin pusher or penny falls machine)</u>       |   |  | <u>10p</u>                            | <u>£8 (of which no more than £5 may be money prize)</u>    |
| <u>D – combined money and non-money prize (coin pusher or penny falls machine)</u>                   |   |  | <u>10p</u>                            | <u>£15 (of which no more than £8 may be a money prize)</u> |

## Appendix C: Summary of machine provisions by preemies

| Premises type  | Machine Category                                       |  |    |    |                                      |   |   |
|--|--|--|----|----|--------------------------------------|---|---|
|  | A  | B1   | B2 | B3 | B4                                   | C | D |
| <u>Large casino</u><br>(machine/table ratio of 5-1 up to maximum)        | No category A gaming machines are currently permitted  | Maximum Of 150 machines<br>Any combination of machines in categories B to D (except B3A machines, within the total limit of 150 (subject to machine/table ratio) |    |    |                                      |   |   |
| <u>Small casino</u><br>(machine/table ratio of 2-1 up to maximum)        |  | Maximum 80 machines<br>Any combination of machines in categories B to D (except B3A machines, within the total limit of 150 (subject to machine/table ratio)     |    |    |                                      |   |   |
| <u>Pre-2005 Act casino</u><br>(no machine/table ratio)                   |  | Maximum of 20 machines categories B to D (except B3A machines), or any number of C of D machines instead   |    |    |                                      |   |   |
| <u>Betting premises and tracks occupied by pool betting</u>              |  | Maximum of 4 machines categories B2 to D (except B3A machines)   |    |    |                                      |   |   |
| <u>Bingo premises</u>  |  | 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 |   |   |
| <u>Adult Gaming Centre</u>   |  | 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 |   |   |
| <u>Family entertainment centre (with premises licence)</u>               |  |  |    |    | No limit on category C or D machines |   |   |
| <u>Family entertainment centre (with permit)</u>                         |  |  |    |    | No limit on category C or D machines |   |   |
| <u>Clubs or miners' welfare institute (with permits)</u>                 |  | Maximum of 3 machines in categories B3A or B4 to D*  |    |    |                                      |   |   |
| <u>Qualifying alcohol-licensed premises</u>                              |  | 1 or 2 machines of category c or d automatic upon notification   |    |    |                                      |   |   |
| <u>Qualifying alcohol-licensed Premises (with gaming machine permit)</u> | Number of category C-D machines as specified on permit |  |    |    |                                      |   |   |
| <u>Travelling fair</u>   | No Limit on Category D Machines                        |  |    |    |                                      |   |   |
|  | A  | B1   | B2 | B3 | B4                                   | C | D |

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\* It should be noted that 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 13 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 13 July 2011 but before 1 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 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

Deleted: **ANNEXE 2 – Gaming Machines explained**

**Gambling - Classes of Gaming Machines**

The Gambling Act 2005 reclassifies Gaming Machines and places restrictions on the type and number of machines that may be made available; it also places a minimum age of 18 years on players of all but Category D machines. Generally gaming machines are classified according to the maximum stakes and maximum possible prizes:

**Category of Machine** ... [1]

**ANNEXE 2 – Gaming Machines explained****Gambling - Classes of Gaming Machines**

The Gambling Act 2005 reclassifies Gaming Machines and places restrictions on the type and number of machines that may be made available; it also places a minimum age of 18 years on players of all but Category D machines. Generally gaming machines are classified according to the maximum stakes and maximum possible prizes:

| <b>Category of Machine</b>  | <b>Maximum Stake</b>                                  | <b>Maximum Prize</b>                                | <b>Age</b>   |
|---|---|---|--------------|
| A   | No category A gaming machines are currently permitted |   |              |
| B1  | £2  | £4,000  | 18           |
| B2  | £100 (in multiples of £10)                            | £500  | 18           |
| B3  | £2  | £500  | 18           |
| B3A*  | £1  | £500  | 18           |
| B4  | £1  | £250  | 18           |
| C   | £1  | £70   | 18           |
| D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine) | 30p   | £8  | no age limit |
| D – non-money prize (crane grab machine)  | £1  | £50   | no age limit |
| D – money prize (other than a coin pusher or penny falls machine)                             | 10p   | £5  | no age limit |
| D – combined money and non-money prize (other than a coin pusher or penny falls machine)      | 10p   | £8 (of which no more than £5 may be a money prize)  | no age limit |
| D – combined money and non-money prize (coin pusher or penny falls machine)                   | 10p   | £15 (of which no more than £8 may be a money prize) | no age limit |

\*Only available in non-commercial clubs and limited to participation in a lottery and no other form of gambling.

