



EPSOM & EWELL BOROUGH COUNCIL

GAMBLING ACT 2005 STATEMENT OF POLICY

Effective from 27 December 2018

INDEX

	Page No.
1. Introduction	
1.1 The Licensing objectives	3
1.2 Consultation	3
1.3 Declaration	4
1.4 Responsible authorities	4
1.5 Interested parties	4-5
1.6 Exchange of information	5
1.7 Enforcement	6
1.8 Fire Risk Assessment	6
1.9 Local Area Profile	7
1.10 Assessing Local Risk	7
2. Premises Licences	
2.1 Decision making – general	7
2.2 Location	8
2.3 Multiple licences/ layout of buildings	8
2.4 Conditions	8-9
2.5 Door supervisors	9
2.6 Adult gaming centres	9-10
2.7 Licensed family entertainment centres	10
2.8 Tracks	11
2.9 Casinos	12
2.10 Betting premises	12
2.11 Bingo	12-13
2.12 Temporary use notices	13
3. Permits	
3.1 Unlicensed family entertainment centres	13-14
3.2 Alcohol licensed premises – gaming machine permits	14
3.3 Prize gaming permits	15
3.4 Club gaming and club machine permits	15-16

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.

Epsom and Ewell 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 (persons under the age of 18) and other vulnerable persons from being harmed or exploited by gambling

1.2 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

A full list of consultees is attached as Annexe 1.

The reviewed statement of policy came into effect on 27 December 2018. It will remain in force for no more than 3 years, but may be reviewed at any time.

1.3 Declaration

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

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

1.4 Responsible Authorities

The contact details of all the Responsible Authorities under the Act are available via the Council's website at www.epsom-ewell.gov.uk.

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

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

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

1.5 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 groups
- residents associations
- political parties
- Borough Councillors
- County Councillors
- MP’s
- Amenity Societies

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.

1.6 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 will also be given to the common law duty of confidence, the law relating to defamation, the guidance issued by the Gambling Commission and to the Council's policies in relation to data protection and freedom of information.

Any information shared between the Council and Surrey Police will 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.epsom-ewell.gov.uk or alternatively contact the Information Rights Officer on 01372 732000.

1.7 Enforcement

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

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

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

- The Enforcement Concordat
- Epsom and Ewell Borough Council's Environmental Health Service Enforcement Policy
- The Regulators Code (Statutory Code of Practice for Regulators) April 2014. The Regulators Code states that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent; and that regulatory activities should be targeted only at cases in which action is needed.

The Council will endeavour to avoid duplication with other regulatory regimes so far as possible, and ensure that data is shared where possible and practicable.

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.

1.8 Fire Risk Assessment - Regulatory Reform (Fire Safety) Order 2005

The Regulatory Reform (Fire Safety) Order 2005, came into force on 1 October 2006 and affects virtually all premises in England and Wales other than single family dwellings. The legislation emphasises the prevention of fires and reducing risk and makes it the responsibility of the premises licence holder/company to ensure the safety of everyone who uses the premises or may be in the immediate vicinity and may be affected. The regulations require the responsible person to carry out a fire risk assessment and to act on the findings of the assessment and record them. In addition, it is necessary to review the premises Fire Risk Assessment either on a regular basis (recommended to be at least once a year), or if there is reason to suspect that it may no longer be valid, or there has been a significant change to the matters to which it relates.

Where as a result of any such review, the provisions of the fire risk assessment are shown to be inadequate, the findings must be acted upon and the responsible person concerned shall make a time specific corrective action plan to mitigate the risks. Information on the Regulatory Reform (Fire Safety) Order 2005 and the appropriate supporting guidance documents for your type of premises can be obtained from: www.firesafetyguides.communities.gov.uk

1.9 Local Area Profile

The Borough has a relatively small number of gambling premises which are spread out around the Borough. Since the introduction of the Gambling Act 2005, this Council has seen a decline as opposed to a proliferation of gambling premises.

There is no evidence of a saturation of gambling premises with the Borough, nor are there any identified problem hotspots for vulnerable persons insofar as

gambling is concerned. Applications will therefore be considered on merit alone, whilst ensuring applicants meet their obligations under the Gambling Act 2005 and support the Licensing Objectives. The Council will ensure this position is monitored throughout the validity of this Policy and review as appropriate.

1.10 Assessing Local Risk

The Social Responsibility code provision 10.1.1 came into effect in April 2016 which 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 making risk assessments, licensees must take into account any relevant matters contained within this Policy.

Whilst there are currently no local circumstances contained within this Policy to be considered, Licensees must review (and update as necessary) their local risk assessments; to take account of significant changes in local circumstances, when there are significant changes at a licensee's premises that may affect their mitigation of local risks; when applying for a variation of a premises licence; and in any case, undertake a local risk assessment when applying for a new premises licence.

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

It is noted that many betting offices may currently be located close to schools or in residential areas, however it is recognised that persons under the age of 18 are not permitted to enter the premises, and, as such, location may not always be a key factor in considering applications.

In addition, with regards to racecourses, it is recognised that the location of racecourses is longstanding (since its foundation), and can not be transferred to another location.

