



WOKING BOROUGH COUNCIL

GAMBLING ACT 2005 STATEMENT OF POLICY

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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.

Woking Borough Council ('the Council') 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

1.2 Woking Borough

A map of Woking Borough is attached as Annexe 1.

Woking is situated in the heart of Surrey, 25 miles from central London, within 15 and 20 miles of Heathrow and Gatwick respectively. It is bordered by the Boroughs of Guildford to the south, Runnymede to the north, Elmbridge to the east and Surrey Heath to the west.

The Council vision is "towards tomorrow today".

This Vision is supported by a statement of intent about shaping our future, comprising a number of value aims under the three key thematic areas of PEOPLE, PLACE and US (our organisation), as follows:

PEOPLE - A healthy, inclusive and engaged community

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

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

PLACE - An enterprising, vibrant and sustainable place

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

- maintaining a high quality natural environment where resources are used wisely and biodiversity is conserved
- creating a high-quality built environment which meets local needs, and enables an enterprising culture to flourish and the local economy to prosper
- providing, in collaboration with partners, the physical and electronic infrastructure to enable efficient and integrated travel, and supporting high quality electronic services.

US - An innovative, proactive and effective council

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

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

The Borough has a population of approximately 100,000 and covers an area of 6,357 hectares. Most residents live in Woking's well defined urban area and 80% of residents refer to "Woking" as their town or nearest town. The Borough is 60% green belt and the town itself surrounded by open countryside. Equally important to Woking's identity are the villages of Brookwood, Knaphill, Byfleet, West Byfleet, Horsell, Mayford, Old Woking,

Pyrford, St. John's and Sutton Green. In the province of environmental achievement, Woking is the only Borough to have received the accolade of the Queen's Award for Enterprise for Sustainable Development (2001).

Woking has a prosperous commercial centre, with two indoor shopping malls, a covered indoor market and farmers market. A number of leading international businesses have their headquarters in the Borough, including the McLaren Group, Tag Aviation and the Ambassador Theatre Group.

Woking's rich cultural heritage dates back to the Norman Conquest but the modern town was born out of the railway, which provides links to the South West and a 25 minute journey to Waterloo. The Shah Jehan Mosque was established in 1889 and the Muslim community has been well represented in Woking ever since, significantly contributing to cultural diversity. Woking is readily accessible, with the M25 running through the Borough and the A3 and M3 within easy reach.

Visitors to Woking are catered for by a number of hotels, including the Premier Inn and Double Tree by Hilton hotels. The H.G Wells Conference and Event Centre offers conference facilities. Culturally, Woking offers a range of accessible indoor leisure and sports facilities, actively promoting health and wellbeing. Outdoor activity includes 14 golf courses, a tennis centre and Woking Football Club which has a stadium capacity of 6,000.

Woking is a centre of excellence for the arts, its three theatres attract 350,000 visitors a year and the New Victoria Theatre has the largest auditorium (1,300 seats) in the South East. Live performances are complemented by a six screen cinema.

There are approximately 276 premises currently licensed under the Licensing Act 2003 in Woking. These licences authorise the supply of alcohol, provision of late night refreshment, regulated entertainment, indoor sports, boxing and wrestling – either on their own or in combination.

Section 273 of the Gambling Act 2005 provides that the holder of a club gaming machine permit or club machine permit may make available for use on premises operated by a members' club, a commercial club or a miner's welfare institute, up to three machines of category B, C or D (that is, three machines in total.)

Section 282 of the Gambling Act 2005 defines those premises which may qualify for gaming machine entitlements by virtue of their alcohol licence. These are premises with a licence under the Licensing Act 2003 for consumption of alcohol on the premises, which contain a bar at which alcohol is served, but without a requirement that alcohol is served only with food. In such qualifying premises there is an automatic entitlement to two gaming machines of category C or D, subject to notifying the licensing authority, paying the prescribed fee and complying with any relevant code of practice issue by the Gambling Commission. In addition in accordance with section 283, 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 will be a matter for the licensing authority to determine in each case, and specify on the permit.

Woking has four bingo halls, one adult gaming centre and 12 betting premises (betting shops). The Council also issues approximately 30 alcohol licensed premises gaming machine permits and 5 club machine permits. All of these require licences and permits which are or will become the responsibility of Woking Borough Council.

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 to 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 and comes into effect on 31st January 2016 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.

Annex 2 shows the delegation of functions under the Act.

