



Draft version number 1
Date [TBC]

Statement of Principles made under the Gambling Act 2005

Setting out how Epsom & Ewell Borough Council proposes to exercise its functions under the Gambling Act 2005.

This policy is in force between [TBC], unless revised beforehand.

Issued in accordance with section 349 of the Gambling Act 2005.

Document history

Date	Key Changes Made	Approved by

DEFINITIONS USED IN THIS POLICY	4
PART A INTRODUCTION AND OVERVIEW	5
1. GENERAL.....	5
2. LICENSING OBJECTIVES.....	6
3. REVIEW AND CONSULTATION.....	7
4. PROMOTION OF EQUALITY	7
5. RESPONSIBLE AUTHORITIES	8
6. INTERESTED PARTIES	8
7. EXCHANGE OF INFORMATION.....	9
8. DELEGATIONS	10
9. COMPLIANCE AND ENFORCEMENT	10
10. DUPLICATION WITH OTHER REGULATORY REGIMES.....	11
PART B LOCAL AREA PROFILE AND LOCAL RISK ASSESSMENTS	12
11. EPSOM & EWELL LOCAL AREA PROFILE	12
12. INFORMATION ABOUT EPSOM & EWELL BOROUGH.....	12
13. LOCAL RISK ASSESSMENTS.....	14
PART C PREMISES LICENCES.....	16
14. GENERAL PRINCIPLES	16
15. NOT PERMITTED TO LICENCE CASINOS	16
16. CONDITIONS	17
17. SPLIT PREMISES.....	18
18. ACCESS TO PREMISES	20
19. PLANS	20
20. GENERAL REQUIREMENTS FOR ALL PREMISES.....	21
21. BINGO	22
22. BETTING PREMISES	23
23. BETTING TRACKS AND OTHER SPORTING VENUES.....	25
24. ADULT GAMING CENTRES (AGC's).....	28
25. FAMILY ENTERTAINMENT CENTRES (FEC's).....	28
26. DOOR SUPERVISORS	30
27. PROVISIONAL STATEMENTS	30
28. REVIEWS	30
PART D - TRAVELLING FAIRS AND PERMITS.....	33
29. TRAVELLING FAIRS	33
30. PERMITS	33
31. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS	33
32. AUTOMATIC ENTITLEMENT TO TWO GAMING MACHINES	35
33. LICENSED PREMISES GAMING MACHINE PERMITS	36
34. PRIZE GAMING PERMITS.....	37
35. CLUB GAMING AND CLUB MACHINE PERMITS	38
PART E - NOTICES	41
36. TEMPORARY USE NOTICES.....	41
37. OCCASIONAL USE NOTICES.....	41
CHAPTER F - SMALL SOCIETY LOTTERIES	43
38. LEGAL LOTTERIES	43
39. DEFINITION OF LOTTERY	43
40. DEFINITION OF SOCIETY	43
41. EXTERNAL LOTTERY MANAGERS.....	44
42. LOTTERY TICKETS.....	44
43. WHERE TICKETS MAY BE SOLD	45
44. PRIZES	45
45. SMALL SOCIETY REGISTRATION.....	45
46. REFUSAL OF REGISTRATION.....	46
47. REVOCATION OF A SMALL SOCIETY'S REGISTERED STATUS	47
48. ADMINISTRATION AND RETURNS	47

Definitions Used in this Policy

'the Act' means the Gambling Act 2005

'the Council' means Epsom & Ewell Borough Council

'the Commission' means the Gambling Commission established under the Gambling Act of 2005

'the Guidance' means the Guidance to Licensing Authorities published by the Gambling Commission

'Licensing Authority' means Epsom & Ewell Borough Council

'Licensing Committee' refers to the Committee of Epsom & Ewell Borough Council with responsibility for licensing matters

'licensable activities' means those activities that are required to be licensed by the Council under the Gambling Act 2005

'Licensing Sub Committee' refers to a Sub Committee of the Licensing Committee to consider licence applications

'relevant representations' means a representation conforming to the legal requirements of the Gambling Act 2005

'Regulations' refers to Regulations under the Gambling Act 2005 issued by the Secretary of State

'responsible authorities' means the bodies designated under section 157 of the Gambling Act 2005. A list of the responsible authorities is published on the [Council's website](#).

'the Statement' refers to this Statement of Principles for Gambling

Part A Introduction and Overview

1. General

- 1.1 Councils when acting as Licensing Authorities are required under the Gambling Act 2005 (the Act) to:
- licensed premises where gambling activities are to take place by issuing Premises Licences
 - issue Provisional Statements
 - regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - issue Club Machine Permits to commercial clubs
 - grant permits for the use of certain lower stake gaming machines at licensed and unlicensed Family Entertainment Centres
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - register small society lotteries below the prescribed thresholds
 - issue Prize Gaming Permits
 - receive and endorse Temporary Use Notices
 - receive Occasional Use Notices for betting at tracks
 - provide information to the Gambling Commission regarding details of licences, permits and other permissions issued
 - maintain registers of the permits and licences that are issued under these functions.
- 1.2 Epsom & Ewell Borough Council ('the Council') is a LA for the purposes of the Act. In exercising our statutory functions, we have broad discretion in regulating the local provision of gambling through a wide range of powers, including
- Requirement to issue a statement of principles (licensing policy), setting expectations about how gambling will be regulated in our area
 - Granting, refusing, and attaching conditions to premises licences
 - Reviewing premises licences and attaching conditions or revoking them as a result.
- 1.3 The Gambling Commission (the Commission) has responsibility for dealing with personal licences, online gambling and operating licences.
- 1.4 We will work in partnership with the Commission to regulate gambling. The Commission tends to focus on operators and matters of national or regional significance and LAs take the lead on regulating gambling locally.

2. Licensing Objectives

- 2.1 The Act places a duty on both the Commission and LAs to aim to permit gambling, in so far as it is reasonably consistent with the pursuit of the licensing objectives.
- 2.2 In exercising our functions under the Act, particularly in relation to premises licences, temporary use notices and some permits we must have regard to the licensing objectives as set out in section 1 of the Act.
- 2.3 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.
- 2.4 The Licensing Authority is required by virtue of section 153 of the Gambling Act 2005 to aim to permit gambling in so far as it is:
- (a) in accordance with the Gambling Commission's Licence Conditions and Codes of Practice under section 24 of the Act;
 - (b) in accordance with the Gambling Commission's Guidance to Licensing Authorities that is in effect at the time the application is considered;
 - (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
 - (d) in accordance with this Statement of Principles.
- 2.5 The Gambling Commission issues Licence Conditions and Codes of Practice for gambling operators. Social Responsibility Codes have the force of a licence condition. The Gambling Commission also issue Ordinary Codes, which set out best industry practice. They are not licence conditions, but operators are expected to follow them unless they have alternative arrangements in place which they can demonstrate are equally as effective.
- 2.6 The Licensing Authority, when carrying out inspections of gambling operators, reserves the right to assess compliance with such matters set out in the Gambling Commission's Licence Conditions and Codes of Practice as it sees fit, and will share intelligence with the Gambling Commission about any issues of non-compliance in this respect.
- 2.7 The Council's statement of principles is intended to be reasonably consistent with the three licensing objectives set out in section 1 of the Act.