**Category A Machines**

No category A machines are currently permitted.

## Category B Machines

Category B machines are divided into five sub-categories (B1, B2, B3, B3A and B4) according to stake and prizes.

**Category B1** machines may only be made available in casinos and have a maximum stake of £2 and a maximum prize of £4,000.

**Category B2** includes gaming machines known as fixed odds betting terminals where the stake and prizes from an individual game can be rolled over into the next game up to a maximum stake of £100 (in multiples of £10) per game and a maximum prize of £500. These machines will only be available in casinos and licensed betting offices. The licensed betting offices are restricted to making four machines available for use.

**Category B3** machines may only be made available in casinos, bingo premises, betting premises and tracks with pool betting, and adult gaming centres. Bingo premises and adult gaming centres are limited to making four machines available for use. Maximum stake is £2 with a maximum prize of £500.

**Category B3A** machines will be permitted to be available in non-commercial clubs and limited to machines that only enable participation in a lottery but not in any other form or gambling. Maximum stake £1 with a maximum prize of £500

**Category B4** machines will be permitted to be available in casinos, bingo premises, adult gaming centres, members' clubs, commercial clubs and miners welfare institutes. The maximum stake is £1 with a maximum prize of £250.

## Category C

Category C machines may be made available in all premises other than a Family Entertainment Centre (with a Licensing Authority permit) or travelling fair. The maximum stake is £1 with a maximum prize of £70.

## Category D Machines

Category D machines may be made available in all of the locations where gaming machines of Category A, B or C are available. In addition, they may be made available in unlicensed family entertainment centres and travelling fairs.

Category D - machines non-money prize (other than crane grab machine or a coin pusher or penny falls machine) is 30p and the maximum prize is £8.

Category D - machine non-money prize (crane grab machine) maximum stake £1 maximum prize £50.

Category D - machines money prize (other than a coin pusher or penny falls machine) the maximum stake is 10p and the maximum prize is £5.

Category D - machine combined money and non-money prize (other than coin pusher or penny falls machine) maximum stake 10p maximum prize £8 (of which no more than £5 may be money prize)

Category D - machine combined money and non-money prize (coin pusher or penny falls machine) maximum stake 10p maximum prize £15 (of which no more than £8 may be money prize)

There is concern that these machines are attractive to young persons and as such they may not be made available in such places as taxi offices, chip



shops, late night refreshment outlets where the primary business operation is not gambling.

No person under the age of 18 years shall have access to any gaming machine other than those in Category D.

Specific Offences Permitting persons under 18 to gamble.

Permitting persons under 18 to enter parts of a family entertainment centre where Category C machines are available for use.

Permitting persons under 18 to enter areas where Category C machines are situated.

# Gambling Act 2005

## Statement of Principles

(Revised January 2010)

*This Statement of Licensing Principles was approved by Full Council on 24<sup>th</sup> November 2009*

*All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 3<sup>rd</sup> Edition, published May 2009.*

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## **1. Introduction**

### **1.1 The Licensing Objectives**

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

The main functions of licensing authorities are:

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

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

Mole Valley District Council ('the Council' or 'licensing authority') is a licensing authority for the purposes of the Act.

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:

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

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

## **1.2 Mole Valley District Council**

Mole Valley District Council is situated in the County of Surrey, which contains 11 Councils in total, 2 District and 9 Boroughs. The Council area has a population of 80,287 (Census 2001) making it mid-way in the County in terms of population. In terms of area it is the third largest, covering 99.73 square miles.

