



# **Gambling Act 2005**

# **Statement of Principles**

(Revised January 2016)

*This Statement of Licensing Principles was approved by Full Council on 24<sup>th</sup> November 2015*

*All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities (45h Edition), September 2015.*

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# MOLE VALLEY DISTRICT COUNCIL GAMBLING ACT 2005

## SECTION 349 Statement of Principles

**The contents of this document are provided as information on the policy and principles of Mole Valley District Council in carrying out its functions in relation to the regulation of gambling. The document is not a full and authoritative statement of the law or statutory guidance and does not constitute professional or legal advice.**

### **Executive Summary**

Under section 349 of the Gambling Act 2005 (“the Act”) Mole Valley District Council is required to publish a Statement of Principles which it will apply when exercising its functions under the Act. This policy will apply for a three year period commencing 31 January 2016. During this three year period the document will be kept under regular review and following a full consultation process the Council will make such revisions to it, at such times, as it considers appropriate.

Further statements of principles will be published every three years thereafter. All references to the Guidance refer to the Gambling Commission’s Guidance to Licensing Authorities, 5<sup>th</sup> Edition, published September 2015.

### **Advertising**

Before publishing a statement or revision, Mole Valley District Council will publish a notice of their intention to do so no less than two weeks before the statement or revision is to be published. The notice will:

- a) Specify the date on which the statement or revision is to be published;
- b) Specify the date on which the statement or revision will come into effect;
- c) Specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected; and
- d) Be published on the authority’s website and in/on one or more of the following places;
  - A notice board on or near the principle office of the authority;
  - A public notice board on the premises of public libraries in the area covered by the statement.

### **Publication**

This statement or any subsequent revision of the statement will be published on the Mole Valley District Council website ([www.molevalley.gov.uk](http://www.molevalley.gov.uk)). The statement or any subsequent revision of the statement is also available for inspection at:

Mole Valley District Council  
Pippbrook  
Dorking  
Surrey, RH4 1SJ

Should you have any comments regarding this policy statement please send them via e-mail or letter to:

Licensing Department  
Address: Pippbrook, Dorking, Surrey, RH4 1SJ  
Email: [licensing@molevalley.gov.uk](mailto:licensing@molevalley.gov.uk)

## **1. Introduction**

### **1.1 The Licensing Objectives**

The Gambling Act 2005 ('the Act') gives licensing authorities various regulatory functions in relation to gambling. Mole Valley District Council ('the Council' or 'licensing authority') is a licensing authority for the purposes of the Act.

The main functions of licensing authorities under the Act are:

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

The Gambling Commission regulates remote gambling and has responsibility for issuing personal licences and operating licences.

In exercising most of their functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission

- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

## **1.2 Mole Valley District Council**

Mole Valley District Council is situated in the County of Surrey, which contains 11 Councils in total, 2 District and 9 Boroughs. The Council area has a population of 86,234 (Census 2011) making it mid-way in the County in terms of population. In terms of area it is the third largest, covering 99.73 square miles.

There are approximately 37,390 dwellings within the district. The main urban areas are in the northern part of the district and centred around Leatherhead, whilst the much greater southern area is predominantly rural with small villages whose focus is Dorking.

The District has a number of premises conducting gambling activities as follows:

- 5 betting offices;
- Approximately 46 licensed premises;
- Approximately 9 private, social & sporting members clubs;

At the time of publication there are no bingo halls, tracks or casinos within the MVDC area.

The Council has recently adopted a corporate strategy where the overall vision for the Mole Valley district is 'a place where people want to live, work, do business and spend their leisure time'. This statement accords with that vision in seeking to promote the licensing objectives whilst recognising that legal gambling in a fair and open way, with suitable protection for vulnerable persons, is an important part of the district and contributes to the local economy.

A map of Mole Valley District is attached at Annexe 1.