1.5 Responsible Authorities

The contact details of all the Responsible Authorities under the Act are shown at Annexe 3.

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

- 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
- Places of worship

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

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.

The Council will adopt the principles of better regulation.

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 www.woking.gov.uk

1.8 Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions

under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

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

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

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

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

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department.

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 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

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 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 closely 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

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

2.5 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 would normally need to hold a 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 individual cases.

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, importance 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 mandatory, nor exhaustive, and is merely indicative of example measures.

Please see paragraph 2.4 for details of conditions that may be attached to premises licences authorising adult gaming centres.

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, priority 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 mandatory, nor exhaustive, and is merely indicative of example measures.

Please see paragraph 2.4 for details of conditions that may be attached to premises licences authorising licensed family entertainment centres.

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 are encouraged to 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 are encouraged to consider the following

- Physical separation of areas
- Measures / training for staff on how to deal with school children on the premises, at all times and particularly if suspected of playing truant

Gaming machines – holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may (currently) make available up to 4 gaming machines (categories B2 to D) on the track. The Council will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.

Betting machines at tracks - the Council will apply similar considerations to those set out in paragraph 2.10 (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, if any, other areas are to be subject to a separate application for a different type of premises licence. The Gambling Commission provide guidance on the format and precise content of plans.

2.9 Casinos

On 4th April 2006 the Council voted against putting in a bid to the Casino Advisory Panel for authority to invite applications for a large casino in the Borough. However, Woking Borough Council has not passed a ‘no casino’ resolution as a matter of policy under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution, through a three yearly review.

2.10 Betting Premises

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

Please see paragraph 2.4 for details of conditions that may be attached to betting premises licences.

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.

Please see paragraph 2.4 for details of conditions that may be attached to bingo premises licences.

2.12 Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice include hotels, conference centres and sporting venues.

Regulations state that temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. However, the facilities may not be provided in circumstances where any person participating in the gaming does so by means of a gaming machine. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

The same set of premises may not be the subject of a temporary use notice for more than 21 days in any 12-month period, but may be the subject of several notices provided that the total does not exceed 21 days.

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.

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, priority 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 a general duty of care. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / 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 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 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 be prepared 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.

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

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 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 must have regard to any Gambling Commission guidance. Importance 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 (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.

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 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 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.

4. Local Risk Assessments

- 4.1** The Commission's *Licence Conditions and Codes of Practice (LCCP)*, which were revised and published in February 2015, formalise the need for operators to consider local risks.
- 4.2** Social responsibility (SR) code 10.1.1 requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy statement.
- 4.3** Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:
- when applying for a variation of a premises licence
 - to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 4.4** The new SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority. Both provisions take effect from 8 May 2015.
- 4.5** Where concerns do exist, perhaps prompted by new or existing risks, a licensing authority might request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions is required.
- 4.6** Where a licensing authority's policy statement sets out its approach to regulation with clear reference to local risks, it will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