There are approximately 34,502 dwellings within the district. The main urban areas are in the northern part and centred around Leatherhead, whilst the much greater southern area is predominantly rural with small villages whose focus is Dorking.

A map of Mole Valley District is attached at Annexe 1.

## **1.3 Consultation**

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

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

The statement of policy was published on the **23<sup>rd</sup> November 2012**, and comes into effect on the **31<sup>st</sup> January 2013**. It will remain in force for no more than 3 years, but may be reviewed at any time.

## **1.4 Declaration**

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

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.

## **1.5 Responsible Authorities**

The contact details of all the Responsible Authorities under the Act are available via the Council's website at <http://www.molevalley.gov.uk>.

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

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

Having regard to the above principles, the Council designates the Surrey County Council's Safeguarding Support Service for Vulnerable People relating to Child Protection for this purpose.

## **1.6 Interested parties**

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

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

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

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

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

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

- trade associations;
- residents' and tenants' associations;
- ward/county/parish councillors
- Members of Parliament

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

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

## **1.7 Exchange of Information**

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

The Council may share information in accordance with the following provisions of the Act: -

- Sections 29 & 30 (with respect to information shared between the Council and the Gambling Commission)
- Section 350 (with respect to information shared between the Council and the other persons listed in Schedule 6 to the Act)

In the exercise of the above functions, consideration shall also be given to the common law duty of confidence, the law relating to defamation, the guidance issued by the Gambling Commission and to the Council's policies in relation to data protection and freedom of information.

Any information shared between the Council and Surrey Police must also be carried out in accordance with the Surrey Information Sharing Protocol produced by the Surrey Community Safety Unit.

Any person wishing to obtain further information about their rights under the Data Protection Act 1998 or the Freedom of Information Act 2000 may view the Council's policies at Pippbrook, Dorking, Surrey, RH4 1SJ, or alternatively contact the Head of Legal Services on 01306 876124

## **1.8 Enforcement**

The Council will adopt a risk-based approach to the inspection of gambling premises. This will allow for the targeting of high-risk premises, or those where a breach would have serious consequences. Premises that are low risk and/ or well run will be subject to a less frequent inspection regime.

Where necessary, appropriate enforcement (including prosecution under section 346 of the Act) will be carried out in a fair and consistent manner in accordance with

- Regulator's Compliance Code - Statutory Code of Practice for Regulators
- Mole Valley District Council Environmental Health Department Enforcement & Prosecution Policies

The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

The Council will adopt the principles of better regulation.

The licensing authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the licensing authority will contact first should any compliance queries or issues arise.

This licensing authority has adopted a risk-based inspection programme, based on;

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

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority 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.

## 1.9 Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on Exchange of Information)
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences



## **2. Premises Licences**

### **2.1 General Principles**

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed 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.

### **2.2 Decision making - general**

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

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's Statement of Principles

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

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

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

### **2.3 Location**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to licensing authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

### **2.4 Multiple licences/ layout of buildings**

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

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:

- the ability of children to gain access to or observe gambling facilities (even accidentally) entrances and exits from parts of a building covered by more than one premises licence should be separate and identifiable so that the separation of different premises is not compromised and that people (and, in particular, children) do not drift into a gambling area.
- the compatibility of the 2 or more establishments; and
- the ability of the establishments to comply with the requirements of the Act.

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

## 2.5 Conditions

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

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

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

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

Certain matters may not be the subject of conditions. These are:

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

## 2.6 Door Supervisors

The Gambling Commission advises in its Guidance to licensing authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether such supervisors need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

This requirement does not apply to door supervisors at licensed casino or bingo premises, who are exempt from the licensing requirements of the Private Security Industry Act 2001. The Council may however impose specific requirements on door supervisors at such premises if considered appropriate in an individual case.

## 2.7 Adult gaming centres

Persons operating an adult gaming centre must obtain an operating licence from the Commission and a premises licence from the Council. These Licences allow the operator to make up to **four** of either category B3 or B4 or any combination of both and **any** number of category C & D machines available to their customers - (category B3 machine = £1 stake limit + £500 prize limit; Category B4 machine = £1 stake limit + £250 prize limit; Category C = £1 stake limit + £70 prize limit; Category D machine = 10p stake limit + £5 cash or £8 non-cash prize limit) No one under the age of 18 is permitted to enter an adult gaming centre.