## **1.3 Consultation**

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

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

The statement of policy was approved at a meeting of the Full Council on 24<sup>th</sup> November 2015 and was published on the Council's website on 26<sup>th</sup> November 2015 and comes into effect on the **31<sup>st</sup> January 2016**. It will remain in force for no more than 3 years, but may be reviewed at any time.

## 1.4 Declaration

In publishing this document, the Council has had regard to the licensing objectives of the Gambling Act 2005 (the Act), the guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

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

**When using this document reference should also be made to the Gambling Act 2005, any associated regulations and any guidance and advice issued by the Gambling Commission or the Department of Culture, Media and Sport, and information contained on the MVDC website.**

## 1.5 Responsible Authorities

The contact details of all the Responsible Authorities under the Act are available via the Council's website at <http://www.molevalley.gov.uk>.

The Act allows certain agencies to act as responsible authorities to offer advice, guidance and recommendations to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, apply for a review of an existing licence and offer advice to applicants.

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

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

Having regard to the above principles, the Council designates the Surrey County Council's Safeguarding Support Service for Vulnerable People relating to Child Protection for this purpose.

## 1.6 Interested parties

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

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

Whether or not a person is an interested party is a decision that will be taken by the Council on a case-by-case basis having regard to the considerations provided in the Gambling Commission Guidance to local authorities and the following factors: will also be taken into account:

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

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

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

- trade associations:
- residents’ and tenants’ associations;
- ward/county/parish councillors
- Town Center Managements
- Members of Parliament

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

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

## **1.7 Exchange of Information**

The Council regards the lawful and correct treatment of information as very important to the successful and efficient performance of the Council’s functions, and to maintaining confidence between the people/ bodies we deal with and ourselves. We ensure that our organisation treats information lawfully and correctly.

The Council may share information in accordance with the following provisions of the Act: -

- Sections 29 & 30 (with respect to information shared between the Council and the Gambling Commission)
- Section 350 (with respect to information shared between the Council and the other persons listed in Schedule 6 to the Act)

In exercising the above functions the Council will ensure that the provisions of the Data Protection Act 1998 are not contravened. Consideration shall also be given to the common law duty of confidence, the law relating to defamation, the guidance issued by the Gambling Commission, the Council's policies in relation to data protection and freedom of information as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Any information shared between the Council and Surrey Police must also be carried out in accordance with the Surrey Information Sharing Protocol produced by the Surrey Community Safety Unit.

Any person wishing to obtain further information about their rights under the Data Protection Act 1998 or the Freedom of Information Act 2000 may view the Council's policies at Pippbrook, Dorking, Surrey, RH4 1SJ, or alternatively contact the Head of Legal Services on 01306 87130

## **1.8 Enforcement**

The Council will adopt a 'better regulation' approach to its enforcement strategy which recognises the requirements of the statutory regulator's code and applies the principles of proportionality and transparency.

The Council will adopt a risk-based approach to the inspection of gambling premises, based on:

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

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

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

- Regulator's Compliance Code - Statutory Code of Practice for Regulators
- Mole Valley District Council Environmental Health Department Enforcement & Prosecution Policies

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

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

The main enforcement and compliance role for this Council in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

## **1.9 Assessing Local Risk**

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about localities is provided in this policy at Section 2 of this statement.

## **1.10 Licensing Authority Functions**

Licensing authorities are required under the Act to:

- Be responsible for the licensing of 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 *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 prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on Exchange of Information)
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences

## **2. Premises Licences**

### **2.1 General Principles**

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

### **2.2 Local Risk Assessments**

From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

Licensees must review (and update as necessary) their local risk assessments:

- a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
- b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c) when applying for a variation of a premises licence; and
- d) in any case, undertake a local risk assessment when applying for a new premises licence.

Licensees must share their risk assessments with the Council when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

The Council will expect the local risk assessment to consider as a minimum:

- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

Where specific local risks are identified, the risk assessment should set out how the operator proposes to mitigate and monitor these risks. The risk assessment should also show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.

- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

### **2.3 Decision making - general**

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

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

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

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

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

### **2.4 Location**

This Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to licensing authorities, this authority will pay particular attention to the protection of children and

vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome

## 2.5 Multiple licences/ layout of buildings

Premises are defined in the Act as including 'any place', but no more than one premises licence can apply in relation to any one place. A single building can be subject to more than one premises licence, provided they are for different parts of the building and those parts can reasonably be regarded as being different premises.

Where multiple licences are sought for a building (or a discrete part of a building used for other non-gambling purposes), specific issues will need to be considered by the Council before such application(s) can be granted. These include:

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

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

## 2.6 Conditions

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

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

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

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

Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the Council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. The Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

Certain matters may not be the subject of conditions. These are:

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

## **2.7 Door Supervisors**

The Gambling Commission advises in its Guidance to licensing authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether such supervisors need to be Security Industry Authority (“SIA”) licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

This requirement does not apply to door supervisors at licensed casino or bingo premises, who are exempt from being licensed by the SIA under the Private Security Industry Act 2001. The Council may however impose specific requirements on door supervisors at such premises to ensure they are fit to carry out their duties if considered appropriate in an individual case.

## **2.8 Adult gaming centres**

Persons operating an adult gaming centre must obtain an operating licence from the Gambling Commission and a premises licence from the Council. No-one under the age of 18 is permitted to enter an adult gaming centre. The holder of an adult gaming centre premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Premises in existence before 13 July 2011 are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. The holder of an adult gaming centre premises licence granted on or after 13 July 2011 but before 1 April 2014 is entitled to make available a maximum of four category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. Regulations

state that category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

*(A full explanation of Gaming Machines is shown at Appendix A)*

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

In addition to the mandatory conditions imposed on adult gaming centres, applicants are encouraged to consider the following steps:

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

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Please see paragraph 2.5 for details of conditions that may be attached to premises licences authorising adult gaming centres.

## **2.9 (Licensed) family entertainment centres**

Operators of licensed family entertainment centres will require an operating licence from the Gambling Commission, and a premises licence from the Council. This will allow the operator to make **any** number of category C & D machines available to their customers - (category C = £1 stake limit + £70 prize limit; Category D machine = 10p stake limit + £5 cash or £8 non-cash prize limit).

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

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

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the category C machines are located;

- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Applicants are therefore encouraged to consider the steps set out at paragraph 2.7 of this statement in order to prevent children and young persons from gaining access to category C machines. In addition, applicants are encouraged to consider the following:

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

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Please see paragraph 2.5 for details of conditions that may be attached to premises licences authorising licensed family entertainment centres.

## **2.10 Tracks**

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

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

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

Applicants are encouraged to consider the steps set out at paragraph 2.7 in order to prevent the access of children and young people to machines of category B & C. In addition, applicants are encouraged to consider the following

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

*Gaming machines* – holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to 4 gaming machines (categories B2 to D) on the track. The Council will therefore expect the applicant to demonstrate that

suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.

*Betting machines at tracks* - the Council will apply similar considerations to those set out in paragraph 2.11 (in relation to betting machines made available at off-course betting premises) to betting machines made available at tracks.

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

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

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

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

## **2.11 Casinos**

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

Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Licence Conditions and Codes of Practice or by the applicant, the Council may consider licence conditions to cover certain issues, examples of which are provided at paragraph 2.7.

## **2.12 Betting Premises**

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

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

Betting machines are different from gaming machines and whilst the Council has discretion as to the number and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This Council will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is

such evidence, then when considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

Please see paragraph 2.5 for details of conditions that may be attached to betting premises licences.

### **2.13 Bingo**

Operators of premises offering bingo (cash or prize) will require a bingo operating licence from the Gambling Commission, and a premises licence from the Council.

The holder of a bingo premises licence may, in addition to bingo in all its forms, make available for use up to 4 category B gaming machines (B3 & B4) and any number of category C & D machines.

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Council will normally require that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Please see paragraph 2.5 for details of conditions that may be attached to bingo premises licences.