- 2.8 Nothing in this Statement of Principles overrides the right of any person to make an application, make representations about an application or apply for a review of a licence. Each will be considered on its own merits and in accordance with the statutory requirements of the Act.

3. Review and Consultation

- 3.1 The Statement of Principles will be reviewed as necessary, and in any case subjected to a formal review at least every three years or in accordance with any revised legislation.
- 3.2 The Council consulted on the revision to the statement of policy, as detailed in Appendix One. In reviewing this Statement of Principles, the Council has had regard to the licensing objectives under the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and to the responses arising from our consultation.

4. Promotion of equality

- 4.1 The Equality Act 2010 imposes a duty on the Council as the Licensing Authority to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people with different protected characteristics.
- 4.2 All licensed premises are subject to the Equality Act 2010 which lists a number of protected characteristics that must not be used as a reason to treat a person less favourably than another person, these are;
- Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnerships
 - Pregnancy and maternity
 - Race (this includes colour; nationality; ethnic and national origins)
 - Religion or belief
 - Sex
 - Sexual orientation.
- 4.3 Treating a person less favourably than someone else because that person has one or more of these characteristics is discriminatory.
- 4.4 The Equality Act 2010 also imposes a duty on any person providing a service to the public, including operators of licensed premises, to make reasonable adjustments to enable disabled people to access the service, where a disabled person would be at a substantial disadvantage compared to a non-disabled person.
- 4.5 The Licensing Authority urges applicants and existing operators to plan ahead to meet their legal responsibilities under the Equality Act 2010.

5. Responsible Authorities

- 5.1 The Council is required by regulations to state the principles it will apply in exercising its 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 principles are:

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

The Council designates Surrey County Council's Children's Services to advise on the protection of children from harm under the Gambling Act 2005.

- 5.2 The full list of Responsible Authorities is published on the [Councils website](#)

6. Interested Parties

- 6.1 Interested parties are persons who may make representations to applications or apply to the Council for the review of an existing licence. These parties are defined in section 158 of the Act as a person who:

(a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

(b) has business interests that might be affected by the authorised activities, or

(c) represents persons who satisfy paragraph (a) or (b).

- 6.2 When determining whether a person is an interested party for the purposes of the Act, the Licensing Authority will not apply rigid rules but will treat each case on its merits.

- 6.3 In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account:

- the size of the premises
- the nature of the premises
- the distance of the premises from the home of the person making the representation
- the potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises)
- the circumstances of the person, which may be relevant to the distance from the premises.

- 6.4 In determining whether a person or organisation "has business interests" the Licensing Authority will adopt the widest possible interpretation and include trade associations, trade unions, partnerships, charities, faith groups, voluntary organisations such as hostels and medical practices, as appropriate.
- 6.5 The Licensing Authority will regard bodies such as trade associations, trade unions, residents' and tenants' associations and professional advisors such as solicitors, barristers and consultants as capable of representing interested parties where they are satisfied that the interested party has asked for representation. The Licensing Authority will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.
- 6.6 In principle, the Licensing Authority will allow any person to represent an interested party but will seek confirmation that the person genuinely represents the interested party. The Licensing Authority will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' an interested party. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an interested person will be required so long as they represent the area likely to be affected.
- 6.7 If individuals wish to approach Councillors to ask them to represent their views those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Authority for advice.

7. Exchange of Information

- 7.1 The Council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission.
- 7.2 Section 29 of the Gambling Act 2005 enables the Gambling Commission to require information from Licensing Authorities (including the manner in which it is compiled, collated and the form in which it is provided), provided that it:
- forms part of a register maintained under the Gambling Act 2005;
 - is in the possession of the Licensing Authority in connection with a provision under the Gambling Act 2005.
- 7.3 Section 350 of the Gambling Act 2005 allows Licensing Authorities to exchange information with other persons or bodies for use in the exercise of functions under the Act. These persons or bodies are:
- A constable or Police force
 - An enforcement officer
 - A Licensing Authority

- HMRC
- The First Tier Tribunal
- The Secretary of State

7.4 Information requests from such parties should be made to the Licensing Authority in writing, setting out clearly what information is required and the reason the information is required. The requirements of the Data Protection Act 2018 will be complied with. Freedom of Information requests can be submitted [the Council's website](#). The Council's website provides information on the rights of individuals and the Council's policies on the [Data Protection](#) and [Freedom of Information](#) pages.

8. Delegations

8.1 The Council regularly reviews its constitution and scheme of delegation to officers to ensure effective implementation of the Act. The Licensing Committee and Sub-Committee will be asked to deal with licensing issues and the determination of applications in certain cases, i.e. those where representations have been made or where premises licences require review. Non contentious issues are delegated to officers

9. Compliance and Enforcement

9.1 The Act requires the Council to state the principles we will apply in exercising our 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 specified offences.

9.2 The Council has adopted a risk-based approach to the inspection of premises including those where gambling takes place. 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.

9.3 Our risk-based inspection of premises is based on:

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Commission, at Part 36;
- The principles set out in this statement of principles; and
- [Epsom & Ewell Enforcement Policy](#)

9.4 Our main enforcement role in terms of the Act is to ensure compliance with premises licences and other permissions, which we authorise. The Commission is the enforcement body for operating licences and personal licences.

- 9.5 All of our enforcement activities will be carried out in a way which is transparent, accountable, proportionate, and consistent and will be targeted only at cases in which action is needed.
- 9.6 The LA encourages licensees to seek advice from the Licensing Services and/or the Police for clarification, advice or assistance with issues which arise, but places the responsibility for effective management solely with licence holders.
- 9.7 Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Commission.

10. Duplication with Other Regulatory Regimes

- 10.1 The Licensing Authority will seek to avoid duplication with other statutory and regulatory regimes where possible, including planning. The Licensing Authority will not consider whether a premises has been or is likely to be awarded planning permission or building regulations approval when making decisions under the Gambling Act. Nor will it regard the granting of a licence, permit or permission as fettering the Council's ability to consider planning applications independently on their planning merits.
- 10.2 Applicants should be aware that the granting of a Premises Licence does not permit the operator to provide gambling facilities where to do so would breach other legislative requirements such as the requirement for appropriate planning consent to be held. It is the operator's responsibility to ensure all relevant legal requirements are met and to seek their own independent legal advice.