*(A full explanation of Gaming Machines is shown at Annexe 2)*

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

Applicants are encouraged to consider the following steps:

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

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

Please see paragraph 2.5 for details of conditions that may be attached to premises licences authorising adult gaming centres.

## 2.8 (Licensed) family entertainment centres

Operators of licensed family entertainment centres will require an operating licence from the Gambling Commission, and a premises licence from the Council. This will allow the operator to make **any** number of category C & D machines available to their customers - (category C = £1

stake limit + £70 prize limit; Category D machine = 10p stake limit + £5 cash or £8 non-cash prize limit).

Children and young persons will be able to enter licensed family entertainment centres and play on the category D machines. They will not be permitted to play on category C machines.

As family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the Council will normally require that:

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

Applicants are therefore encouraged to consider the steps set out at paragraph 2.7 of this statement in order to prevent children and young persons from gaining access to category C machines. In addition, applicants are encouraged to consider the following:

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

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

Please see paragraph 2.5 for details of conditions that may be attached to premises licences authorising licensed family entertainment centres.

## **2.9 Tracks**

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

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

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

Applicants are encouraged to consider the steps set out at paragraph 2.7 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

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

*Gaming machines* – holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to 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.

*Betting machines at tracks* - the Council will apply similar considerations to those set out in paragraph 2.11 (in relation to betting machines made available at off-course betting premises) to betting machines made available at tracks.

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

*Applications and plans* - the Council will require the following information from applicants for premises licences in respect of tracks: -

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

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

## **2.10 Casinos**

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

## **2.11 Betting Premises**

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

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

While the licensing authority has discretion as to the number and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

Please see paragraph 2.5 for details of conditions that may be attached to betting premises licences.

## **2.12 Bingo**

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

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

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

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

Please see paragraph 2.5 for details of conditions that may be attached to bingo premises licences.

## **2.13 Temporary Use Notices**

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

A person holding the appropriate operating licence issued by the Gambling Commission can give a TUN (temporary use notice) in respect of a premises.

Temporary Use Notices are limited to providing facilities for any form of 'equal chance' gaming where the people participating in the gaming are taking part in a competition which is intended to produce a single overall winner.

Effectively this limits a TUN to a competition of poker, bridge, cribbage or dominos. Therefore only the holder of a Casino Operating Licence can apply for a TUN. There are a number of statutory limits in regards to temporary use notices.

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).

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:

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

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

## **2.14 Occasional Use Notices**

The licensing authority has very little discretion where an occasional use notice has been given by someone in respect of a track who intends to accept bets on a track, or to cause or permit premises to be used for the acceptance of bets, aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though check that the track is genuine. Section 353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place and whether the applicant is permitted to avail him/herself of the notice.

## **2.15 Travelling Fairs**

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit are/is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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

## **2.16 Reviews**

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be

carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

That it is:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by this licensing authority as to whether the request is frivolous, vexatious, or whether it would not cause the licensing authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs



### **3. Permits**

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

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

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

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

The Council will expect the applicant to show that there are policies and procedures in place to:

- Protect children from harm. (Harm in this context is not limited to harm from gambling but includes wider child protection considerations.)

The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures, such as:

- Training for staff as regards suspected truant school children on the premises
- Measures / training covering how staff should deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.
- The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres
- That the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

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

Premises licensed to sell alcohol for consumption on the premises can automatically have 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.

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

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

If there is a wish for premises to have more than 2 machines, then the holder of the premises licence will need to apply for a permit. The Council shall consider that application having regard to the Gambling Act licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

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

Council will expect applicants to demonstrate that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help.

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

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence (paragraph 2.7).

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.

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.