### **2.14 Temporary Use Notices**

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operators licence wishes to use the premises temporarily for providing facilities for gambling.

A T Use Notice (TUN) can only be granted by the Council to a person or company holding a relevant operating licence, in effect a non-remote casino operating licence.

Temporary Use Notices are limited to providing facilities for any form of 'equal chance' gaming where the people participating in the gaming are taking part in a competition which is intended to produce a single overall winner.

Effectively this limits a TUN to a competition of poker, bridge, cribbage or dominoes. Therefore only the holder of a Casino Operating Licence can apply for a TUN.

There are a number of statutory limits in regards to temporary use notices, in particular a premises may not be the subject of a temporary use notice for more than 21 days in any 12-month period, but may be the subject of several notices provided that the total does not exceed 21 days.

A temporary use notice must be lodged with the Council not less than three months and one day before the day on which the gambling event will begin. If objections are received to a temporary use notice (from the Police, Gambling Commission, HM Revenues & Custom or any other licensing authority in whose area the premises are situated), the Council must hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

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

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

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

## **2.15 Occasional Use Notices**

The Council has very little discretion where an occasional use notice has been given by someone in respect of a track who intends to accept bets on a track, or to cause or permit premises to be used for the acceptance of bets aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.. Section 353 of the Act defines a track as a horse racecourse, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

Provided that the notice will not result in betting facilities being available for more than eight days in a calendar year, there is no provision for counter-notices or objections to be submitted.

## **2.16 Travelling Fairs**

Travelling fairs may provide an unlimited amount of Category D gaming machines and/or equal chance prize gaming without a permit provided that the facilities for gambling amount to no more than an ancillary amusement at the fair.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This

licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## 2.17 Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; 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;

That it is:

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

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

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the Council, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The Council must carry out the review as soon as possible after the 28 day period for making representations has passed.

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

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

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

In particular, the licensing authority may also initiate a review of 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.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

### **3. Permits**

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

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

The Council can grant or refuse an application for a permit, but cannot attach conditions. The permit will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed.

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

In deciding whether to grant an Unlicensed Family Entertainment Centre gaming machine permit, the Council will expect the applicant to show that there are policies and procedures in place to:

- Protect children from harm. (Harm in this context is not limited to harm from gambling but includes wider child protection considerations.)

The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures, such as:

- Training for staff as regards suspected truant school children on the premises
- Measures / training covering how staff should deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.
- The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres
- That the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act); and that all staff are trained to have a full understanding of the maximum stakes and prizes.

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

There is an automatic entitlement to two gaming machines of category C or D, subject to the licence holder notifying the Council, paying the prescribed fee and complying with any relevant code of practice issued by the Gambling Commission. If the person ceases to be the holder of the on-premises alcohol licence for the premises, the automatic entitlement to

the two gaming machines also ceases. In order to retain the entitlement to gaming machines, whoever applies for the new premises alcohol licence would also need to apply to the Council with their intention to make the gaming machines available for use and paying the prescribed fee.

If a premises wishes to have more than two machines, then it needs to apply for a licensed premises gaming machines permit, which allows for further category C or D machines to be made available in alcohol-licensed premises. There is no limit in the Act to the number of additional machines that may be authorised. Where a permit authorises a specified number of gaming machines this will replace and not be in addition to, the two automatically entitled gaming machines.

In determining an application for a licensed premises gaming machine permit, the Council can consider “such matters they think relevant”. What constitutes a relevant consideration will be decided on a case-by-case basis, but weight shall be given to the third Gambling Act licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Council will expect applicants to demonstrate that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help

The Council can remove the automatic authorisation in respect of any particular premises if;

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

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

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence (paragraph 2.7).

The Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **3.3 Prize gaming permits**

The meaning of “Prize Gaming” – Gaming is prize gaming for the purpose of the Act if neither the nature nor the size of a prize played for is determined by reference to:

- a) the number of persons playing, or

b) the amount paid for or raised by the gaming

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

- that they understand the limits of stakes and prizes that are set out in regulations; and
- that the gaming offered is within the law.
- Clear policies that outline the steps to be taken to protect children from harm.

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

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

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

The Council may not refuse an application unless they have notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both. If granted, permits last for 10 years unless it ceases to have effect or is renewed.

### **3.4 Clubs**

The Act creates two types of club for the purposes of gaming: members' clubs (including miners' welfare institutes) and commercial clubs.

#### **Members Clubs**

The Act states that members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is restricted to bridge. Members' clubs must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

Members clubs may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide 3 gaming machines from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement, equal chance gaming. i.e. poker, bingo etc and games of chance . A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B3A, B4, C and D). Commercial clubs may apply for a 'club machine permit' only and they will not be able to site category B3A gaming machines offering lottery games in their club

An application may only be refused on one or more of the following grounds;

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

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

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

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

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

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

#### **4. Lotteries**

All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission or it is an 'exempt' lottery as defined by the Act.

One of those exemptions is in respect of what are termed "small societies lotteries" and the Licensing Authority is responsible for registering these 'small' lotteries. A lottery is

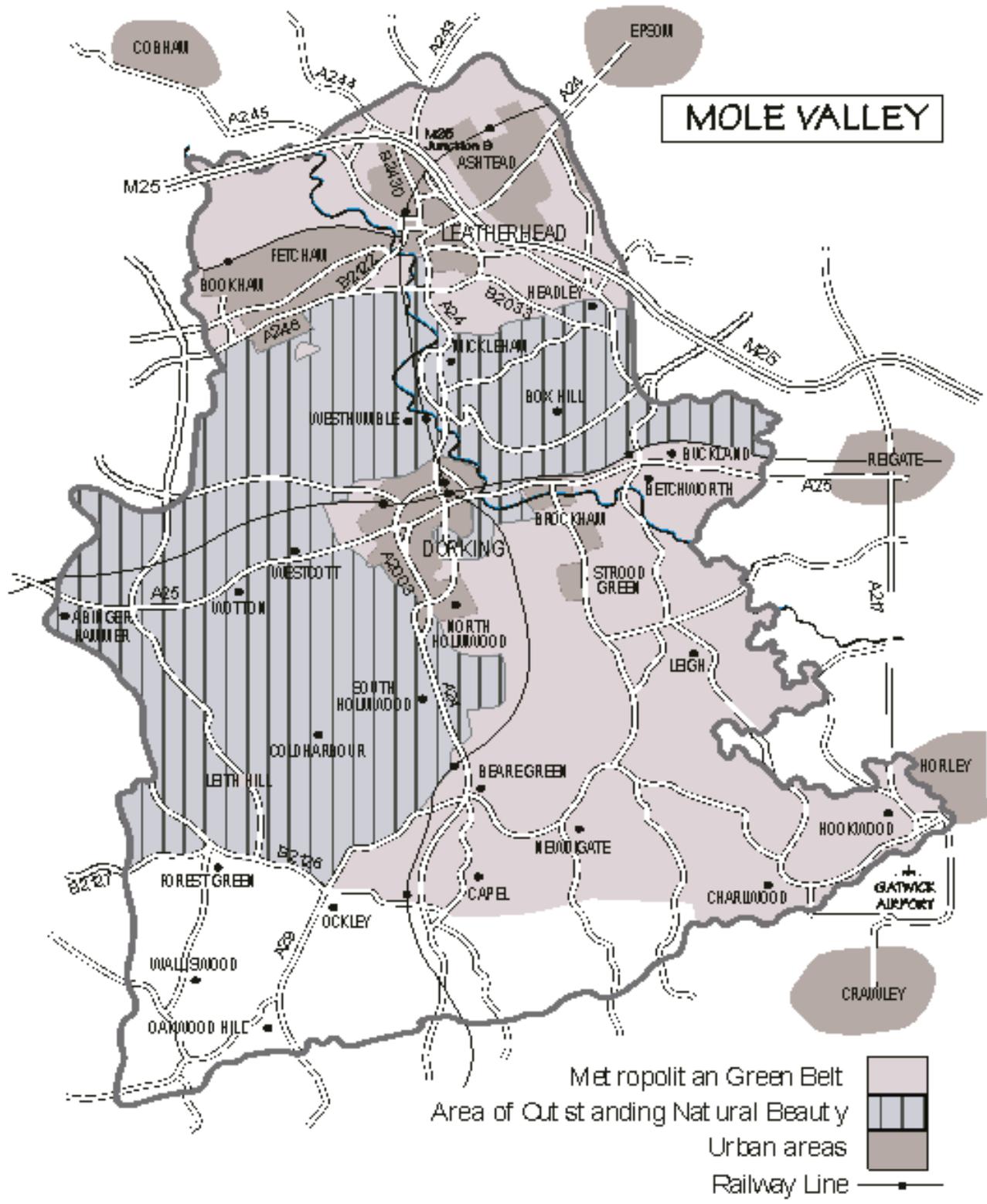
small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

A society will be allowed to register with the Licensing Authority if it is a 'non-commercial' lottery, in other words, it is established and conducted:

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

The Licensing Authority will maintain a register of small society's lotteries that it has registered.

**ANNEXE 1 – MAP OF MOLE VALLEY DISTRICT**



## Appendix C: Summary of gaming entitlements for clubs and alcohol-licensed premises

|  | <b>Members' club or MW institute with club gaming permit</b> | <b>Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)</b> | <b>Members' club or commercial club with club machine permit</b>                                       | <b>Members' club, commercial club or MW institute without a club gaming permit or club machine permit</b> | <b>Pubs and other alcohol-licensed premises</b>  |
|--|--|--|--|---|--|
| <b>Equal chance gaming</b>                     | Yes  | Bridge and/or Whist only   | Yes  | Yes   | Yes  |
| <b>Limits on stakes</b>                        | No limit   | No limit   | <b>Poker</b><br>£1000 / week<br>£250 / day<br>£10 / person per game<br><b>Other gaming</b><br>No limit | <b>Poker</b><br>£1000 / week<br>£250 / day<br>£10 / person per game<br><b>Other gaming</b><br>No limit    | <b>Poker</b><br>£100 / premises per day<br><b>Other gaming</b><br>£5 / person per game<br><b>Cribbage &amp; dominoes</b><br>No limit |
| <b>Limits on prizes</b>                        | No limit   | No limit   | <b>Poker</b><br>£250 / game<br><b>Other gaming</b><br>No limit   | <b>Poker</b><br>£250 / game<br><b>Other gaming</b><br>No limit  | <b>Poker</b><br>£100 / game<br><b>Other gaming</b><br>No limit   |
| <b>Max particip. fees – per person per day</b> | <b>Bridge/whist*</b><br>£20<br><b>Other gaming</b><br>£3     | £18 (without club gaming permit)<br>£20 (with club gaming permit)  | <b>Bridge/whist*</b><br>£18<br><b>Other gaming</b><br>£3 (for a commercial club)<br>£1 (members' club) | <b>Bridge/whist*</b><br>£18<br><b>Other gaming</b><br>£1  | None permitted   |
| <b>Bankers/unequal chance gaming</b>           | Pontoon<br><i>Chemin de fer</i>                              | None permitted   | None permitted   | None permitted  | None permitted   |
| <b>Limits on bingo **</b>                      | Maximum of £2,000 / week in stakes or prizes.                | No bingo permitted   | Maximum of £2,000 / week in stakes or prizes.  | Maximum of £2,000 / week in stakes or prizes.   | Maximum of £2,000 / week in stakes or prizes.  |

\* On a day when no other facilities for gaming are provided

\*\* If more than the maximum, then an operating licence will be required.

## Appendix B: Summary of gaming machine categories and entitlements

| Category of machine  | Maximum stake               | Maximum prize   |
|--|-----------------------------|---|
| <b>AGE 18+ ONLY</b>  |                             |   |
| <b>A (Regional Casinos)</b>  | UNLIMITED                   | UNLIMITED   |
| <b>B1</b>  | £5                          | £10,000 or where the prize value available through the use of that machine is or may be linked to use of another sub-Category B1 gaming machine situated on the same premises, £20,000. |
| <b>B2</b>  | £100 ( in multiples of £10) | £500  |
| <b>B3A</b>   | £2                          | £500  |
| <b>B3</b>  | £2                          | £500  |
| <b>B4</b>  | £2                          | £400  |
| <b>C</b>   | £1                          | £100  |
| <b>NO AGE LIMIT</b>  |                             |   |
| <b>D – non money prize (other than a crane grab machine)</b>                                   | 30p                         | £8  |
| <b>D – non-money prize (crane grab machine)</b>  | £1                          | £50   |
| <b>D – money prize</b>   | 10p                         | £5  |
| <b>D – combined money and non-money prize other than a coin pusher or penny falls machine)</b> | 10p                         | £8 (of which no more that £5 may be money prize)  |
| <b>D – combined money and non-money prize (coin pusher or penny falls machine)</b>             | 20p                         | £20 (of which no more that £10 may be a money prize)  |

## Appendix C: Summary of machine provisions by premises

| Premises type  | Machine Category |  |    |    |   |  |   |
|--|------------------|--|----|----|---|--|---|
|  | A                | B1   | B2 | B3 | B4  | C  | D |
| <b>Large casino</b><br>(machine/table ratio of 5-1 up to maximum)        | REGIONAL CASINO  | Maximum Of 150 machines<br>Any combination of machines in categories B to D (except B3A machines, within the total limit of 150 (subject to machine/table ratio) |    |    |   |  |   |
| <b>Small casino</b><br>(machine/table ratio of 2-1 up to maximum)        |                  | Maximum 80 machines<br>Any combination of machines in categories B to D (except B3A machines, within the total limit of 150 (subject to machine/table ratio)     |    |    |   |  |   |
| <b>Pre-2005 Act casino</b><br>(no machine/table ratio)                   |                  | Maximum of 20 machines categories B to D (except B3A machines), or any number of C of D machines instead   |    |    |   |  |   |
| <b>Betting premises and tracks occupied by pool betting</b>              |                  | Maximum of 4 machines categories B2 to D (except B3A machines)   |    |    |   |  |   |
| <b>Bingo premises</b>  |                  |  |    |    | Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** | No limit on category C or D machines                           |   |
| <b>Adult Gaming Centre</b>   |                  |  |    |    | Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** | No limit on category C or D machines                           |   |
| <b>Family entertainment centre</b> (with premises licence)               |                  |  |    |    |   | No limit on category C or D machines                           |   |
| <b>Family entertainment centre</b> (with permit)                         |                  |  |    |    |   | No limit on category C or D machines                           |   |
| <b>Clubs or miners' welfare institute</b> (with permits)                 |                  |  |    |    | Maximum of 3 machines in categories B3A or B4 to D*   |  |   |
| <b>Qualifying alcohol-licensed premises</b>                              |                  |  |    |    |   | 1 or 2 machines of category c or d automatic upon notification |   |
| <b>Qualifying alcohol-licensed Premises</b> (with gaming machine permit) |                  |  |    |    |   | Number of category C-D machines as specified on permit         |   |
| <b>Travelling fair</b>   |                  |  |    |    |   | No Limit on Category D Machines                                |   |
|  |                  | A  | B1 | B2 | B3  | B4   | C |

\* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

\*\* Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

## ANNEXE 2 – Gaming Machines explained

### Gambling - Classes of Gaming Machines

The Gambling Act 2005 reclassifies Gaming Machines and places restrictions on the type and number of machines that may be made available; it also places a minimum age of 18 years on players of all but Category D machines.

Generally gaming machines are classified according to the maximum stakes and maximum possible prizes:

| Category of Machine   | Maximum Stake              | Maximum Prize  | Age          |
|---|----------------------------|--|--------------|
| A   | UNLIMITED                  | UNLIMITED  | 18           |
| B1  | £5                         | £10,000*   | 18           |
| B2  | £100 (in multiples of £10) | £500   | 18           |
| B3  | £2                         | £500   | 18           |
| B3A**   | £2                         | £500   | 18           |
| B4  | £2                         | £400   | 18           |
| C   | £1                         | £100   | 18           |
| D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine) | 30p                        | £8   | no age limit |
| D – non-money prize (crane grab machine)  | £1                         | £50  | no age limit |
| D – money prize   | 10p                        | £5   | no age limit |
| D – combined money and non-money prize (other than a coin pusher or penny falls machine)      | 20p                        | £8 (of which no more than £5 may be a money prize)   | no age limit |
| D – combined money and non-money prize (coin pusher or penny falls machine)                   | 20p                        | £20 (of which no more than £10 may be a money prize) | no age limit |

\*Or where the prize value available through the use of that machine is or may be linked to use of another sub-Category B1 gaming machine situated on the same premises, £20,000.

\*\*Only available in non-commercial clubs and limited to participation in a lottery and no other form of gambling.

## Category A Machines

Category A machines are currently permitted in Regional Casinos only with unlimited stake and unlimited prize.

## Category B Machines

Category B machines are divided into five sub-categories (B1, B2, B3, B3A and B4) according to stake and prizes.

**Category B1** machines may only be made available in casinos and have a maximum stake of £2 and a maximum prize of £10,000\*.

**Category B2** includes gaming machines known as fixed odds betting terminals where the stake and prizes from an individual game can be rolled over into the next game up to a maximum stake of £100 (in multiples of £10) per game and a maximum prize of £500. These machines will only be available in casinos and licensed betting offices. The licensed betting offices are restricted to making four machines available for use.

**Category B3** machines may only be made available in casinos, bingo premises, betting premises and tracks with pool betting, and adult gaming centres. Bingo premises and adult gaming centres are limited to making four machines available for use. Maximum stake is £2 with a maximum prize of £500.

**Category B3A** machines will be permitted to be available in non-commercial clubs and limited to machines that only enable participation in a lottery but not in any other form or gambling. Maximum stake £2 with a maximum prize of £500

**Category B4** machines will be permitted to be available in casinos, bingo premises, adult gaming centres, members' clubs, commercial clubs and miners welfare institutes. The maximum stake is £2 with a maximum prize of £400.

## Category C

Category C machines may be made available in all premises other than a Family Entertainment Centre (with a Licensing Authority permit) or travelling fair. The maximum stake is £1 with a maximum prize of £100.

## Category D Machines

Category D machines may be made available in all of the locations where gaming machines of Category A, B or C are available. In addition, they may be made available in unlicensed family entertainment centres and travelling fairs.

Category D - machines non-money prize (other than crane grab machine or a coin pusher or penny falls machine) is 30p and the maximum prize is £8.

Category D - machine non-money prize (crane grab machine) maximum stake £1 maximum prize £50.

Category D - machines money prize (other than a coin pusher or penny falls machine) the maximum stake is 10p and the maximum prize is £5.

Category D - machine combined money and non-money prize (other than coin pusher or penny falls machine) maximum stake 20p maximum prize £8 (of which no more than £5 may be money prize)

Category D - machine combined money and non-money prize (coin pusher or penny falls machine) maximum stake 20p maximum prize £20 (of which no more than £10 may be money prize)

There is concern that these machines are attractive to young persons and as such they may not be made available in such places as taxi offices, chip shops, late night refreshment outlets where the primary business operation is not gambling.

No person under the age of 18 years shall have access to any gaming machine other than those in Category D.

**Specific Offences Permitting persons under 18 to gamble.**

- Permitting persons under 18 to enter parts of a family entertainment centre where Category C machines are available for use.
- Permitting persons under 18 to enter areas where Category C machines are situated.

\*with option of max £20000 linked progressive jackpot on premises basis only