



# **GAMBLING ACT 2005**

## **SPELTHORNE BOROUGH COUNCIL'S STATEMENT OF GAMBLING POLICY 2007-2010**

This statement of policy has been prepared at a time when further regulations, and operating/ personal licence conditions are not yet published. The statement is therefore subject to the publication of these documents, and may be amended in light of their contents. All references to the guidance of the Gambling Commission to licensing authorities refer to the guidance published in April 2006.

## INDEX

Page No.

### **General Statement of Principles**

3

#### **1. Introduction**

1.1	The Gambling Act 2005	3
1.1.1	The Functions of Licensing Authorities	3
1.1.2	The Licensing Objectives	4
1.2	Spelthorne Borough	4
1.3	Consultation	4
1.4	Declaration	5
1.5	Responsible authorities	5
1.5.1	Protection of children	6
1.6	Interested parties	6
1.7	Exchange of information	7
1.8	Enforcement	7

#### **2. Premises Licences**

2.1	Decision making – general	8
2.2	Location	8
2.3	Multiple licences/ layout of buildings	8
2.4	Conditions	9
2.5	Door supervisors	9
2.6	Adult gaming centres	10
2.7	Licensed family entertainment centres	10
2.8	Tracks	11
2.9	Casinos	12
2.10	Betting premises	12
2.11	Bingo	13
2.12	Temporary use notices	13

#### **3. Permits**

3.1	Unlicensed family entertainment centres	14
3.2	Alcohol licensed premises – gaming machine permits	14
3.3	Prize gaming permits	15
3.4	Club gaming and club machine permits	15

#### **ANNEXE 1 Map of Spelthorne**

#### **ANNEXE 2 List of Consultees**

#### **ANNEXE 3 Schedule of Responsible Authorities**

#### **ANNEXE 4 Council's scheme of delegations of functions under The Gambling Act 2005**

#### **ANNEXE 5 Glossary of terms**

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

## **General Statement of Principles**

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

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

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

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

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

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

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

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

## **1. Introduction**

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

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

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

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

The main functions of licensing authorities are:

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

- Registering small societies' lotteries

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

### 1.1.2 The Licensing Objectives

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

## 1.2 Spelthorne Borough

Spelthorne Borough Council lies fifteen miles west of central London and sits in the far north west corner of Surrey, close to the boundary of Berkshire. The Borough is also bordered by the London Boroughs of Hillingdon, Hounslow and Richmond. The Borough, covering twenty square miles, is at the inner edge of the Metropolitan Green Belt, with 45% being urban and the remainder protected as Green Belt. Spelthorne's resident population was 90,390 by the end of 2001, based on the 2001 census. The main centres of population are the towns of Staines, Ashford, Sunbury, Shepperton and Stanwell.

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

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

There are a number of betting shops, one amusement arcade located in Staines, the borough's principle town. There are 73 pubs in the borough, most of which have gaming machines, and a number of Private members clubs. There are no bingo premises or casinos.

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

## 1.3 Consultation

This statement of policy has been prepared in consultation with the following persons/ bodies (*to be updated when consultation complete*):-

- The Chief Officer of Police
- One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

A full list of consultees is attached as Annexe 2.

The statement of policy was published on *[to be confirmed]*, and comes into effect on *[to be confirmed]*. 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.

#### **1.5 Responsible Authorities**

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

Section 157 of the Act defines those authorities as:-

- The Gambling Commission
- The Police
- The Fire Service
- The local planning authority
- Environmental health
- Child Protection Committee (see Section 1.5.1)
- HM Revenue and Customs
- A licensing authority in whose area the premises is situated

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

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

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

The contact details of all the Responsible Authorities under the Act are available via the Council's website at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk) **1.5.1 Protection of children**

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

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

Having regard to the above principles, the Council designates the **Surrey Children's Service** for this purpose.

## 1.6 Interested parties

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

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

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

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

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

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

- trade associations;
- trade unions;
- residents and tenants associations;
- ward/ county/ parish councillors
- MP's

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

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

## 1.7 Exchange of Information

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

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

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

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 [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk)

## **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

- The Enforcement Concordat
- The Better Regulation and Hampton Principles
- Spelthorne Borough Council enforcement policies

Copies of the above documents are available to view on the Council's website at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk)

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

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission.

## **2. Premises Licences**

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

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

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

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

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

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

### **2.2 Location**

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

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

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

### **2.3 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 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 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.

## 2.4 Conditions

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

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

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

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

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

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

## 2.5 Door Supervisors

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

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

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

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

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

## 2.6 Adult gaming centres

Persons operating an adult gaming centre must obtain an operating licence from the Commission and a premises licence from the Council. This will allow the operator to make category B, C & D

machines available to their customers. No one under the age of 18 is permitted to enter an adult gaming centre.