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 shall be considered by the Council before such application(s) can be granted. These include

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

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

2.4 Conditions

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

- (a) **Mandatory** – set by the Secretary of State (some set out on in the Act) and some 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 Council as licensing authority.

The Authority recognises that the mandatory and default conditions are usually sufficient, and would only consider the imposition of specific conditions where there is evidence of a risk to the licensing objectives. Where conditions are imposed by the Council, they 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
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- 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 consider it necessary to impose a condition on a premises licence requiring the presence of door supervisors, such persons shall 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.

In addition, in the case of racecourses, the premises are already required to provide door supervisors in some roles. The Authority will not normally seek to impose further conditions or requirements.

It is noted that there is currently no evidence that the operation of betting offices has required door supervisors for the protection of the public. The Authority will make a requirement for Door Supervision only if there is clear evidence that the premises cannot be adequately supervised from the counter and that Door Supervision is both necessary and proportionate.

2.6 Adult gaming centres

Persons operating an adult gaming centre are required to obtain an operating licence from the Commission and a premises licence from the Council. No one

under the age of 18 shall be permitted to enter an adult gaming centre. In considering licence applications for adult gaming centres, weight will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Council

will therefore expect applicants to demonstrate that there will be sufficient measures in place to promote this objective.

Applicants are encouraged to consider the following steps:

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

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

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

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

displayed notices indicating that access to the area is prohibited to persons under 18.

Applicants are therefore encouraged to consider the steps set out at paragraph 2.6 of this statement in order to prevent children from gaining access to category C machines. In addition, applicants shall 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 shall obtain 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 premises licence provided each licence relates to a specified area of the track.

In some circumstances, the Council may require off-course operators with on-course facilities to hold a separate betting premises licence, however, the Council will take a flexible view and the matter will be dealt with at the discretion of the racecourse and the betting operator in the first instance.

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 seek to ensure that suitable measures are in place to prevent children from entering such areas.

Applicants shall consider the steps set out at paragraph 2.6 in order to prevent the access of children to machines of category B & C. In addition, applicants shall consider where practical the following

- Physical separation of areas (it is recognised that the layout of racecourse facilities may make such separation impractical but each case will be considered on its own merits by the Authority)

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

Gaming machines – holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to 4 gaming machines (categories B2 to

D) on the track. The Council will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.

Betting machines at tracks –racecourses do not hold Operating Licences issued by the Gambling Commission, and therefore any betting machines are covered by a separate Operator(s) Licence. The racecourse will contractually require these operators to fulfil any conditions with regard to the provision and supervision of these machines.

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. .

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

- 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 race courses, details of the fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities if available

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. Additional information may be required as per the Guidance.

2.9 Casinos

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

2.10 Betting Premises

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

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 (it is an offence for those under 18 to bet) or by vulnerable people

The Authority will only consider limiting the number of machines where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, the Council may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

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) shall obtain a bingo operating licence from the Gambling Commission, and a premises licence from the Council. 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 to be located in an area of the premises separated 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 a person or company holding a relevant operators

licence wishes to use the premises temporarily for providing facilities for gambling.

There are a number of statutory limits in regards to temporary use notices.

If objections are received to a temporary use notice (from the Police, Gambling Commission, HM Revenues & Custom or any other licensing authority in whose area the premises are situated), the Council will hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

If the Council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it shall 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 Policy to any consideration as to whether to issue a counter-notice.

3. Permits

3.1 Unlicensed Family Entertainment Centre gaming machine permits

Unlicensed family entertainment centres will be able to offer category D machines if granted a permit by the Council. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they shall obtain 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 may particularly appeal to children, weight shall be given to child protection issues.

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. 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 shall obtain a permit. The Council will 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 will determine what constitutes a relevant consideration on a case-by-case basis, but weight will 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. The displaying of notices and signage shall also be considered.

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

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

The Council may decide to grant the application with a smaller number of machines and/or a different category of machines for which has been applied. In such cases, conditions (other than these) cannot be attached.

The holder of a permit shall 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 shall set out the types of gaming they are 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 shall have regard to any Gambling Commission guidance. Weight will be given to child protection issues and relevant considerations may 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 shall 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 shall comply with. These are:

- the limits on participation fees, as set out in regulations, shall 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 shall be played and completed on the day the chances are allocated; and the result of the game shall be made public in the premises on the day that it is played;
- the prize for which the game is played shall 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 shall not entitle the player to take part in any other gambling.

3.4 Club gaming and club machine permits

If members clubs (but not commercial clubs) wish to provide gaming machines (a maximum of 3 machines of categories B4, C or D) or equal chance gaming and games of chance then a club gaming permit shall be obtained.

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 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;
- an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or;
- an objection has been lodged by the Gambling Commission or the Police

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

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

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

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

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

ANNEXE 1 – LIST OF CONSULTEES

Chief Officer of Police, Epsom Police

Station Surrey Fire and Rescue

Service

Association of British

Bookmakers Epsom Civic

Society

Epsom and Ewell

PubWatch Town

Ward Residents

Association

Ewell Village Residents

Association S.C.O.R.A.

Cashino Gaming Limited

The Race Course Association Limited