Part B Local Area Profile and Local Risk Assessments

11. Epsom & Ewell Local Area Profile

- 11.1 The Epsom & Ewell Local Area Profile (LAP) has been prepared in accordance with the Gambling Commission's (GC) Guidance to Licensing Authorities (LAs). It is intended that the LAP will help gambling premises operators to identify the risks their gambling venues may pose to the licensing objectives, when applying for a new licence or varying an existing licence.
- 11.2 The term 'gambling-related harm' is not defined in the Gambling Act 2005 (the Act) or the GCs guidance to LAs, but it can be defined as the adverse financial, personal, and social consequences from gambling activity upon individuals, their families, their social networks, or the community'.
- 11.3 The benefits of a LAP are set out in the GC guidance as follows:
- It enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it;
 - Provides greater clarity for operators as to the relevant factors in licensing authority decision making, which 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; and
 - It encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

12. Information about Epsom & Ewell Borough

- 12.1 A map showing the geographical area covered by this Statement of Policy can be viewed at Appendix 2.
- 12.2 Epsom & Ewell Borough has a population of approx. 82,000 people; it is Surrey's smallest borough geographically but the most densely populated.
- 12.3 The Borough is bordered by outer London boroughs to the North (with some of the Borough's urban areas forming part of the wider Greater London Built-up Area), and the Surrey Hills National Landscape to the South (designated an Area of Outstanding Natural Beauty). The neighbouring districts are Reigate and Banstead, Mole Valley, Kingston upon Thames and Sutton.
- 12.4 The borough is located entirely within the M25 motorway, and boasts excellent transport links, with direct train lines to Waterloo, London Bridge, and London Victoria, and Gatwick Airport 20 miles south of Epsom.
- 12.5 Epsom & Ewell Borough has a vibrant local economy in the retail, engineering and leisure sectors. The area comprises three main conurbations;

- Epsom, a historic market town with a vibrant evening economy.
 - Ewell Village, with renowned taverns and independent shops, cafés and restaurants .
 - Stoneleigh, with a parade of shops and restaurants located near open spaces and a nearby park.
- 12.6 The area is probably best known worldwide for the running of the Derby at Epsom Downs Racecourse. Horse racing has taken place in Epsom for over 350 years (the first recorded race days were in the 1640's). As well as being a significant local employer, the Derby Festival also indirectly benefits significantly the hospitality sector and local suppliers across the Borough, as well as the wider Surrey area.
- 12.7 The Borough is home to significant educational establishments, with the borough hosting campuses for the University for the Creative Arts, the North East Surrey College of Technology and Laines Theatre Arts.
- 12.8 Epsom & Ewell Borough is a relatively economically prosperous area, with the Borough [having the highest employment rate across Surrey](#), with residents' earnings typically higher than the national average. However, this picture does mask pockets of deprivation across the borough, for example, Court Ward is the 4th most deprived ward in Surrey.
- 12.9 Epsom & Ewell Borough has a relatively low crime rate when compared with the rest of the country, although [within Surrey the total number of recorded offences](#) is slightly above average. Of the crimes reported in the Borough, violence and sexual offences is the most prevalent crime type, although this category is usually the largest in any urban area (partly because 'Violent Crime' covers so many offences compared to say Burglary). The next most prevalent crime is antisocial behaviour, followed by public order offences.
- 12.10 Surrey Police have mapped incidents of antisocial behaviour and serious violence across Surrey, and identified Epsom as a primary hotspot. The primary area of interest in Epsom is around the High Street and Station Approach, and the Ashley Shopping Centre. Two peak times for incidents have been identified: 17:00 – 20:00 and 00:00 – 04:00 at the weekends. Whilst it is acknowledged that crime and anti-social behaviour can occur at or near gambling premises, no local data has been identified of incidents that relate directly to gambling activity or gambling premises, or that show a direct link to people who are vulnerable to the risk of gambling related harm.
- 12.11 The following gambling activities operate under a licence or permit granted by Epsom & Ewell Borough Council:
- 7 betting shops – 3 in Epsom, 2 in Ewell Village, 1 in Stoneleigh and 1 in West Ewell
 - 1 betting premises (track)
 - 42 organisations registered to operate a small society lottery
 - 3 Club gaming machine permits
 - 2 Club gaming permits

- 9 alcohol licensed premises gaming machine permits (i.e. more than 2 machines)

A further 17 alcohol licensed premises have notified the Council of their automatic entitlement to operate 2 gaming machines.

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.

12.12 With the Borough the following support centres provide help for people with mental health or addiction problems:

- Safe Haven, Brickfield Centre, Portland Place, Epsom KT17 1DL
- Gamblers Anonymous, St Barnabus Church, Temple Road, Epsom KT19 8HA
- Horton Haven, 5 Horton Drive, Epsom, Surrey, KT19 7HA

12.13 For further information about the Local Area Profile, please contact:
licensing@epsom-ewell.gov.uk

13. Local Risk Assessments

13.1 Licence conditions and Code of Practice require gambling premises licence holders to undertake a Local Risk Assessments (LRA) taking into consideration local information. They may be required to share these risk assessments with the LA under certain circumstances. This includes when they are applying for a new premises licence, applying for a variation to an existing licence or otherwise on request.

13.2 Operators preparing LRA would be expected to be aware of the social and physical makeup of the immediate vicinity of their proposed or existing location and to take the following into account;

- a. Local crime statistics;
- b. Any problems in the area relating to gambling establishments such as anti-social behaviour;
- c. The location of any nearby sensitive premises such as facilities used by vulnerable persons e.g., drug and alcohol addictions; and
- d. Whether there are any indications of problems with young person's attempting to access adult gaming facilities in that type of gambling premises in the area.

13.3 To do so an operator should consider the information in the LAP and other information sources, including the [Office for National Statistics website](#) and local crime statistics available via the [Surrey Police website](#).

- 13.4 Risk assessments would be expected to include relevant controls measures to counteract issues identified by the operator. Risk assessments for existing premises must reference regulatory return data including any problem and underage customers. If a local risk assessment identifies any area of concern, they should contact the most appropriate responsible authority before submitting an application for a new licence or variation. In a similar manner the LA will inform an operator if they become aware of a substantial change to local circumstances with an expectation that the operator updates their risk assessment.
- 13.5 The LRA must be updated;
- When applications are made for a variation of a premises licence;
 - 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.
- 13.6 Risks in this context include actual, potential, and possible future emerging risks to the licensing objectives.

Part C Premises Licences

14. General Principles

- 14.1 Any person or business that wishes to offer gambling for which an Operating Licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a Premises Licence.
- 14.2 Premises Licences can authorise the provision of facilities on:
- (a) casino premises,
 - (b) bingo premises,
 - (c) betting premises including tracks and premises used by betting intermediaries,
 - (d) adult gaming centre premises, or
 - (e) family entertainment centres.
- 14.3 All licences will be subject to mandatory and/or default conditions and conditions imposed by the Licensing Authority. The Licensing Authority may consider that conditions other than the mandatory or default conditions are necessary to ensure the premises are reasonably consistent with the licensing objectives, the Gambling Commission's Codes of Practice and this Statement of Principles.
- 14.4 The Licensing Authority will take decisions in accordance with the Gambling Commission's Guidance and Licence Conditions and Codes of Practice and will have regard to the advice which it issues from time to time. The Licensing Authority will monitor the operation of premises and report any potential breach of Operating Licence conditions to the Gambling Commission. Applicants for new Premises Licences or variations to existing ones should be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting Premises Licence application that has four gaming machines but no betting counter or associated betting facilities shown on the proposed plans would not be considered as offering the primary gambling activity in accordance with that indicated on the application.
- 14.5 Matters the Licensing Authority may not take into account include:
- the expected demand for gambling premises in the area;
 - planning or building law restrictions;
 - moral or ethical objections to gambling as an activity;
 - dislike of gambling;
 - a general notion that gambling is undesirable.

