



Reigate & Banstead
BOROUGH COUNCIL
Banstead | Horley | Redhill | Reigate

GAMBLING ACT 2005 STATEMENT OF POLICY

DECEMBER 2009

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1. Introduction.

1.1 The Licensing Objectives.

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

The main functions of licensing authorities are:

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

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

Reigate and Banstead Borough Council (R&BBC) 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 Reigate and Banstead Borough Council.

The Borough of Reigate & Banstead is one of the most desirable places to live in the county, with its attractive environment and established transports links.

The Borough is fifty square miles in area and stretches from the edge of outer London through the Metropolitan Green Belt, to the West Sussex border in the south. There are a rich variety of landscapes and different characteristics within the Borough. The main London to Brighton road and rail links run north to south through the Borough, with the M25 London orbital route running east to west. The Borough is also in close proximity to Gatwick Airport.

As a result of the desirable location and transport links to London and beyond we have a strong and thriving economy coupled with strong pressures for development.

A map of R&BBC is attached as Annexe 1.

Potential operators should refer to the Local Plan and the emerging Local Development Framework (available through Customer Services or on our website at www.reigate-banstead.gov.uk) for details about the local planning authority's approach to granting permission for developments where such activities may take place

Further information about R&BBC is contained in the Community Plan which can be obtained from the Council's offices or at www.reigate-banstead.gov.uk

1.3 Consultation.

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

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

A full list of consultees is attached as Annexe 2.

The statement of policy was published on 2nd January 2010, and comes into effect on 31st January 2010. 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 in the Act, the guidance to licensing authorities issued by the Commission, and with due weight attached to any responses received from those consulted.

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

1.5 Responsible Authorities.

The contact details of all the Responsible Authorities defined under the Act are contained in Annexe 3 and are available via R&BBC's website www.reigate-banstead.gov.uk 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 R&BBC will not take into account representations that are deemed to be irrelevant eg the premises will cause crowds to congregate in one area causing noise and nuisance (It should be noted that unlike the Licensing Act 2003, the Gambling Act does not include as a specific licensing objective 'the prevention of public nuisance'. Any nuisance associated with gambling premises will be tackled under other relevant legislation).

In exercising R&BBC'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, R&BBC designates the Local Safeguarding Children's Board at Surrey County Council Service for this purpose.

It is noted that the DCMS may make Regulations specifying a responsible authority in relation to vulnerable adults.

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

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 R&BBC 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.

R&BBC considers the following bodies/ associations could 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
- MPs

This list is not exhaustive and R&BBC may consider other bodies/ associations & persons to fall within the category in the circumstances of an individual case. However in all cases we will require bodies etc to demonstrate that they are properly constituted, and that they have authorised a nominated spokesperson to speak on their behalf.

R&BBC will also require written confirmation that a person/ association/ body represents someone who would be classed as an interested party in their own right, according to paragraphs (a) and (b) above.

1.7 Exchange of Information.

The lawful and correct treatment of information is very important both to the successful and efficient performance of R&BBC'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.

R&BBC may share information in accordance with the following provisions of the Act: -

- Sections 29 & 30 (with respect to information shared between R&BBC and the Commission),
- Section 350 (with respect to information shared between R&BBC 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 R&BBC's policies in relation to data protection and freedom of information.

Any information shared between R&BBC 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 should contact the Council Information Officer on 01737 276000.

1.8 Enforcement

R&BBC will adopt a risk-based approach to the inspection of gambling premises based upon the licensing objectives. 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 with regard to the five principles of good regulation; proportionality, accountability, consistency, transparency, and targeting and in accordance with:

- Reigate and Banstead Borough Council enforcement policies.
- Guidance from the Commission (in relation to Part 8 of the Act)

The Licensing Enforcement Policy is available to view on R&BBC website at <http://www.reigate-banstead.gov.uk>

R&BBC will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

R&BBC will endeavour to avoid duplication with other regulatory regimes where possible, including planning. Under section 210 of the Act the licensing authority is not entitled to have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building. R&BBC will however consider relevant representations from the planning authority about the effect of the grant of a premises licence on an existing planning permission where this relates to the licensing objectives, a Commission code of practice, or this statement of principles.

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.

1.9 Reviews

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

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

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

R&BBC can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

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

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

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

2. Premises Licences: Consideration of applications

2.1 Decision making – general.

In accordance with Section 153 of the Act, R&BBC 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.

R&BBC 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, as they are not a valid reason for rejecting an application for a premises licence.

Applicants for a premises licence will have to hold an operating licence from the Commission before a premises licence can be issued. Therefore R&BBC will not generally be concerned with the suitability of an applicant, however where concerns arise they will be brought to the attention of the Commission.