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

Applicants are encouraged to consider the following steps:

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

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

## **2.7 Licensed family entertainment centres**

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

Children and young persons will be able to enter licensed family entertainment centres and play on 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 2.6 of this statement in order to prevent children and young persons from gaining access to category C machines. In addition, applicants are encouraged to consider the following

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

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

## 2.8 Tracks

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

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

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

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

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

### *Gaming machines*

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

*[Awaiting further guidance from the Gambling Commission]*

### *Condition on rules being displayed*

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

### *Applications and plans*

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

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

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

*[Awaiting further guidance from the Gambling Commission]*

## **2.9 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.

## **2.10 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.

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

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

The Council will therefore expect applicants to have fully considered these issues in their application.

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

## 2.11 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.

## 2.12 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.

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 will hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

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

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

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

### **3. Permits**

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

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

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

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

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

The policies and procedures are expected to include:

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

The Council will also expect applicants to demonstrate

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

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

Premises licensed to sell alcohol for consumption on the premises, can automatically have 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 may remove the automatic authorisation in respect of any particular premises if;

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

If a premises wishes to have more than 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 licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

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

- that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.

- Measures may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
- Notices and signage.

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

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. An application for an Adult Gaming Centre premises licence would be necessary in these circumstances.

The Council may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. The Council will not attach any other conditions in granting such an application.

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

### **3.3 Prize gaming permits**

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

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

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

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

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

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

Members clubs (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B4, C or D), equal chance gaming and games of chance.

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming

under section 269 of the Act), they may apply for a club machine permit, which will enable the premises to provide gaming machines (3 machines of categories B4, C or D).

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

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

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

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

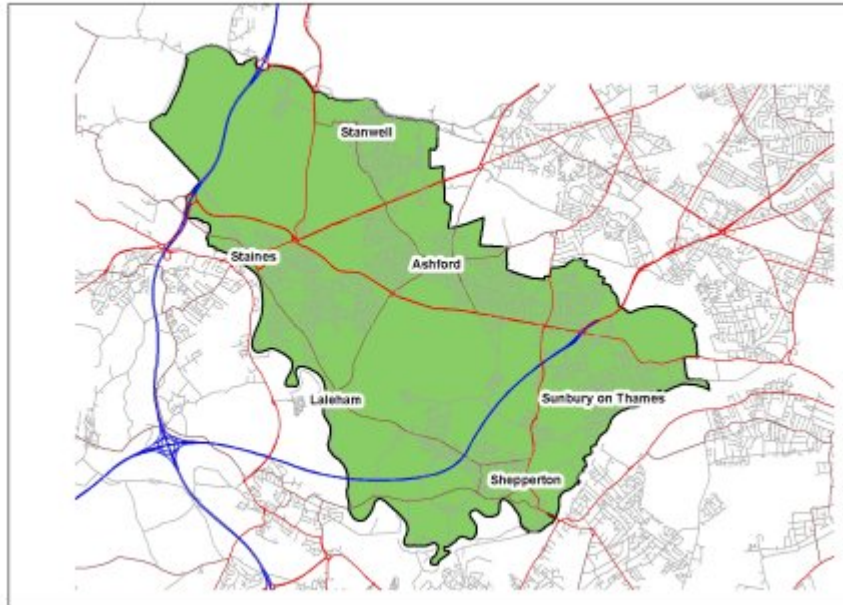
There is a 'fast-track' procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which an authority can refuse a permit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