15. Not permitted to licence Casinos

- 15.1 A casino is an arrangement whereby people are given the opportunity to participate in one or more casino games. Casino games are defined as a

game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or banks at differed odds to their fellow player.

- 15.2 Section 166(5) of the Gambling Act 2005 allows Councils to pass a resolution not to issue casino premises licences. However, the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 then specified which authorities may issue large and small casino premises licences, and Epsom & Ewell Borough Council is not one of the local authorities permitted to issue these casino licences.
- 15.3 As the Council is not currently permitted to grant a casino licence it is not necessary for Council to consider whether to make a resolution under section 166 of The Act. If such a resolution were considered necessary in the future, the Council would carry out a full public consultation and consider all responses before passing such a resolution.

16. Conditions

- 16.1 The majority of Premises Licences will have mandatory and/or default conditions attached to the licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.
- 16.2 The Licensing Authority can attach its own conditions to a Premises Licence if it believes this will promote the licensing objectives. Any conditions attached will be:
- 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;
 - relate to the scale and type of premises; and
 - reasonable in all respects.
- 16.3 Certain matters set out in the Act must not be the subject of conditions. These are:
- conditions which make it impossible to comply with an Operating Licence
 - conditions as to gaming machines that contradict the provisions in the Act
 - conditions making activities, premises or parts of them operate as a membership club
 - conditions on fees, winnings, stakes or prizes.
- 16.4 Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the Licensing Authority will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as:
- the supervision of entrances;

- separation of gambling from non-gambling areas frequented by children;
- the supervision of gaming machines in premises not specifically for adult gambling and
- appropriate signage for adult only areas.

16.5 The Licensing Authority will expect the applicant to propose how the licensing objectives can be met effectively through the use of conditions.

17. Split Premises

17.1 The Gambling Commission's Guidance at paragraph 7.5 states that a building can, in principle, be divided into more than one premises and 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 reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

17.2 The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.

17.3 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.

17.4 In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:

- whether there are separate registrations for business rates in place for each premises;
- whether separate sets of staff work in the individual premises;
- whether there is a separate cash desk/reception for each of the premises;
- whether each premises has its own postal address;
- whether the premises are owned or operated by the same person;
- whether each of the premises can be accessed from a street or public passageway;
- whether the premises can only be accessed from any other gambling premises.

17.5 When considering proposals to divide a building into separate premises, the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.

- 17.6 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.
- 17.7 It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.
- 17.8 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.
- 17.9 The Guidance at paragraph 7.22 states “There is no definition of ‘direct access’ in the Act or Regulations, but Licensing Authorities may consider that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.”
- 17.10 It is the Licensing Authority’s opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 17.11 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.
- 17.12 Where the Licensing Authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:
- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
 - the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area,
 - entrances and exits from parts of a building covered by one or more Premises Licences are separate and identifiable so the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should 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.

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

18. Access to Premises

- 18.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.
- 18.2 'Direct access' is not defined, but the Licensing Authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.

Type of Premises	Access Provisions
Adult Gaming Centre	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from any other licensed gambling premises.
Betting Shop	<ul style="list-style-type: none"> • Access must be from a 'street' or from other premises with a betting licence; • No direct access is permitted from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be any entrance to a betting shop from a shop of any kind unless that shop is in itself a licensed betting premises.
Track	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from an Adult Gaming Centre.
Bingo Premises	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from an Adult Gaming Centre or a betting premises, other than a track.
Family Entertainment Centre	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from an Adult Gaming Centre or a betting premises, other than a track.

19. Plans

- 19.1 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 state that a plan to accompany an application for a Premises Licence must show:
- the extent of the boundary or perimeter of the premises

- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads.

19.2 The Regulations also state that other than in respect of a track, the plan must show 'the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'. The Licensing Authority may, however, consider that these minimum requirements are insufficient to satisfy them in respect of the licensing objectives at tracks, Gambling Commission Guidance, Codes of Practice or its own Statement of Principles. In such cases, the Licensing Authority may ask for such additional information to be shown on the plan as it deems necessary to enable it to discharge its duties effectively. Information shown on the plan that is not required by Regulations will not form part of the Premises Licence and will only be used by the Licensing Authority to help it make a considered decision on the application.

19.3 If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s.159 or to seek an amendment to the licence under s.187 of the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different to those to which the licence was granted. In such cases, variation of the licence under s.187 would not be possible and an application for a new application would be required under s.159.

20. General Requirements for All Premises

20.1 The Licensing Authority expects all applicants for gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify;-

- those who have self-excluded (those that have asked a gambling provider to exclude them from gambling with them for a length of time, to enable the individual to deal with their problem gambling behaviour),
- vulnerable persons,
- under age persons,
- persons gambling beyond limits they have set for themselves,
- person who may be involved in crime,
- persons who may be prone to anti-social behaviour,
- persons who are drinking alcohol where this is prohibited, and

- persons who are showing signs of distress in respect of their gambling.
- 20.2 Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.
- 20.3 Arrangements must be made for how staff will deal with customers who become aggressive and for ejecting patrons who are, for example, self-excluded, vulnerable or under age. This will include staff training and ensuring there are appropriate numbers of staff to deal with problems.
- 20.4 Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.
- 20.5 Where access to premises is age restricted, the Licensing Authority expects applicants to have a Think 21 policy in place and to train its staff in recognising acceptable forms of identification. Posters should also be displayed stating that the relevant policy is in place and that users may be challenged.
- 20.6 Licence holders should record details of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been barred by the operator, and any instances of crime or disorder that occurs on, or in association with, the licensed premises.
- 20.7 Applicants should demonstrate how they will identify self-excluded persons.
- 20.8 Where applicable, operators shall be able to demonstrate they are participating effectively in the relevant multi-operator self-exclusion scheme.

21. Bingo

- 21.1 This policy applies to applications for a Bingo Premises Licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo Premises Licence will be able to offer bingo in all its forms.
- 21.2 Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any Category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.
- 21.3 The Licensing Authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over.

Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

- 21.4 To avoid a situation where a premises holds a bingo Premises Licence primarily to benefit from the gaming machine allowance, the Licensing Authority will need to be satisfied that bingo is regularly played in any premises for which a Premises Licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.
- 21.5 In determining applications for bingo premises, the Licensing Authority shall consider the following:
- proof of age schemes
 - CCTV
 - entry control system
 - staff numbers
 - staff training
 - supervision of entrances/ machine areas
 - whether children are permitted on the premises and, if so, how the operator intends to prevent them from playing bingo or being able to access adult only machine areas
 - notices/ signage
 - opening hours
 - the times and frequency of which bingo is offered
 - whether bingo is offered by a caller or only electronically
 - whether the premises are clearly identifiable as being licensed for the purposes of offering bingo facilities
 - provision of responsible gambling information
 - This list is not exhaustive, and is merely indicative of example measures the
 - Licensing Authority will expect applicants to offer to meet the licensing objectives.
- 21.6 Young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The Licensing Authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.
- 21.7 Where hand held gaming devices are to be used on bingo premises, the Licensing Authority expects applicants to demonstrate how use of these devices will be monitored by staff.