### **3.3 Prize gaming permits**

The meaning of “Prize Gaming” – Gaming is prize gaming for the purpose of the Act if neither the nature nor the size of a prize played for is determined by reference to:

- a) the number of persons playing, or
- b) the amount paid for or raised by the gaming

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:

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

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

The Council can grant or refuse an application for a permit, but cannot attach any conditions. However, there are 4 conditions in the Act that permit holders must comply with. These are:

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

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

Members clubs may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B3A, B4, C or D), equal chance gaming and games of chance.

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

Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.

An application may only be refused on one or more of the following grounds;

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

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

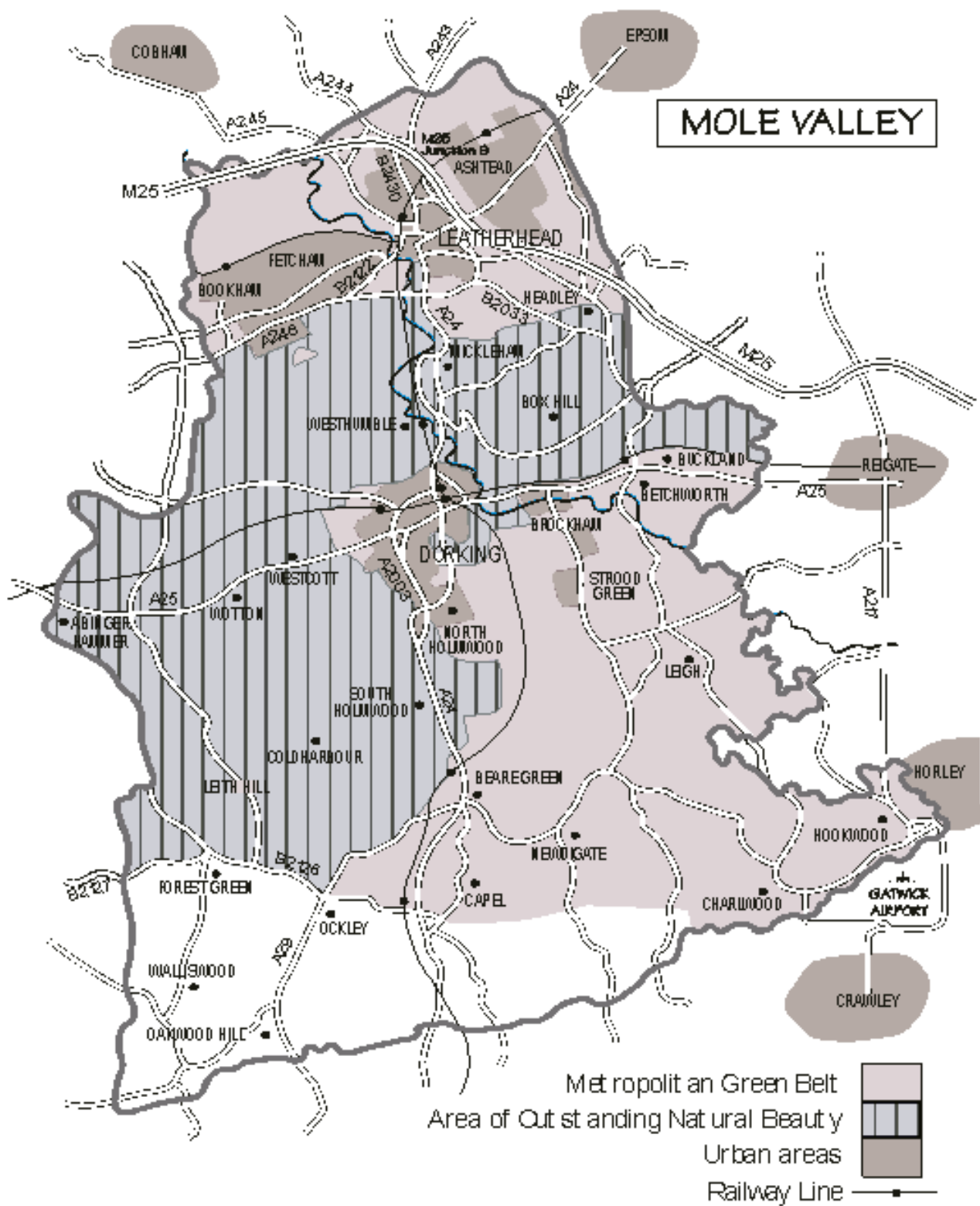
There is a ‘fast-track’ procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which an authority can refuse a permit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

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

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

The Council 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.