In order to assist applicants and objectors alike, this section sets out the general factors that will be taken into account 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 and colleges,
- multi-use premises eg churches with community facilities,
- vulnerable adult centres,
- residential areas with a high concentration of children,
- sports centres,
- youth clubs,
- premises adjacent to, or forming part of an area that has in the recent past been the focus of crime and disorder.

Much will depend upon the type of gambling that it is proposed will be offered on the premises. Where appropriate, R&BBC will 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', Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. Particular attention will be paid if there are issues about sub-divisions of a single building or plot and R&BBC will ensure that mandatory conditions relating to access between premises are observed.

In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences eg for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

R&BBC takes particular note of the Commission's Guidance to Licensing Authorities which states that: they should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors for further consideration ie;

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

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

2.4 Premises “ready for gambling”

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

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

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

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

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

2.5 Provisional statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy

2.6 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 R&BBC will be proportionate to the circumstances that they are seeking to address. In particular, R&BBC 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.

2.7 Door Supervisors.

It is not a mandatory requirement of the Act to impose a condition relating to door supervision. However, if it is considered 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 an individual case.

2.8 Adult gaming centres

Operators may make category B3 to B4 (maximum of 4 machines in either category), 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. R&BBC will therefore expect applicants to demonstrate that there will be sufficient measures in place to promote this objective.

Applicants are recommended 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.

2.9 Licensed family entertainment centres (FECs).

Operators may make category C & D machines available to their customers.

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

As FECs will particularly appeal to children and young persons, weight shall be given to child protection issues. Where category C machines are available in licensed FECs 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 2.8 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.

2.10 Tracks.

Tracks are sites (including racecourses and dog tracks) where sporting events take place. Operators of tracks will require a premises licence from R&BBC, but they do not need to obtain an operating licence from the 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 R&BBC 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 2.8 in order to prevent the access of children and young people to machines of category B & C. In addition, applicants are encouraged to consider the following;

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

Gaming machines – holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to 4 gaming machines (categories B2 to D) on the track. R&BBC 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 – R&BBC will apply similar considerations to those set out in paragraph 2.12 (in relation to betting machines made available at off-course betting premises) to betting machines made available at tracks.

Condition on rules being displayed – R&BBC 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 – R&BBC 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.

2.11 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.

2.12 Betting Premises.

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

In accordance with section 181 of the Act, R&BBC may restrict the number of betting machines, their nature, and the circumstances in which those machines are made available for use. R&BBC will not generally exercise this power unless there is good reason to do so ie there is clear evidence that such machines have been or are likely to be used in breach of the licensing objective. When considering a restriction R&BBC will take into account, amongst other issues;

- 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

2.13 Bingo.

Operators of premises offering bingo (cash or prize) above a statutory threshold will require a bingo operating licence from the 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 8 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 R&BBC 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.

2.14 Travelling fairs

Where the facilities for gambling amount to no more than ancillary amusement at the fair, R&BBC may allow Category D machines and/or equal chance prize gaming without a permit.

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

3. Permits, Temporary and Occasional Use Notices.

3.1 Unlicensed Family Entertainment Centre (FEC) gaming machine permits.

Unlicensed FECs will be able to offer category D machines if granted a permit by R&BBC. If an operator of a FEC wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Commission and a premises licence from R&BBC.

R&BBC can grant or refuse an application for a permit, but cannot attach conditions.

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

Statement of principles.

Applicants will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- background checks on staff;
- training for staff as regards suspected truant school children on the premises; and
- training covering how staff should deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

R&BBC will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act); and that relevant staff are trained to have a full understanding of the maximum stakes and prizes.

R&BBC also expects the applicant to be familiar with and comply with the Code of practice for FEC's issued by British Amusement Catering Trade Association (BACTA).

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 R&BBC, and pay the prescribed fee.

R&BBC 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. R&BBC 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.

R&BBC 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, R&BBC 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 that 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 on or by machines,
- provision of monitoring arrangements eg age verification checks on users.

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

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

R&BBC can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Any conditions (other than these) cannot be attached.

The holder of a permit to must comply with any Code of Practice issued by the 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.

Statement of Principles.

In making its decision on an application for this type of permit R&BBC does not need to have regard to the licensing objectives but must have regard to any Commission guidance. Weight will be given to child protection issues, and relevant considerations are likely to include;

- the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming). Applicants for prize gaming permits must disclose any previous relevant convictions at the time of application to R&BBC;
- whether access by children to the premises is restricted under the Licensing Act; and
- the suitability of the premises.

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.