22. Betting Premises

- 22.1 This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.

- 22.2 The Licensing Authority must be satisfied that the primary use of the premises is to operate as betting premises. The applicant will be expected to demonstrate they are offering sufficient facilities for betting or otherwise must not make gaming machines available on the premises.
- 22.3 In determining applications for betting premises, the Licensing Authority shall consider the following:
- proof of age schemes
 - CCTV
 - entry control system
 - staff numbers
 - staff training
 - counter layout
 - supervision of entrances/ machine areas
 - machine privacy screens
 - notices/ signage
 - self-barring schemes
 - opening hours
 - provision of responsible gambling information

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

- 22.4 Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.
- 22.5 Section 181 of the Gambling Act 2005 permits the Licensing Authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a Premises Licence for a betting office. When considering whether to do so, the Licensing Authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.
- 22.6 The Licensing Authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will take into account 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.
- 22.7 Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing Authority will seek to ensure the

operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:

- information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
- the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
- the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

23. Betting Tracks and Other Sporting Venues

23.1 Tracks include premises where a race or other sporting event takes place, or is intended to take place. These may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. The Gambling Commission Guidance identifies that operators of track betting premises will not necessarily hold an Operating Licence issued by the Commission. The Licensing Authority will have particular regard to proposals and measures to ensure the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.

23.2 Examples of tracks include:

- Horse racecourses
- Greyhound tracks
- Point to point meetings
- Football, cricket and rugby grounds
- Athletics stadia
- Golf courses
- Venues hosting darts, bowls or snooker tournaments
- Premises staging boxing matches
- Sections of river hosting fishing competitions
- Motor racing events

23.3 The offence of permitting a child or young person to enter gambling premises under section 47 of the Act does not apply to tracks. Therefore the Licensing Authority will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct, and that children are excluded from gambling areas which they are not permitted to enter.

23.4 The possibility of multiple licences at tracks is noted in Part 20 of the Gambling Commission Guidance. The Licensing Authority will expect the applicant for a Premises Licence to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. Children and young persons are permitted to enter track areas where facilities for betting

are provided on days when dog-racing and/or horse racing takes place, but are still prevented from entering areas where gaming machines (other than Category D machines) are provided. Children and young persons are not prohibited from playing Category D machines on a track.

23.5 In determining applications for betting at tracks, consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- proof of age schemes such as Think 21
- CCTV
- entry control system
- supervision of entrances/ machine areas
- physical separation of areas
- notices/ signage
- opening hours
- provision of responsible gambling information
- provision of policies and procedures in relation to social responsibility measures as set out below
- staffing levels
- staff training and records of staff training
- recording of incidents such as underage challenges, customer interactions for problem gambling, self-exclusions and complaints and disputes relating to gambling
- details of action to be taken where an on course bookmaker has breached their Gambling Commission Operating Licence conditions repeatedly, for example where children have been able to gamble.

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

23.6 Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that track betting activities promote the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.

23.7 A track Premises Licence does not in itself entitle the holder to provide gaming machines. However, by virtue of section 172(9) of the Act, track owners who hold both a track Premises Licence AND a pool betting Operating Licence issued by the Gambling Commission (this currently only applies to greyhound tracks) may provide up to four Category B2 to D gaming machines on the track.

23.8 The Licensing Authority will consider the location of gaming machines at tracks, and applicants for track Premises Licences will need to demonstrate that, where the applicant holds or seeks a pool betting Operating Licence and is going to use their full entitlement to gaming machines, these machines are located in areas from which children are excluded. The applicant will be

required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.

- 23.9 The Licensing Authority will expect applicants to include detailed plans for the track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, and 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. Any such plans must also contain the information prescribed by regulations.
- 23.10 In respect of staff training, the Licensing Authority would expect staff involved with the provision of gambling facilities at the track to be trained in social responsibility measures including, but not limited to, age verification, problem gambling indicators and action to be taken, self-exclusion, complaints procedures and money laundering indicators and action to be taken. Records of such training should be retained by the track management showing the subjects the staff member was trained in and the date training took place. These should be signed off by the staff member and training should be refreshed at least annually.
- 23.11 The Licensing Authority expects track operators to have policies and procedures in place to deal with age verification, self-exclusion, money laundering, complaints and disputes and problem gambling as a minimum and to ensure that all staff involved in the provision of gambling facilities are aware of these policies and procedures and have been trained in their implementation.
- 23.12 The Licensing Authority expects track management to ensure appropriate problem gambling information is provided commensurate to the size and layout of the premises. This should be in the form of posters and also leaflets which a customer can take away. Leaflets should be provided in areas where they can be taken away discreetly by the customer.
- 23.13 Section 152 of the Act permits tracks to be the subject of multiple Premises Licences.
- 23.14 Access between premises licensed for gambling and non-gambling areas will be considered carefully by the Licensing Authority for the following reasons:
- To prevent operators from attempting to circumvent the Act by artificially subdividing premises and securing separate Premises Licences for its composite parts;
 - To ensure operators do not circumvent the regulations governing the maximum number of gaming machines that may be provided at specific premises;
 - To ensure people who have entered premises to take part in one form of gambling are not exposed to another form of gambling;

- To ensure there is no direct access between gambling premises to which children have access and those which they are prohibited from entering;
- To ensure all gambling premises have publicly accessible entrances;
- To ensure gambling premises are not developed in 'back rooms' of other commercial premises.

24. Adult Gaming Centres (AGC's)

- 24.1 Adult gaming centre (AGC) Premises Licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a relevant Operating Licence from the Gambling Commission and must seek a Premises Licence from the Licensing Authority. Gaming machines are a form of gambling attractive to children and AGC's may contain machines of a similar format to the Category D machines on which children are allowed to play. However, persons under the age of 18 are not permitted to enter an AGC.
- 24.2 Because gaming machines provides opportunities for solitary play and immediate pay-outs, they are more likely to engender repetitive and excessive play. The Licensing Authority in considering Premises Licences for AGC's will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.
- 24.3 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:
- proof of age schemes
 - CCTV
 - entry control system
 - supervision of entrances/ machine areas
 - physical separation of areas
 - notices/ signage
 - opening hours
 - staffing levels
 - self-barring schemes for individuals to bar themselves from premises
 - staff training
 - Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

25. Family Entertainment Centres (FEC's)

- 25.1 Generally, FEC's must be operated by a person or body having an Operating Licence from the Gambling Commission. Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission Operator's Licence or Premises Licence from the Licensing Authority, but do need to have a gaming machine permit as set out in the section on Permits. Unlicensed Family Entertainment Centres must only be used to provide Category D gaming machines.
- 25.2 Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority, in considering applications for FEC Premises Licences, will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 25.3 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/ licence conditions may cover issues such as:
- CCTV
 - supervision of entrances/ machine areas
 - physical separation of areas for Category C machines
 - location of entry
 - notices/ signage
 - opening hours
 - staffing levels
 - staff training
 - self-exclusion schemes
 - provision of problem gambling information
 - measures and training for dealing with children on the premises suspected of truanting and how to recognise signs of child sexual exploitation and other safeguarding issues

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

- 25.4 The Licensing Authority expects applicants to demonstrate adequate separation between the area in which Category C gaming machines are made available and areas of the premises to which children may have access. This will include whether physical separation is provided, staff supervision, signage and layout and presentation of the premises as a minimum. Operators should be aware of the risk of children entering adult only areas to speak to a parent who may be gambling in that area for example and have appropriate controls in place to reduce the risk of this.