# ANNEXE 1 – MAP OF MOLE VALLEY DISTRICT



## ANNEXE 2 – Gaming Machines explained

### Gambling - Classes of Gaming Machines

The Gambling Act 2005 reclassifies Gaming Machines and places restrictions on the type and number of machines that may be made available; it also places a minimum age of 18 years on players of all but Category D machines.

Generally gaming machines are classified according to the maximum stakes and maximum possible prizes:

#### Gaming machine (fruit machine, slot machine) categories

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

| Machine category  | Maximum stake (from July 2011) | Maximum prize (from July 2011)                      |
|---|--------------------------------|---|
| A   | Unlimited                      | Unlimited   |
| B1  | £2                             | £4,000  |
| B2  | £100 (in multiples of £10)     | £500  |
| B3  | £2                             | £500  |
| B3A*  | £1                             | £500  |
| B4  | £1                             | £250  |
| C   | £1                             | £70   |
| D non-money prize (other than crane grab machine)                                     | 30p                            | £8  |
| D non-money prize (crane grab machine)  | £1                             | £50   |
| D money prize   | 10p                            | £5  |
| D combined money and non-money prize (other than coin pusher or penny falls machines) | 10p                            | £8 (of which no more than £5 may be a money prize)  |
| D combined money and non-money prize (coin pusher or penny falls machine)             | 10p                            | £15 (of which no more than £8 may be a money prize) |

\*Only available in non-commercial clubs and limited to participation in a lottery and no other form of gambling.

### Category A Machines

Category A machines will only be available at a Regional Casino and will be the only gaming machines with unlimited stakes and prizes. A Regional Casino can make up to 1250 machines available irrespective of the number of gaming tables made available for use.

### Category B Machines

Category B machines are divided into five sub-categories (B1, B2, B3, B3A and B4) according to stake and prizes.

**Category B1** machines may only be made available in casinos and have a maximum stake of £2 and a maximum prize of £4,000.

**Category B2** includes gaming machines known as fixed odds betting terminals where the stake and prizes from an individual game can be rolled over into the next game up to a maximum stake of £100 (in multiples of £10) per game (or £15 per chip) and a maximum prize of £500.

These machines will only be available in casinos and licensed betting offices. The licensed betting offices are restricted to making four machines available for use.

**Category B3** machines may only be made available in casinos, bingo premises, betting premises and tracks with pool betting, and adult gaming centres. Bingo premises and adult gaming centres are limited to making four machines available for use. Maximum stake is £1 with a maximum prize of £500.

**Category B3A** machines will be permitted to be available in non-commercial clubs and limited to machines that only enable participation in a lottery but not in any other form of gambling. Maximum stake £1 with a maximum prize of £500

**Category B4** machines will be permitted to be available in casinos, bingo premises, adult gaming centres, members' clubs, commercial clubs and miners welfare institutes. The maximum stake is £1 with a maximum prize of £250.

## Category C

Category C machines may be made available in all premises other than a Family Entertainment Centre (with a Licensing Authority permit) or travelling fair. The maximum stake is £1 with a maximum prize of £70.

## Category D Machines

Category D machines may be made available in all of the locations where gaming machines of Category A, B or C are available. In addition, they may be made available in unlicensed family entertainment centres and travelling fairs. The maximum stake is 10p and the maximum prize is £5. The maximum stake for non-money prize (other than crane grab machine) is 30p and the maximum prize is £8.

There is concern that these machines are attractive to young persons and as such they may not be made available in such places as taxi offices, chip shops, late night refreshment outlets where the primary business operation is not gambling.

No person under the age of 18 years shall have access to any gaming machine other than those in Category D.

Specific Offences Permitting persons under 18 to gamble.

- Permitting persons under 18 to enter parts of a family entertainment centre where Category C machines are available for use.
- Permitting persons under 18 to enter areas where Category C machines are situated.