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

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

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

## ANNEXE 1 – MAP OF SPELTHORNE BOROUGH



## **ANNEXE 2**

### **SCHEDULE OF CONSULTEES**

<p><b>PERSONS OR BODIES REPRESENTING THE INTERESTS OF THOSE CARRYING ON GAMBLING BUSINESSES IN THE BOROUGH:</b></p> <ul style="list-style-type: none"><li>• Association of British Bookmakers</li><li>• Association of Licensed Multiple Retailers</li><li>• British Amusement Catering Trade Association</li><li>• British Beer &amp; Pub Association</li><li>• British Holiday &amp; Home Parks Association</li><li>• British Institute of Innkeeping</li><li>• Business In Sport &amp; Leisure</li><li>• Casino Operators' Association of the UK</li><li>• Community (Trade Union)</li><li>• Federation of Licensed Victuallers Associations</li><li>• GamCare</li><li>• HM Revenue &amp; Customs</li><li>• Leisure Link Group</li><li>• Racecourse Association Ltd</li><li>• Remote Gambling Association</li><li>• Rugby Football Union</li><li>• Spelthorne Borough Council, Older People Services</li><li>• The Bingo Association</li><li>• The British Casino Association</li><li>• The Football Association</li><li>• The Gambling Commission</li><li>• Working Men's Club &amp; Institute Union</li></ul> <p>-----</p> <p><b>PERSONS OR BODIES REPRESENTING THE INTERESTS OF THOSE WHO ARE LIKELY TO BE AFFECTED BY THE EXERCISE OF THE AUTHORITY'S FUNCTIONS:</b></p> <ul style="list-style-type: none"><li>• The A2 Housing Group (Spelthorne Housing)</li><li>• Metropolitan Housing Trust</li><li>• All Elected (Ward) Councillors, Spelthorne Borough Council</li><li>• All "Responsible Authorities" as defined under the Gambling Act</li><li>• All six Directorates within Spelthorne Borough Council</li><li>• Alcoholics Anonymous</li></ul>	<ul style="list-style-type: none"><li>• Citizens Advice Bureau</li><li>• Gamblers Anonymous</li><li>• Government Organisations (Department for Communities &amp; Local Government [formerly ODPM], LACORS, LGA)</li><li>• North Surrey Primary Care Trust</li><li>• Responsibility in Gambling Trust</li><li>• Samaritans (Guildford; North West Surrey; &amp; Slough, Windsor &amp; Maidenhead Branch)</li><li>• Spelthorne Mind (MHA)</li><li>• Staines Magistrates Court</li><li>• Surrey Alcohol &amp; Drug Advisory Service</li><li>• Surrey Chamber of Commerce</li><li>• Surrey Child Protection &amp; Independent Review Unit</li><li>• Surrey Fire &amp; Rescue Service</li><li>• Surrey Law Centre</li><li>• Surrey Libraries</li><li>• The Engage Project</li><li>• The Salvation Army</li><li>• Surrey Youth Offending Team (East &amp; West Branches)</li><li>• Kingston Crown Court</li><li>• Community Groups, residents' groups and tenant's associations</li></ul> <p>-----</p> <p><b>NEIGHBOURING LONDON, COUNTY &amp; DISTRICT COUNCILS:</b></p> <ul style="list-style-type: none"><li>• London Boroughs of: Hounslow, Hillingdon &amp; Richmond;</li><li>• Elmbridge Borough Council</li><li>• Royal Borough Of Windsor &amp; Maidenhead</li><li>• Runnymede Borough Council</li><li>• Woking Borough Council</li></ul> <p>-----</p> <p><b>CURRENT HOLDERS OF LICENCES, PERMITS etc. IN SPELTHORNE:</b></p> <ul style="list-style-type: none"><li>• Representatives of Premises Licence holders with section 34 gaming permits (including Breweries that hold Premises Licences for premises that sell alcohol)</li><li>• Representatives of Qualifying Clubs with Club Premises Certificates (Blake Laphorn Linnell, Frasers Solicitors, Freemans, Horsey Lightly Fynn, John &amp; Walter Johnson &amp; Co, Kuit Steinhart Levy)</li></ul>
---	---

**Note:** This list is not intended to be exhaustive. Comments & observations were welcomed from anyone affected by this policy. Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

**Dawn Morrison** – d.morrison@spelthorne.gov.uk  
Licensing Department, Spelthorne Borough Council, Council Offices, Knowle Green,  
Staines, Surrey, TW18 1XB

## **ANNEXE 3**

## SCHEDULE OF RESPONSIBLE AUTHORITIES

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

---

### **Spelthorne Licensing Department**

Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines, Surrey  
TW18 1XB

Ruth Everley  
Head of Statutory Child Protection & Child Care  
**Child Protection & Independent Review Unit**  
Fairmount House, Bull Hill  
Kingston Road  
Leatherhead, Surrey  
KT22 7AH

### **The Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

**HM Revenue & Customs**  
Greenock Accounting Centre  
Custom House  
Custom Quay, Greenock  
PA15 1EQ

Jacque Clark - Police Licensing Officer

### **Surrey Police**

Staines Police Station  
22 Kingston Road  
Staines  
Middlesex  
TW18 4LG

### **Surrey Trading Standards**

Mid Surrey area office  
Bay Tree Avenue  
Kingston Road  
Leatherhead  
Surrey  
KT22 7SY

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

Walton Fire Safety  
Fire Station  
Hersham Road  
Walton-on-Thames  
Surrey  
KT12 1RZ

Head of Environmental Health & Building Control  
Services

### **Spelthorne Environmental Health Department**

Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines, Surrey  
TW18 1XB

Head of Planning

### **Spelthorne Planning Department**

Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines, Surrey  
TW18 1XB

### **Authorities for Vessels:**

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

**ANNEXE 4 – COUNCIL’S SCHEME OF DELEGATION FOR ITS FUNCTION UNDER THE GAMBLING ACT 2005**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting – when appropriate	X (after recommendation from Licensing Committee and Executive)		
Application for premises licences		Where representations have been received & not withdrawn	Where no representations received / representations have been withdrawn
Application for a variation to a licence		Where representations have been received & not withdrawn	Where no representations received / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received & not withdrawn	Where no representations received / representations have been withdrawn
Review of a premises licence		X	
Application for club gaming / club machine permits		Where representations have been received & not withdrawn	Where no representations received / representations have been withdrawn
Cancellation of club gaming / club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice		X (where representations are received)	X (where no representations are received)

Decision to give a counter notice to a temporary use notice		X	
---	--	---	--

**ANNEXE 5 – GLOSSARY OF TERMS**

*To be completed when detailed guidance is issued*