26. Door Supervisors

- 26.1 The Gambling Commission Guidance advises that Licensing Authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, but there can also be a need for supervision to stop premises becoming a source of crime. Door supervisors at bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. Door supervisors not directly employed by a bingo operator do however have to be SIA registered.
- 26.2 For betting offices and other premises, the operator and/or the Licensing Authority may decide that supervision of entrances or machines is appropriate in particular cases. The Licensing Authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area, that the premises cannot be adequately supervised by counter staff or that problem customers cannot be dealt with effectively by counter staff alone and that door supervision is both necessary and proportionate

27. Provisional Statements

- 27.1 Following the grant of a provisional statement under sections 204 and 205 of the Act, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- (a) which could not have been raised by objectors at the provisional licence stage; or
 - (b) which in the authority's opinion reflect a change in the operator's circumstances.

28. Reviews

- 28.1 Requests for a review of a Premises Licence can be made by interested parties or responsible authorities, including the Licensing Authority. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- any relevant Code of Practice issued by the Gambling Commission;
 - any relevant guidance issued by the Gambling Commission;
 - the licensing objectives;

- this Statement of Principles.
- 28.2 The Licensing Authority may reject an application for review if it thinks the grounds on which the review is sought:
- a) are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the Licensing Authority's statement of principles;
 - b) are frivolous;
 - c) are vexatious;
 - d) 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the Premises Licence;
 - e) are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
 - f) are substantially the same as representations made at the time the application for the Premises Licence was considered. While the Licensing Authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the Premises Licence.
- 28.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.
- 28.4 The Licensing Authority can initiate a review of a particular Premises Licence, or any particular class of Premises Licence, for any reason it believes is appropriate. This includes reviewing a Premises Licence on the grounds that a Premises Licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 28.5 The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe the Premises Licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
- 28.6 A responsible authority or interested party may apply to the Licensing Authority to review a Premises Licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have

adversely effected one or more licensing objectives have occurred at premises that could have been prevented if advice and guidance from a responsible authority had been heeded, or if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.

- 28.7 As a review of a Premises Licence can lead to its revocation, the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

Part D - Travelling Fairs and Permits

29. Travelling Fairs

- 29.1 The Act defines a travelling fair as ‘wholly or principally’ providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
- 29.2 It will fall to the Licensing Authority to decide whether, where Category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 29.3 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. The 27 day statutory maximum for the land being used as a fair each calendar year 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. The Licensing Authority will keep a record of any travelling fairs that take place in Epsom & Ewell Borough that offer gambling as an ancillary use to the fair. The Licensing Authority will ensure the 27 day statutory maximum for the land being used is not breached. The Licensing Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

30. Permits

- 30.1 Permits regulate gambling and the use of gaming machines in a premises which do not hold a Premises Licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.
- 30.2 The Licensing Authority is responsible for issuing the following permits:
- a) unlicensed family entertainment centre gaming machine permits;
 - b) alcohol licensed gaming machine permits;
 - c) prize gaming permits;
 - d) club gaming permits and club machine permits.
- 30.3 The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

31. Unlicensed family entertainment centre gaming machine permits

- 31.1 This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres (uFEC's). uFEC's are premises primarily used for making gaming machines available that offer only Category D gaming machines. A uFEC permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that Category D machines have no age restrictions, these premises particularly appeal to children and young persons. Therefore, the Licensing Authority will give particular weight to matters relating to child protection issues.
- 31.2 The Licensing Authority will grant an application for a permit only if it is satisfied that the premises are used wholly or mainly for making gaming machines available for use, and following consultation with the Police.
- 31.3 The Licensing Authority will not grant uFEC permits where the premises are not primarily used for making gaming machines available for use in accordance with section 238 of the Gambling Act 2005. This will preclude granting permits to lobbies in shopping centres or motorway service areas for example.
- 31.4 In cases where an uFEC permit has been granted to premises not primarily used for making gaming machines available, the Licensing Authority shall refuse to renew such permits.
- 31.5 Applicants for uFEC permits are expected to provide a scale plan of the premises with their application showing entrances/exits, location of CCTV cameras, cash desk, and machine locations as well as other features such as a bowling alley for example or play area which may form part of the premises.
- 31.6 The Licensing Authority will require applicants to demonstrate as a minimum:
- a full understanding of the maximum stakes and prizes of gambling that is permissible in unlicensed FECs;
 - that staff are trained to have a full understanding of the maximum stakes and prizes
 - that problem gambling information will be provided in the premises commensurate with its size and layout;
 - that the applicant has a written policy in place to deal with complaints and disputes which can be given to a customer on request;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
 - that staff are trained to recognise problem gambling and signpost a customer to problem gambling information;
 - that there is no direct access from the uFEC to an AGC or a licensed FEC area where adult only gaming machines are provided;
 - that staff have been trained in how to deal with complaints and disputes in line with the applicant's policy.
- 31.7 The Licensing Authority will expect the applicant to show there are policies and procedures in place to protect children and vulnerable people 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:

- measures/training for staff regarding suspected truant school children on the premises;
- measures/training covering how staff will deal with unsupervised very young children being on the premises;
- measures/training covering how staff would deal with children causing perceived problems on or around the premises;
- training for staff for identifying and how to report safeguarding and child sexual exploitation concerns.

32. Automatic entitlement to two gaming machines

- 32.1 Premises licensed to sell alcohol on the premises under the Licensing Act 2003 are automatically entitled to provide two gaming machines of Category C and/or D. The holder of the Premises Licence under the Licensing Act 2003 must notify the Licensing Authority of their intention to make the gaming machines available for use and must pay the prescribed fee.
- 32.2 This entitlement only relates to premises with a Licensing Act 2003 Premises Licence that authorises the sale of alcohol for consumption on the premises and which contain a bar at which alcohol is served without the requirement that alcohol is only sold ancillary to the provision of food.
- 32.3 Licensees siting gaming machines must comply with the relevant Gambling Commission Code of Practice. Licensees must be aware that gaming machines can only be supplied by a person holding an Operating Licence from the Gambling Commission enabling them to do this. A register of licensed suppliers can be found on the Gambling Commission's website at www.gamblingcommission.gov.uk.
- 32.4 In the event that the relevant authorisation under the Licensing Act 2003 is transferred, lapses or is revoked, the automatic entitlement to two gaming machines ceases to have effect and a new notification will need to be served on the Licensing Authority.
- 32.5 The Licensing Authority will 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 provision of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or

- an offence under the Gambling Act has been committed on the premises.