R&BBC 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 B3A or B4 to 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 Commission or the Police

R&BBC shall have regard to the guidance issued by the Commission and (subject to that guidance), the licensing objectives.

R&BBC 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.

3.5 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.

It is noted that it falls to R&BBC to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site. Relevant factors are likely to be occupation, ownership and control of the premises.

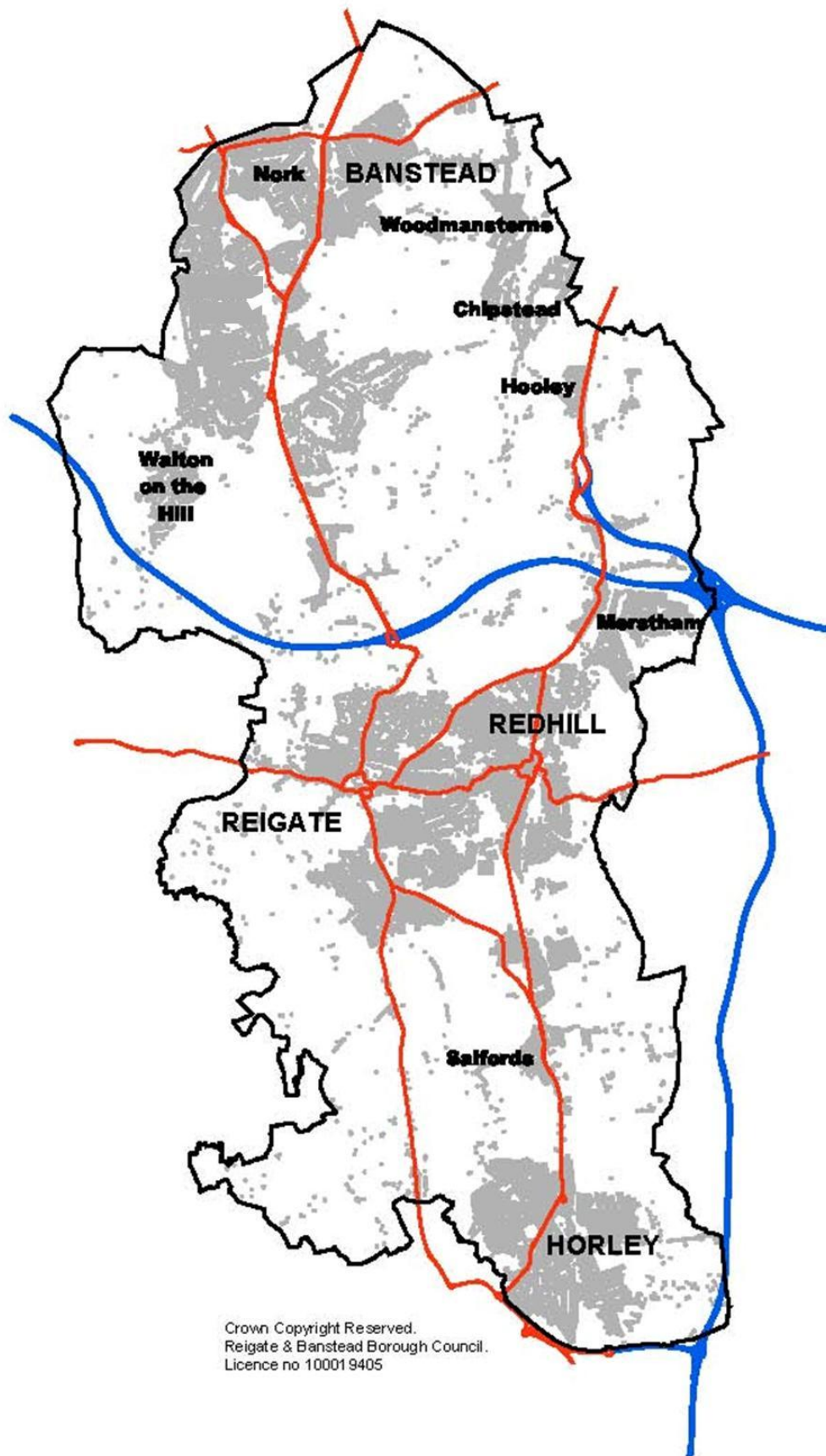
3.6 Occasional Use Notices.

R&BBC has little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

3.7 Small Society Lottery registrations

R&BBC will have regard to the Guidance to Licensing Authorities on Small Scale Lotteries issued by the Commission.

ANNEXE 1 - MAP OF REIGATE AND BANSTEAD BOROUGH COUNCIL



ANNEXE 2 - LIST OF CONSULTEES

A table of the persons we consulted is provided below. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

STATUTORY CONSULTEES	CONTACT DETAILS	METHODS
1. The chief officer of police for the area.	Chief Constable, Surrey Chief Superintendent, East Surrey Chief Inspector, Partnership Borough Inspector	Email
2. One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area	BACTA (<i>leisure machine industry</i>) Business in Sport and Leisure British Beer and Pub Association Cornshire Ltd (<i>Amusement centre Redhill</i>) Association of British Bookmakers William Hill Coral (Southern) Ltd Ladbrokes Betfred	Email and/or hard copy
3. 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 this Act	Council Members Residents/Community Associations Town/Parish Council members Town Centre Management Committees & Chamber of Commerce	Members Bulletin Email and/or hard copy
OTHER CONSULTEES		
4. Range of organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, medical practices or primary care trusts, and advocacy organisations (such as the Citizen's Advice Bureau and trade unions)	YMCA Gamcare Gamblers Anonymous (UK) Primary Care trust Citizen's Advice Bureaus Samaritans Salvation army Secondary schools and colleges Faith groups and organisations working with children and young people who are problem gamblers Borough residents	Letter Letter advising of consultation process Consultation papers on R&BBC Website
5. Consultation with other tiers of local government	Surrey County Council -as 7 below SCC Youth Justice Service	Email and/or hard copy

6. Businesses who are, or will be, holders of a premises licence	Holders of Existing Betting Office Licences and Bookmakers permits Bingo Association British Casino Association Casino Operators Association	Letter advising of consultation process Email
7. Organisations named as responsible authorities in the Act.	Fire Authority Head of Building and Development Services, R&BBC Head of Environmental Health Services R&BBC Head of Child Protection, Surrey County Council Gambling Commission	Email and/or hard copy
INTERNAL CONSULTEES		
8. Other departments affected (not in 7 above)	Head of Leisure Services, R&BBC Harlequin, Redhill	Email

Our consultation took place between 7th September and 26th October 2006 and we had regard to the Gambling commission: Guidance to Local authorities, published May 2009 and the Cabinet Office Guidance on consultations by the public sector. These documents are available via:
<http://www.gamblingcommission.gov.uk>
<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>

Should you wish to contact us, please do so via letter, e-mail, or telephone to:

Licensing officer
 Community Safety and Environmental Health
 Services to the Community Department
 Reigate and Banstead Borough Council
 Town Hall
 Castlefield Road
 Reigate
 Surrey
 RH2 0SH
 Email: licensing@reigate-banstead.gov.uk

Telephone: 01737 276000

ANNEXE 3 - CONTACT DETAILS FOR RESPONSIBLE AUTHORITIES

Contact the Licensing Team directly on 01737 276428, or Council Helpline on 01737 276000, between 08.45 to 17.00hrs (Monday to Thursday), 08.45 to 16.45hrs Friday

- By post to; Licensing Manager
Community Safety and Environmental Health
Town Hall
Reigate
RH2 0SH
Fax: 01737 276404

Further details about the licensing process, including application packs can be obtained from;

- R&BBC web site www.reigate-banstead.gov.uk
- Questions can be emailed to licensing@reigate-banstead.gov.uk

OTHER RESPONSIBLE AUTHORITIES CAN BE CONTACTED AS FOLLOWS;

<ul style="list-style-type: none"> • <u>Gambling Commission</u> Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500 Fax: 0121 233 1096 	<ul style="list-style-type: none"> • <u>Surrey Police</u> The Licensing Officer Reigate Police Station 79 Reigate Road Reigate RH2 0RY Tel: 01483 630206
<ul style="list-style-type: none"> • <u>Surrey Fire and Rescue Service</u> Fire Safety Leatherhead Fire Station Cobham Road Leatherhead Surrey KT22 9AW Tel: 01737 224041 Fax: 01737227603 	<ul style="list-style-type: none"> • <u>Planning</u> Head of Building and Development Services Reigate & Banstead BC Town Hall Castlefield Road Reigate RH2 0SH Tel: 01737 276000
<ul style="list-style-type: none"> • <u>Environmental Health</u> Head of Community Safety & Environmental Health Reigate & Banstead BC Town Hall Castlefield Road Reigate RH2 0SH Tel: 01737 276406 Fax: 01737 276404 	<ul style="list-style-type: none"> • <u>Child Protection Authority</u> Safeguarding Children Unit Children's Directorate, Services for Families Fairmont House Bull Hill Kingston Road Leatherhead Surrey KT22 7AH Tel: 01372 833310
<ul style="list-style-type: none"> • <u>HM Revenues and Customs</u> National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ Tel: 0141 555 3633 nru.betting&gaming@hmrc.gsi.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). See pages 24-25 for current draft machine categories.

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 registers 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