Local area profile

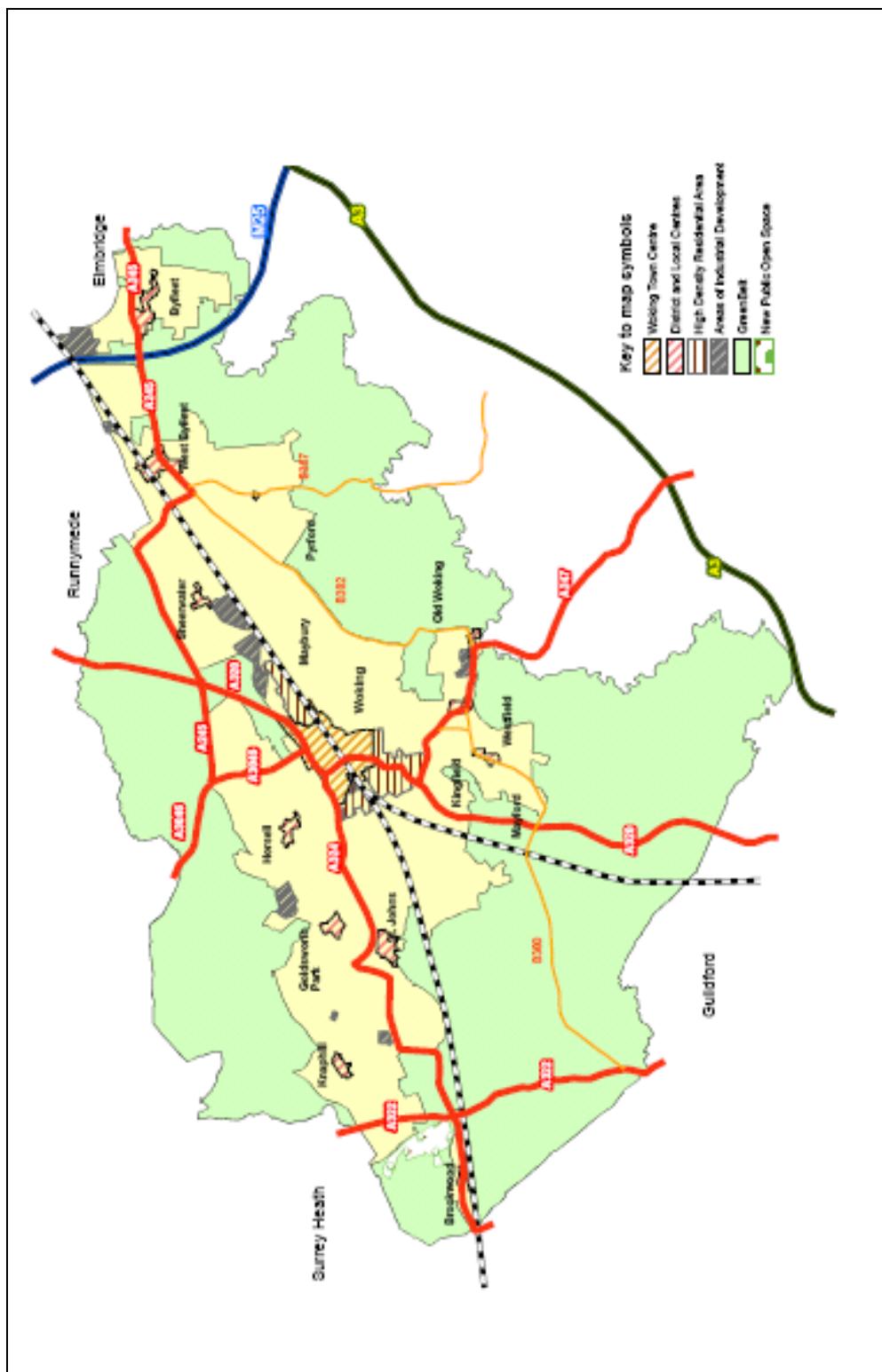
- 4.7** Licensing authorities will find it useful to complete their own assessment of the local environment as a means of 'mapping out' local areas of concern, which can be reviewed and updated to reflect changes to the local landscape. For the purpose of this Guidance, we refer to such

assessments as *local area profiles*. Completion of a local area profile is not a requirement on licensing authorities but there are significant benefits for both the licensing authority and operators, in having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risks, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

- 4.8 An effective local area profile is likely to take account of a wide range of factors, data and information held by the licensing authority and its partners. An important element of preparing the local area profile will be proactive engagement with responsible authorities as well as other organisations in the area that can give input to ‘map’ local risks in their area. These are likely to include public health, mental health, housing, education, community welfare groups and safety partnerships, and organisations such as Gamcare or equivalent local organisations.
- 4.9 Good local area profiles will increase awareness of local risks and improved information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks. The local area profile will help to inform specific risks that operators will need to address in their risk assessment, discussed at paragraph 6.41 above, which will form a part of any new licence application, or an application to vary a licence.
- 4.10 For example, an area might be identified as high risk on the basis that it is located within close proximity to a youth centre, rehabilitation centre, or school. The licensing authority might indicate, for example, that they would expect licensees to take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises. The licensee would be reasonably expected to have sufficient controls in place to mitigate associated risks in such areas and, if not, the licensing authority would consider other controls themselves.
- 4.11 It is for licensing authorities to determine whether to include a local area profile within the body of their policy statement or separately. If included in the policy statement, the licensing authority’s view of local risks would be a consideration for local gambling regulation in the context of s.153 of the Act. Licensing authorities may consider this is best achieved by making reference to the local area profile, so that it can be reviewed and updated without the need for full consultation.
- 4.12 There is no prescriptive template for a local area profile, as each assessment will be influenced by local circumstances. However it is expected that that it will draw upon the knowledge and expertise of responsible authorities and be updated on a regular basis to reflect changes to the local environment.
- 4.13 As stated, there is no mandatory requirement to have a local area profile, but there are a number of benefits:

- it enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it
- greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application
- it enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge
- it encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

ANNEXE 1 – MAP OF WOKING BOROUGH



ANNEXE 2 -
TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

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

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

Gambling Act 2005, section 154

Gambling Commission Guidance to Licensing Authorities: parts 4, 6, 14, 17

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

ANNEXE 3 -
RESPONSIBLE AUTHORITIES AND SOURCES OF INFORMATION

- **Surrey Police**
PO Box 101
Guildford
GU1 9PE
Tel: 01483 571212 (or 101)
Fax: 01483 655170
Website: www.surrey.police.uk
- **Surrey Fire and Rescue**
Surrey Fire and Rescue Service,
Croydon Road,
Reigate, Surrey RH2 0EJ.
Tel: 03456 009 009
Website: <http://www.surreycc.gov.uk/>
- **Woking Borough Council**
Environmental Health Manager
Woking Borough Council, Civic Offices
Gloucester Square, Woking
Surrey GU21 6YL
Tel: 01483 755855
Fax: 01483 750585
Website: www.woking.gov.uk

Borough Planning Officer
Woking Borough Council, Civic Offices
Gloucester Square, Woking
Surrey GU21 6YL
Tel: 01483 755855
Fax: 01483 776298
Website: www.woking.gov.uk

Licensing Manager
Woking Borough Council,
Civic Offices
Gloucester Square, Woking
Surrey GU21 6YL
Tel: 01483 755855
Fax: 01483 776298
Website: www.woking.gov.uk
- **HM Revenue and Customs**
National Registration Unit (Betting & Gaming)
Portcullis House
2 India Street
Glasgow
G2 4PZ

- **Surrey Children's Services**
Head of Statutory Child Protection and Child Care
Child Protection and Independent Review Unit
Children's Team
Room 296-298
Penrhyn Road
Kingston upon Thames
Surrey
KT1 2DN
Tel: 0300 200 1006
Website: www.surreycc.gov.uk
- **Gambling Commission**
Victoria Square House
Victoria Square
Birmingham B2 4BP
www.gamblingcommission.gov.uk
- **Department of Culture Media and Sport (DCMS)**
www.culture.gov.uk

ANNEXE 4 – GLOSSARY OF TERMS

Adult gaming centre:

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

Section 237 Gambling Act 2005

Bingo:

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

Casino:

An arrangement whereby people are given an opportunity to participate in one or more casino games. A casino game is a game of chance which is not equal chance betting. **Equal chance gaming** does not involve playing or staking against a bank, and the chances are equally favourable to all participants. Casinos are designated as regional, large and small. The numbers of casinos in each category is restricted by the Casino Advisory Panel.

Sections 6, 7, 8 Gambling Act 2005

Child:

Person under 16

Section 45 Gambling Act 2005

Club gaming permit:

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

Section 271 Gambling Act 2005

Club machine permit:

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

Section 273 Gambling Act 2005

Credit:

(1) a person commits an offence if he supplies, installs or makes available for use a gaming machine which is designed or adapted to permit money to be paid by means of a credit card;

(2) ‘credit card’ means a card which is a credit token within the meaning of section 14 of the Consumer Credit Act 1974 (c.39)

Section 245 Gambling Act 2005

Exempt gaming:

Where the following conditions are satisfied: limited amounts of stakes and prizes, no amounts deducted from stakes or winnings, no participation fee

charged, no game played on one set of premises is linked with a game played on another set of premises; children and young persons are excluded.

Section 279 Gambling Act 2005

Family entertainment centre:

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

Section 238 Gambling Act 2005

Family entertainment machine gaming permit:

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

Section 247 Gambling Act 2005

Gaming machine:

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

Section 235 Gambling Act 2005

Lotteries:

Lotteries operate under a licence issued by the Gambling Commission.

However, certain lotteries are exempt, as follows:

- Incidental non-commercial lotteries
- Private lotteries
- Customer lotteries
- Small society lotteries

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

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

Section 14 & 19 Gambling Act 2005

Prize:

(a) includes any money, article, right or service won, whether or not described as a prize, but

(b) does not include an opportunity to play the machine again.

Section 239 Gambling Act 2005

Prize competitions:

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

Prize gaming:

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

- (a) the number of persons playing, or

(b) the amount paid for or raised by the gaming
Section 288 Gambling Act 2005

Remote gambling:

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

Section 4 Gambling Act 2005

Young person:

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

Section 45 Gambling Act 2005