33. Licensed Premises Gaming Machine Permits

- 33.1 This policy applies to alcohol licensed premises that propose to have three or more gaming machines. Licensed premises wishing to have three or more gaming machines of Category C or D must apply to the Licensing Authority for a permit. This permit will replace the automatic entitlement to two gaming machines rather than be in addition to it and the holder must comply with the relevant Gambling Commission Code of Practice.
- 33.2 As gaming machines provide opportunities for solitary play and immediate pay-outs, they are more likely to engender repetitive and excessive play. The Licensing Authority, on considering an application, will consider whether granting a permit would be appropriate on a case by case basis, but will specifically have regard to:
- the need to protect children and vulnerable people from harm or being exploited by gambling;
 - measures taken by the applicant to satisfy the Licensing Authority that there are sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines;
 - whether the applicant has an effective policy in place for handling customer complaints or disputes about the gaming machines.
- 33.3 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:
- the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18 and look for signs of problem gambling, attempts to cheat the machine, or suspected money laundering;
 - notices and signage;
 - the provision of information leaflets or helpline numbers for organisations who can assist with problem gambling.
- 33.4 If the Licensing Authority is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, it may refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.
- 33.5 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the gaming machines.
- 33.6 The Licensing Authority may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:

- (a) it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
- (b) gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
- (c) the premises are mainly used or to be used for making gaming machines available, or,
- (d) an offence under the Gambling Act 2005 has been committed on the premises.

33.7 Before the Licensing Authority cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him/her the opportunity to make a representation. If the permit holder requests a hearing the Licensing Authority will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.

33.8 When determining an application for an alcohol-licensed premises gaming machine permit, the Licensing Authority will consider each application on its own merits.

34. Prize Gaming Permits

34.1 This policy applies to applications for, or renewals of, Prize Gaming Permits. Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.

34.2 Prize gaming may take place without a permit in various premises. These are bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

34.3 Given that the prize gaming will particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues.

34.4 The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:

- an understanding of the limits to stakes and prizes set out in regulations;
- that the gaming offered is within the law;
- clear policies that outline the steps to be taken to protect children and vulnerable persons from harm.

34.5 The Licensing Authority will only grant a permit after consultation with the Police. This will enable the Licensing Authority to determine the suitability of

the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.

34.6 There are conditions in the Act with which the permit holder must comply (the Licensing Authority cannot attach additional conditions). The conditions in the Act 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.

35. Club Gaming and Club Machine Permits

35.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs such as snooker clubs run on a profit basis may apply for a club machine permit. Each type of permit allows the provision of different types of gaming and provision of game machines. The current entitlements can be found by visiting the Gambling Commission's website (www.gamblingcommission.gov.uk).

35.2 A commercial club is defined as a club where membership is required but the club is operated for commercial gain.

35.3 A non-commercial club is a club where no commercial gain is made. A non-commercial club must meet the following criteria to be considered a members' club:

- it must have at least 25 members;
- it must be established and conducted wholly or mainly for purposes other than gaming (with the exception of bridge or whist);
- it must be permanent in nature;
- it must not be established to make a commercial profit;
- it must be controlled by its members equally.

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

35.4 The Licensing Authority may only refuse an application on the grounds that:

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

35.5 There is also a "fast-track" procedure available under the Act for premises that 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 a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are that:

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

35.6 There are statutory conditions on club gaming permits that no child may use a Category B or C gaming machine on the premises and that the holder complies with any relevant provision of a Gambling Commission Code of Practice about the location and operation of gaming machines.

35.7 The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:

- is the primary activity of the club something other than gaming?
- are the club's profits retained solely for the benefit of the club's members?
- are there 25 or more members?
- are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- do members participate in the activities of the club via the internet?

- do guest arrangements link each guest to a member?
- is the 48 hour rule being applying for membership and being granted admission being adhered to?
- are there annual club accounts available for more than one year?
- how is the club advertised and listed in directories and on the internet?
- are children permitted in the club?
- does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
- is there a list of Committee members and evidence of their election by the club members?

35.8 When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:

- Who makes commercial decisions on behalf of the club?
- Are the aims of the club set out in the constitution?
- Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
- Is the club permanently established? (Clubs cannot be temporary).
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?

35.9 Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority may consider such factors as:

- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limit

Part E - Notices

36. Temporary Use Notices

- 36.1 This policy applies to applications for Temporary Use Notices (TUN). Temporary Use Notices allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.
- 36.2 The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant Operating Licence.
- 36.3 Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.
- 36.4 The Licensing Authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the Licensing Authority will consider:
- the suitability of the premises;
 - the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
 - the CCTV coverage within the premises;
 - the ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;
 - whether the premises or the holder of the Operating Licence have given the Licensing Authority any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Gambling Commission, the relevant code of practice or this Statement of Principles.

37. Occasional Use Notices

- 37.1 Occasional Use Notices allow licensed bookmakers to provide betting facilities at genuine sporting events for a short period of time, without needing a full betting premises licence. The Licensing Authority has very little discretion on Occasional Use Notices for betting at tracks aside from ensuring the statutory limit of eight days a calendar year is not exceeded. The Licensing Authority will consider the definition of a “track” and whether the applicant can demonstrate they are responsible for the administration of the “track” or an occupier, and thus permitted to avail themselves of the notice. The definition of “track” in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues. If notices are given for a single track which would permit betting to occur for more than eight

days per year, the Licensing Authority is obliged to issue a counter notice preventing such a breach occurring

Chapter F - Small Society Lotteries

38. Legal lotteries

- 38.1 The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:
- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
 - exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

39. Definition of lottery

- 39.1 A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Gambling Act 2005.
- 39.2 An arrangement is a simple lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class
 - the prizes are allocated by a process which relies wholly on chance.
- 39.3 An arrangement is a complex lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class
 - the prizes are allocated by a series of processes
 - the first of those processes relies wholly on chance.

40. Definition of society

- 40.1 A 'society' is the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted. Section 19 of the Gambling Act 2005 defines a society as such if it is established and conducted:
- for charitable purposes, as defined in s.2 of the Charities Act 2006
 - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
 - for any other non-commercial purpose other than that of private gain.
- 40.2 It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in s.19 of the Act, and that the

proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

- 40.3 Participation in a lottery is a form of gambling. Lotteries must be conducted in a socially responsible manner and in accordance with the Act.
- 40.4 The minimum age for participation in a lottery is sixteen. The holder of a small society lottery registration must take reasonable steps to ensure that all those engaged in the promotion of their lottery understand their responsibilities for preventing underage gambling, returning stakes and not paying prizes to underage customers.

41. External Lottery Managers

- 41.1 External lottery managers (ELM's) are required to hold a lottery operator's licence issued by the Gambling Commission to promote a lottery on behalf of a licensed society.
- 41.2 However, individuals or firms can and do provide services to a society or local authority lottery without assuming the role of an ELM. When determining whether a third party is a 'service provider' only, or has assumed the role of an ELM, the degree of management undertaken by both the promoter and the sub-contractor will be crucial factors. Key indicators will include:
- who decides how the lottery scheme will operate
 - who appoints and manages any sub-contractors
 - the banking arrangements for handling the proceeds of the lottery
 - who sells the tickets and pays the prizes
 - who controls promotional aspects of the lottery.
- 41.3 Societies employing an unlicensed ELM may be committing an offence and they will need to satisfy themselves that any ELM they employ holds the relevant operator's licence issued by the Commission. The Commission publishes a register of operating licences on its website at www.gamblingcommission.gov.uk.

42. Lottery Tickets

- 42.1 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:
- the name of the promoting society
 - the price of the ticket, which must be the same for all tickets (e.g. there can be no option to 'buy two tickets, get one free')
 - the name and address of the member of the society who is designated as having
 - responsibility at the society for promoting small lotteries or, if there is one, the ELM

- the date of the draw, or information which enables the date to be determined.
- 42.2 The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.
- 42.3 The society must maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Licensing Authority may wish to inspect the records of the lottery for any purpose related to the lottery.

43. Where tickets may be sold

- 43.1 The Licensing Authority expects holders of small society lottery registrations not to sell lottery tickets to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence, in order to do this.

44. Prizes

- 44.1 Prizes awarded in small society lotteries can be either cash or non-monetary. Prizes declared on returns must not exceed the limits on prizes set out by the Act - in effect that combined with any expenses incurred with the running of the lottery, such as managers' fees, they must not comprise more than 80% of the total proceeds of the lottery. Donated prizes would not be counted as part of this 80% (as no money would be withdrawn from the proceeds to cover their purchase) but are still subject to the limit on a single maximum prize of £25,000 and must be declared on the return following the lottery draw.
- 44.2 Alcohol must not be offered as a prize in a lottery without the society first ensuring that no Licensing Act 2003 consent is required for this from the Licensing Authority. If such consent is required, then alcohol shall not be offered as a prize unless such consent has been obtained.

45. Small society registration

- 45.1 The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a Licensing Authority. Parts 4 and 5 of Schedule 11 of the Act set out the requirements on both societies and Licensing Authorities with respect to the registration of small society lotteries.

- 45.2 The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located.
- 45.3 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application. This information shall include a copy of the society's terms and conditions and their constitution to establish that they are a non-commercial society.
- 45.4 Societies may not circumvent the requirement to hold a Gambling Commission Lottery Operating Licence by obtaining two or more registrations with the same or different Licensing Authorities. As set out previously, the Act states that a society lottery is a large lottery if the arrangements for it are such that its proceeds may exceed £20,000 in a single lottery, or if the aggregate proceeds in a calendar year exceed £250,000.
- 45.5 In cases where a society has separate branches with different aims and objectives, it is acceptable for them to hold more than one licence or registration. However, in cases where a society holds more than one registration and the aims and objectives of those societies are the same, this may constitute a breach of the threshold limits for small society lotteries set out in Schedule 11 of the Act.
- 45.6 By virtue of Schedule 11 paragraph 31(5) of the Act, societies may not hold an Operating Licence with the Gambling Commission and a local authority registration with the same aims and objectives at the same time. This paragraph also provides for a statutory period of three years during which a large society cannot convert to small society status.
- 45.7 Registrations run for an unlimited period, unless the registration is cancelled.

46. Refusal of registration

- 46.1 The Licensing Authority may propose to refuse an application for any of the following reasons:
- An operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused, within the past five years. The Commission will be able to advise the details of people and organisations that have been refused an operating licence or have had an operating licence revoked in the past five years. Licensing Authorities should consult the Commission as part of their consideration process.
 - The society in question cannot be deemed non-commercial.
 - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in Schedule 7 of the Act.

- Information provided in or with the application for registration is found to be false or misleading.

46.2 The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations. The Licensing Authority will give the society 21 days' notice of its intention to refuse the registration of the society and allow him/her the opportunity to make a representation. If the society requests a hearing the Licensing Authority will arrange a Licensing Sub-Committee hearing to consider the society's representation and any other evidence available before making its determination.

47. Revocation of a small society's registered status

47.1 The Licensing Authority may revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. The Licensing Authority will give the society 21 days' notice of its intention to revoke the registered status of the society and allow him/her the opportunity to make a representation. If the society requests a hearing the Licensing Authority will arrange a Licensing Sub-Committee hearing to consider the society's representation and any other evidence available before making its determination.

47.2 Where following consideration of any representation received within an appropriate time period the Strategic Director of Place is minded to refuse the registration the matter shall be referred to the Licensing Sub-Committee for determination. A hearing to consider the society's registered status will be commenced as soon as is reasonably practicable.

48. Administration and returns

48.1 The Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

48.2 The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society (Schedule 11, paragraph 33)
- no single prize may be worth more than £25,000 (Schedule 11, paragraph 34)
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000 (Schedule 11, paragraph 35)
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed (Schedule 11, paragraph 37).

48.3 Paragraph 39 of Schedule 11 in the Act sets out the information that the promoting society of a small society lottery must send as returns to the Licensing Authority with which it is registered, following each lottery held. This information allows Licensing Authorities to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose. The following information must be submitted:

- the arrangements for the lottery - specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

48.4 Paragraph 39 of Schedule 11 in the Act also requires that returns must:

- be sent to the Licensing Authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratchcards) within three months of the last date on which tickets were on sale be signed (electronic signatures are acceptable if the return is sent electronically)
- by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

48.5 The Gambling Commission may inspect a society's returns, although it will not routinely do so. The Licensing Authority is required to retain returns for a minimum period of three years from the date of the lottery draw. They must also make them available for inspection by the general public for a minimum period of 18 months following the date of the lottery draw. Lottery returns may be inspected at Epsom Town Hall offices, please e-mail licensing@epsom-ewell.gov.uk to make an appointment.

48.6 The Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales. The Licensing Authority must notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question. The Gambling Commission will contact the society to determine if they are going to apply for a lottery operator's licence, thereby enabling them to run large society lotteries lawfully, and will inform the Licensing Authority of the outcome of its exchanges with the society.

If you would like the Statement of Policy for the Licensing Act 2003 in large print, Braille, audiotape or in another language, please contact the Licensing Team.

Licensing
Epsom & Ewell Borough Council (EEBC)
The Old Town Hall,
The Parade,
Epsom
KT18 5BY

Phone: 01372 732000

Email: licensing@epsom-ewell.gov.uk

Appendix 1 Consultation

A twelve-week consultation exercise on the revised draft Statement was carried out between [DATES], and the results of the consultation are summaries below.

The Act sets out statutory consultees as follows:

- The Chief Officer of the local police service;
- One or more persons who appear to be the authority to represent the interest 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 Act;

In addition to publishing the consultation on our website and notifying residents via our asocial media streams, we also sent copies of the revised Statement of Principles to and invited comment from the following:-

Epsom Business Improvement District ('Go Epsom')
Association of British Bookmakers
The Race Course Association Limited
The Jockey Club
Epsom Downs Racecourse Ltd
Entain Group (Ladbrokes/Coral)
William Hill organisation Ltd
Done Brothers (Cash Betting) limited T/A Betfred
Reels Casino Slots Limited
Surrey County Council Children's, Adult Social Care, and Public Health Services
Epsom & Ewell Borough Council Safeguarding Lead
Ward Councillors
Citizen Advice Bureau
Gamcare

A Summary of the responses received are shown below:

