
Statement of Licensing Policy 2021-2023

Gambling Act 2005



Elmbridge
Borough Council

... bridging the communities ...



Foreword

Welcome to Elmbridge Borough Council's Statement of Licensing Policy under the Gambling Act 2005.

We have been responsible for licensing gambling premises since 2007 and this is the fifth edition of our Policy. In our role as the licensing authority for Elmbridge, we work in partnership with the Gambling Commission and other agencies to regulate gambling in the borough. The Commission tends to focus on gambling operators and issues of national or regional importance and we are responsible for regulating gambling premises, permits, notices and registrations in Elmbridge.

We have re-written this Policy and the accompanying local area profile to allow us to remain responsive to our local environment and to identify current and emerging risks of gambling-related harm in Elmbridge. The changes we have made mean that we can take evidence-based decisions based on up to date and relevant information, to address local gambling issues that may affect communities in Elmbridge.

We have made several changes to our previous Policy as follows:

- changed the layout and style of this Policy and written it in plain English that is easy to understand
- explained how this Policy is informed by the Elmbridge Council Plan and included links to relevant guidance and information
- updated it to incorporate changes in national guidance
- removed sections of the Policy that were out of date or no longer relevant

This Policy sets out our expectations on operators of gambling premises with clear reference to the local area profile, which is an assessment of the key characteristics of Elmbridge in the context of gambling-related harm. We will continue to identify current and emerging risks to enable us to address local issues and we will keep this Policy under review. We also support national measures to minimise the risk of gambling-related harm.

To avoid duplication, you should read this Policy in conjunction with the 2005 Act, its regulations, and the latest edition of the Gambling Commission's Guidance to Local Authorities.

We are confident that the revision we have made to this Policy and the creation of our local area profile will ensure that responsible gambling premises can continue to operate and provide a valued leisure activity to many of our residents and visitors. While at the same time, we have the tools available to address problems at gambling premises if they do occur, and to protect vulnerable people from harm or exploitation by gambling.

Contents

Statement of Licensing Policy 2021-2023	1
Foreword	2
Chapter one: Introduction.....	5
Elmbridge's Geographical area.....	5
Geographical area to which this policy applies	6
Consultation on this Policy	7
Summary of matters in this Policy	8
Statement.....	9
Elmbridge Council Plan	10
Safeguarding.....	12
General	12
Chapter two: Principles.....	13
Competent body for protection of children from harm	13
Interested parties	13
Exchange of information	14
Inspection and criminal proceedings	16
Chapter three: Local area profile.....	16
Local risk assessments	16
Chapter four: The licensing objectives.....	18
Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime	18
Objective 2: Ensuring that gambling is conducted in a fair and open way.....	19
Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling	20
Children.....	20
Vulnerable People.....	21
Chapter five: Premises licences.....	24
Buildings with Multiple Licences.....	24
Provisional Statements	25
Licence types	26
The application and decision-making process	29
Representations and Hearings.....	29

Licence conditions.....	30
Review of a premises licence.....	32
Chapter six: Permits and notices.....	34
Further guidance on permits and notices	35
Alcohol licensed premises: gaming machine notifications.....	35
Alcohol licensed premises: permit for more than two machines.....	36
Club Gaming Permit.....	36
Club Machine Permit.....	37
Prize gaming permits	38
Unlicensed family entertainment centre permits (UFEC)	39
Travelling Fairs.....	39
Temporary use notices.....	39
Occasional use notices	40
Chapter seven: Inspection, compliance, and enforcement	41
Inspections	43
Licence fees.....	43
Appendix 1: Consultation & approval of this Policy.....	45
List of consultees	45
Key dates for decisions	45
Changes to the draft Policy	46
Appendix 2: Responsible authorities.....	47
The Licensing Authority.....	47
Surrey Fire & Rescue.....	47
Surrey Police.....	47
Gambling Commission	47
HM Revenue and Customs	47
Surrey Child Employment Team	47
Environmental Health Team.....	47
Planning Authority	47
Appendix 3: Terms used in this Policy	48

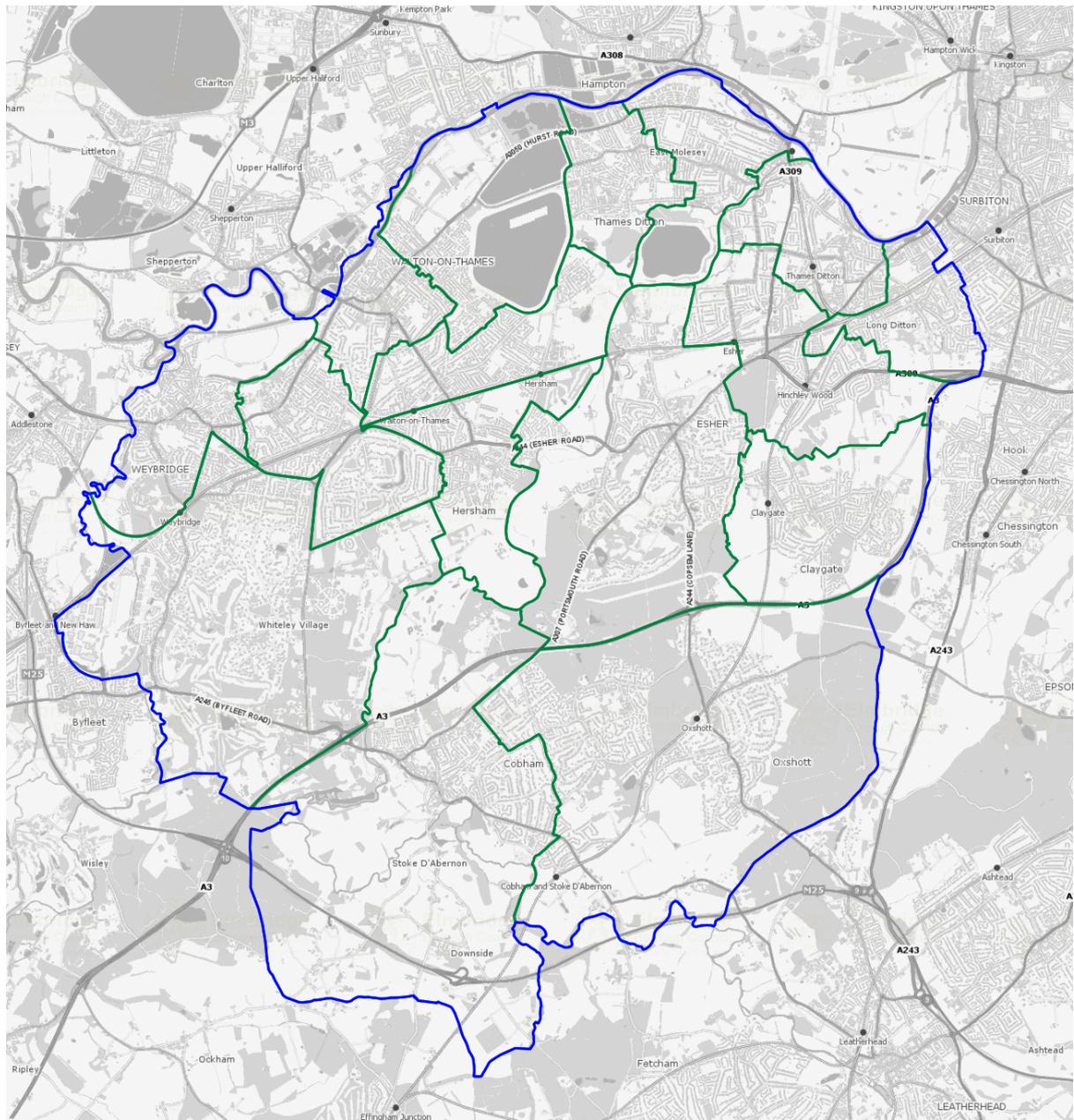
Chapter one: Introduction

- 1.1 This statement of licensing policy (the Policy) sets out the principles we will apply in exercising our licensing functions under the Gambling Act 2005 (the 2005 Act).
- 1.2 It replaces our previous Policy published on 29 November 2019 and covers the period from 1 January 2021 to 31 December 2023.
- 1.3 We will formally review this Policy every three years and during that period, we will keep it under review to allow us to make any revisions we may consider appropriate.

Elmbridge's Geographical area

- 1.4 The Borough of Elmbridge has a total population of 131,400, comprised of a total of 56,785 households within an area of 96 square kilometres (Source: 2011 Census, Office for National Statistics and DCLG live tables 2015/16). Elmbridge is one of eleven Surrey Borough Councils and is situated South West of London in North East Surrey.
- 1.5 The principal town centres are Walton, Weybridge, Esher, Molesey and Cobham.
- 1.6 The Borough provides a mix of residential and business and the area enjoys the influence of the capital, some areas being within the boundaries of the M25, and bordering two London Boroughs. The population is in general affluent, resulting in a considerable number of restaurants, bars and retail outlets clustered around the centres of the communities.
- 1.7 The map on the following page shows the geographical area to which this policy applies.

Geographical area to which this policy applies



© Crown copyright and database rights (2019) Ordnance Survey 100024882. You are permitted to use this data solely to enable you to respond to, or interact with, Elmbridge Borough Council. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

- 1.8 We have written this Policy with a view to promoting the three licensing objectives set out in the 2005 Act, which are:
- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - b) ensuring that gambling is conducted in a fair and open way; and
 - c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.9 Please see Chapter 4 for more information about the three licensing objectives.

Consultation on this Policy

- 1.10 If we make any changes to Policy, 2005 Act requires us to consult the following groups of people:
- a) the chief officer of police for Elmbridge
 - b) people and bodies representing the interests of persons in gambling businesses in the area
 - c) people and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 1.11 In addition to the groups that we must consult, we extended the scope of the consultation and included the following:
- a) residents' groups
 - b) community associations
 - c) ethnic group associations
 - d) faith groups
 - e) trader's associations
 - f) neighbouring licensing authorities
 - g) relevant Council teams
 - h) all responsible authorities
 - i) Elmbridge Community and Safety Partnership
 - j) all Elmbridge Ward Councillors
- 1.12 In preparing this policy, we carried out a public consultation between 27 July 2020 and 18 October 2020 and consulted the groups listed in paragraphs 1.10 and 1.11 above. We then considered the comments received during that consultation before making the changes included in this Policy.

1.13 Please see Appendix 1 for a full list of the people and groups we consulted.

Summary of matters in this Policy

1.14 In this Statement, we have set out the broad principles we will apply when we exercise our licensing functions under the 2005 Act in respect of:

- a) our local area profile
- b) the licensing objectives
- c) premises licences
- d) permits and other notices
- e) our decision-making processes when granting or refusing premises licences
- f) inspection, compliance, and enforcement at licensed premises
- g) applications for premises licences, permits and notices
- h) making representations and consultation arrangements
- i) Licensing Sub-Committee hearings.

1.15 The extent of our functions is limited to the following types premises licences, permits, notices and registrations:

- a) casino premises
- b) bingo premises
- c) betting premises, including tracks and premises used by betting intermediaries
- d) adult gaming centre (AGC) premises (for category B3, B4, C and D gaming machines)
- e) family entertainment centre (FEC) premises (for category C and D machines) – we may also issue a FEC gaming machine permit, which authorises the use of category D machines only.
- f) gaming machine permit
- g) prize gaming permit
- h) club gaming and club machine permit
- i) unlicensed family entertainment centre permit
- j) travelling fairs
- k) temporary use notice
- l) occasional use notice
- m) small society lottery registrations

- 1.16 We do not have any powers to deal with the following gambling-related activities:
- a) remote (online gambling)
 - b) the National Lottery
 - c) operating licences
 - d) personal functional licences
 - e) personal management licences
 - f) gambling software
 - g) football pools
 - h) gaming machine manufacturers
 - i) gaming machine suppliers
 - j) gambling advertisements on television or other media
 - k) the number of gaming machines that can be used on premises
 - l) the value of the stakes or prizes allowed on gaming machines

Statement

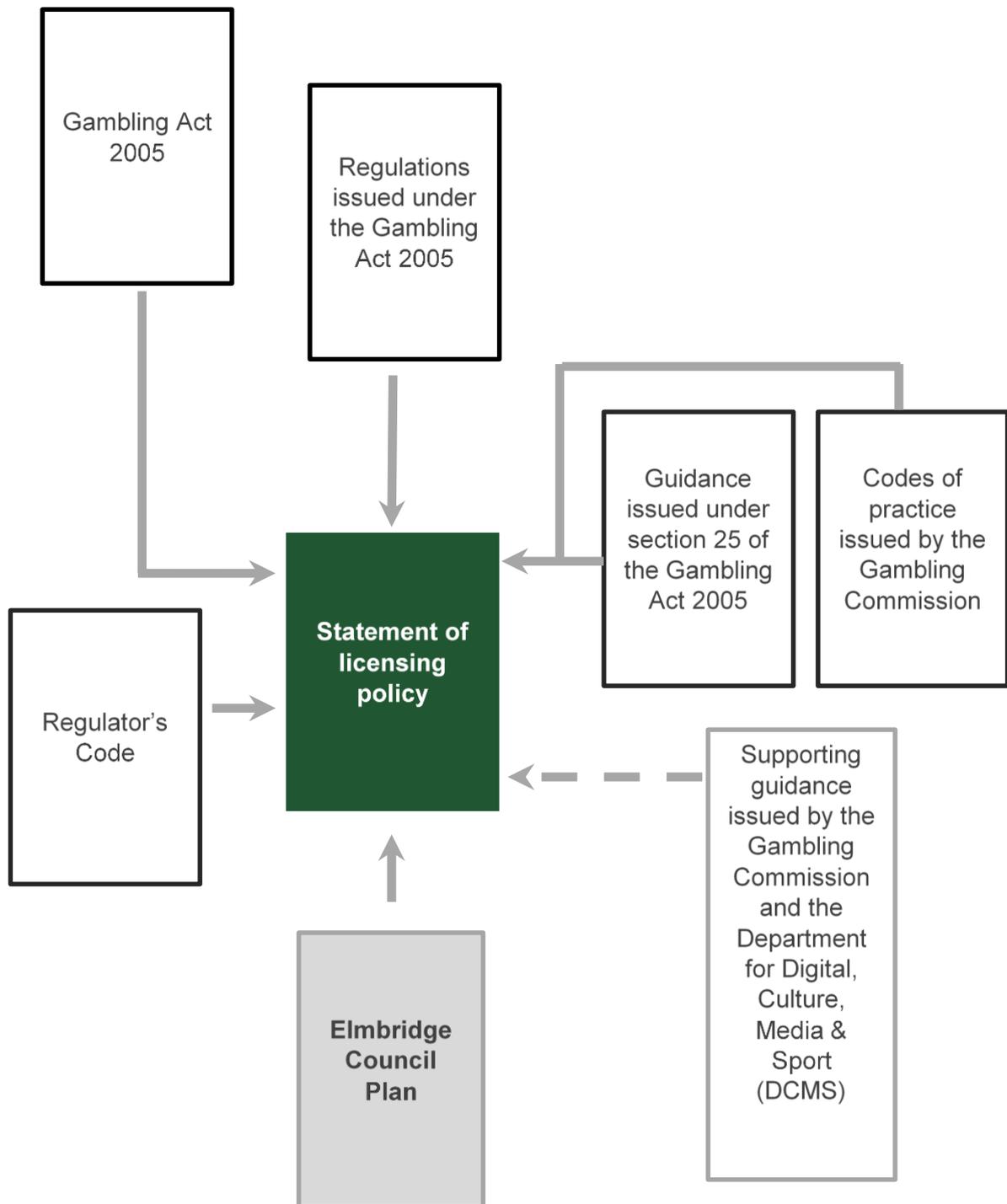
- 1.17 In exercising our licensing functions and in accordance with our legal duty under the 2005 Act, we shall aim to permit the use of premises for gambling as far as we consider it to be:
- a) in accordance with any relevant code of practice issued by the Gambling Commission
 - b) in accordance with any relevant guidance issued by the Gambling Commission
 - c) reasonably consistent with the licensing objectives
 - d) in accordance with this Policy and with reference to our Local Area Profile
- 1.18 This means that where possible we will aim to moderate the impact of gambling on the Borough for example by attaching conditions to licences, rather than aiming to prevent it all together. However, we retain the discretion not to grant a premises licence if we think that the application does not accord with the matters listed in paragraph 1.14 above.

Elmbridge Council Plan¹

- 1.19 This Policy ensures that we have effective and appropriate licensing policies that respond to the borough's unique characteristics while helping to deliver the Elmbridge Council Plan and other local priorities.
- 1.20 The Elmbridge Council Plan is our strategic plan and tells us what our priorities and targets are for the budget year. the Council's plan sets out our:
- a) vision for the borough which is what we would like Elmbridge to be in 2023 and guides our medium, and long-term plans.
 - b) priorities which support our vision
 - c) objectives which are activities that we will undertake to demonstrate our commitment to our priorities
- 1.21 When we carry out our licensing functions under the Gambling Act 2005, we will aim to be a responsive and effective Council, protecting and promoting the interests of residents and businesses and safeguarding our environment while maintaining a community for all.
- 1.22 In relation to our licensing functions under the 2005 Act, we will aim to deliver this by
- a) creating stronger partnerships with the responsible authorities and other partners to deliver outcomes for Elmbridge
 - b) improving community involvement in relation to licensing decisions
 - c) working for businesses by providing easy access to appropriate advice and information and
 - d) ensuring Elmbridge is a safe place for everyone by using licensing functions to maintain a safe environment in which lawful gambling and gaming may take place
- 1.23 The diagram on the following page shows the relationship between this Policy, the 2005 Act and its associated regulations, the Guidance, the Codes of Practice, the Regulator's Code, and the Elmbridge Council Plan.

¹ elmbridge.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=1235

Statement of licensing policy hierarchy



Safeguarding

- 1.24 Elbridge Borough Council has a legal duty to work together with other statutory and voluntary agencies to safeguard and promote the welfare of children.
- 1.25 We also have a statutory duty under the Children Act 2004 to have a safeguarding board. Surrey County Council leads the Surrey Safeguarding Children Board (SSCB) and all borough councils are partner agencies of the board along with other statutory and voluntary agencies.
- 1.26 We have had regard to our safeguarding children policy² when drafting this statement of licensing policy.

General

- 1.27 In preparing this Policy, we have had regard to the 2005 Act, the Guidance, the Codes of Practice, the Regulators Code, the Elbridge Council Plan, and responses to the consultation on this Policy. We seek through this Policy to contribute to a safe, sustainable, and thriving economy, that people of all ages and from all sections of the community can enjoy.
- 1.28 We acknowledge that when we exercise our licensing functions under the 2005 Act, we must have regard to the documents mentioned above and apply the principles set out in this Policy. However, in some rare cases, the promotion of the licensing objectives may lead us to make exceptions to our policies or to depart from the Guidance. We also acknowledge that the Guidance and this Policy cannot anticipate every scenario or set of circumstances that may arise and that exceptions will be rare. If we do make an exception, we will give full reasons for doing so.
- 1.29 In deciding whether we should make an exception to this Policy, we will consider our reasons for the specific principle and determine whether we would undermine the objectives of this Policy by making an exception to it.
- 1.30 We do not seek to undermine the right of any individual to make an application and to have that application considered on its individual merits, nor to override the right of any person to make representations about an application, or to seek a review of a licence we have issued.
- 1.31 We will not use this Policy to attach conditions that duplicate other regulatory regimes or try to impose standard conditions on licences without regard to the merits of the individual case.
- 1.32 In determining whether to grant a premises licence, we will not have regard to the whether there is a need for or demand for the gambling facilities that

² elbridge.gov.uk/safety/safeguarding/

the applicant proposes to provide unless the application is for a casino premises licence. See Chapter 5 below.

Chapter two: Principles

2.1 In this section we have set out specific matters as required by regulation 5 of The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006

Competent body for protection of children from harm

2.2 We must designate, in writing, a body that is competent to advise the licensing authority about the protection of children from harm. When making this decision we have also had regard to Part 6 of the Guidance.

2.3 In making our decision we have decided that the body must be:

- a) responsible for child protection matters for an area covering the whole of the borough of Elmbridge and
- b) answerable to democratically elected persons, rather than a particular 'vested interest' group.

2.4 We are satisfied that the Surrey County Children's Services fulfils these requirements and we have therefore designated the service as competent to advise us on issues concerning the protection of children from harm.

Interested parties

2.5 We are required to determine whether a person is an interested party in relation to a premises licence, or in relation to an application for or in respect of a premises licence.

2.6 Section 158 of the 2005 Act defines an interested party as a person, whom in our opinion:

- 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)"

2.7 When deciding whether a person is an interested party for the purposes of the 2005 Act we will consider each case upon its merits.

- 2.8 In considering whether a person lives sufficiently close to premises to be an interested party we will take the following matters into account:
- a) the size of the premises
 - b) the nature of the premises
 - c) the distance of the premises from the usual residence or workplace of the person making the representation.
 - d) the potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).
 - e) the circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
- 2.9 When deciding whether a person or organisation "has business interests" we will adopt the widest possible interpretation and include residents' and tenants' associations, trade associations, trades unions, partnerships, charities, faith groups and medical practices, as appropriate.
- 2.10 We 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 the interested party has asked for representation. We will only regard representative bodies as interested parties if they have a member who is an interested party.
- 2.11 We will allow any person to represent an interested party, but we will require evidence that a person/body (for example an advocate or relative) genuinely 'represents' the interested party. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then we will not ask for specific evidence if they represent the relevant area.
- 2.12 If individuals wish to approach Councillors to ask them to represent their views, then those Councillors shall not sit on a Licensing Panel that determines the licence application.

Exchange of information

- 2.13 We are required to set out the principles we will apply when exchanging information with the Gambling Commission and other persons.
- 2.14 The Commission can require us to provide specific information if it forms part

of our licensing register or we hold it in connection with our licensing functions under the 2005 Act. Currently, the Commission requires us to submit a return at the end of each financial year, which is subsequently included in the Department for Communities and Local Government Single Data List. We will therefore continue to provide the following details to the Commission:

- a) permits issued
- b) temporary use notices issued
- c) occasional use notices issued
- d) premises inspections conducted
- e) reasons for and outcomes of reviews

2.15 We acknowledge that the Commission may change its requirements during the period of this Policy and we will therefore provide any other requested information if we hold the information and we are required to provide it.

2.16 When we exchange information with the Commission and other persons or bodies, we will act in accordance with the provisions of the 2005 Act and the Data Protection Act 1998. We will also have regard to any guidance issued by the Commission or Information Commissioner, in addition to any relevant regulations issued by the Secretary of State under powers provided in the 2005 Act.

2.17 We may also exchange information with other persons or bodies listed below for use in the exercise of functions under the 2005 Act.

- a) a constable or police force
- b) an enforcement officer
- c) a licensing authority
- d) HMRC
- e) the First Tier Tribunal
- f) the Secretary of State

2.18 If we establish protocols with any of these bodies relating to the exchange of information, we will make them available on our website.

Inspection and criminal proceedings

- 2.19 We must include a section within this Policy that sets out the principles we will apply in exercising our inspection function and instigating criminal proceedings. We have set out our principles in Chapter 7 of this Policy.

Chapter three: Local area profile

- 3.1 Elmbridge's local area profile is our assessment of the local environment and identifies the key characteristics of Elmbridge. It is our intention that the local area profile will provide gambling and gaming operators, the public and us, with a better understanding and awareness of the gambling-related risks in the Borough. In this context, risk includes actual and potential risk and considers any future or emerging risks.
- 3.2 Our local area profile takes account of a wide number and range of factors and information. It enables us better to serve our local community by providing clarity for operators as to the relevant factors we will consider in our decision making and it enables us to make evidence-based decisions from a clear and published set of factors and risks
- 3.3 We expect that the local area profile will lead to improved premises licence applications and that operators will be able to incorporate controls and measures within their applications to mitigate risk. Through this pro-active approach to risk, we expect to achieve a reduction in compliance and enforcement action.
- 3.4 We accept that the local environment can change, and we must therefore retain the ability to review and quickly update the local area profile so that we remain aware of the current and emerging risks. For this reason, we have not included our local area profile within the body of this Policy and we have published it as a separate document. This will allow us to update information within the local area profile and to assess new or emerging risks quickly, from which to inform our decisions without the need for full consultation.
- 3.5 We expect operators to update their local risk assessments to take account of any changes in Elmbridge's local area profile. To assist, we will inform all operators when we make any changes to our local area profile.

Local risk assessments

- 3.6 The Commission's Licence Conditions and Codes of Practice (LCCP)

formalise the need for operators to consider local risks.

- 3.7 Premises licence holders are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures, and control measures to mitigate those risks. In undertaking their risk assessments, they must consider relevant matters identified in this Policy and our local area profile.
- 3.8 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:
 - a) when applying for a variation of a premises licence
 - b) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy
 - c) when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 3.9 Licence holders are also required to provide us with a copy of their risk assessment when applying for a premises licence or applying for a variation to an existing premises licence. We can also request a copy of the risk assessment at any other time, for example, when we are inspecting premises.
- 3.10 Where concerns exist, or new risks emerge we may ask a licence holder to provide a copy of their risk assessment, setting out the measures they have in place to address specific concerns. Licence holders may wish to consider the benefit of making their risk assessment available to responsible authorities and interested parties.

Chapter four: The licensing objectives

4.1 The three licensing objectives guide the way that we perform our functions under the 2005 Act. We expect operators to implement measures to mitigate risks to the licensing objectives and to consider and address the measures contained in this section when preparing their risk assessments. Operators should also have regard to our local area profile, which will identify existing or emerging risks within Elmbridge.

Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

4.2 When considering applications, we will always take the location of the premises into account regarding the crime and disorder objective. We will have regard to premises situated in areas of Elmbridge that represent a higher risk of potential vulnerability to gambling-related harm as identified in our local area profile.

4.3 We will not consider whether the applicant is suitable to apply for a premises licence because the Gambling Commission would have already addressed this issue when granting the operator's licence. However, if any issues arise during the application process or after we have granted a licence that causes us to question the suitability of the applicant or licence holder, we will bring this to the attention of the Commission.

4.4 When preparing their risk assessments, we expect applicants to consider the following measures:

- a) measures or actions to address crime and disorder issues around the design, layout or the look and feel of the premises. This may include steps to 'design out crime' such as changing layout, positioning of registers, CCTV, lighting and so on
- b) measures to address the reoccurrence of any historical crime and disorder issues
- c) changes to opening hours, where it is felt that amending them would address or reduce the specific concern around crime and disorder

- d) whether the licensee should participate in any relevant council strategy that relates (or have aspects relating) to crime and disorder
- e) whether training should be given to staff around crime prevention measures appropriate to the premises
- f) where premises are subject to age restrictions, whether additional procedures or measures could be put in place to conduct age verification checks, better supervision of entrances/age restricted machines, or to ensure there is better segregation between age restricted areas of the premises
- g) whether the premises has door supervisors or security
- h) if the licence or variation is granted, the likelihood that the grant will result in violence, public disorder, or problems in respect of policing.

4.5 This list is not exhaustive and simply indicates the types of measures that operators should consider in relation to crime and disorder.

4.6 We cannot consider issues relating to nuisance or public safety when we determine applications for premises licences because these matters must be addressed through other legislation. Where we become aware of a nuisance or public safety issue, we will ensure that we refer the concern to the relevant statutory authority to ensure that the matter can be addressed under the appropriate legislation/enforcement regime.

4.7 In general, we consider disorder to be more serious or disruptive than mere nuisance. When considering whether an incident constitutes disorder or nuisance, we will consider factors such as whether police assistance was required, the level of threatening behaviour and the types of people who witnessed it, for example children

Objective 2: Ensuring that gambling is conducted in a fair and open way

4.8 In general, we do not expect to deal with issues of fairness and openness as this will usually be a matter for the Commission as the way gambling products are provided are subject to the conditions of the operating licence or personal licences. However, if we suspect that gambling is not being conducted in a fair and open way, we will bring this to the attention of the Commission.

Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 4.9 When considering applications, we will always take the location of the premises into account regarding the children and vulnerable persons licensing objective. We will have regard to premises situated in areas of Elmbridge that represent a higher risk of potential vulnerability to gambling-related harm as identified in our local area profile.
- 4.10 To explain this licensing objective clearly, we have separated it into Children and vulnerable people

Children

- 4.11 Protecting children from being harmed or exploited by gambling means:
- a) preventing children from taking part in gambling and
 - b) restricting activities such as advertising, so that gambling products are not aimed at or appear attractive to children
- 4.12 We will pay attention to licence applications for premises situated near schools or areas where there may be a high concentration of children or families.
- 4.13 We will also have regard to the proximity of the premises to other high-risk areas identified in our local area profile and consider whether this is likely to present a risk to this licensing objective.
- 4.14 In considering the operators risk assessment, we will assess the measures the operator has in place to mitigate the risks to this licensing objective. We will also decide whether specific measures are required at premises such as
- a) supervision of entrances to the premises
 - b) supervision of gaming machines and
 - c) the separation of certain areas within the premises
- 4.15 We will also ensure that where category C, B or A machines are on offer in premises to which children are admitted:
- a) all such machines are in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance

- b) the premises is appropriately signed, indicating that access to that area is restricted to persons under the age of 18
- c) only adults are admitted to the area where the machines are located
- d) access to the area where the machines are located is supervised
- e) the area where the machines are located is arranged so that the staff or the licence holder can observe it.

4.16 We will also apply these considerations to buildings in which multiple premises licences exist.

4.17 Separate requirements apply to alcohol-licensed premises that hold a gaming machine permit. Please refer to section 5 and Elmbridge's Statement of Licensing Policy under the Licensing Act 2003.

Vulnerable People

4.18 We do not seek to stop groups of adults from gambling or gaming in the same way that we seek to stop children. However, we are concerned about the potential for vulnerable people to be harmed or exploited by gambling.

4.19 Our local area profile identifies the types of people who may be at greater risk of vulnerability to gambling-related harm and may include people who are:

- a) young
- b) within some ethnic groups
- c) unemployed
- d) in financial difficulty or debt
- e) homeless
- f) unable to make an informed or balanced decision about gambling due to
- g) mental impairment
- h) substances abuse or misuse such as alcohol or drugs
- i) 'problem gamblers' such as
- j) people who continue to gamble despite harmful negative

consequences or a desire to stop

- k) people who gamble more than they want to
- l) people who gamble beyond their means
- m) people who may suffer from a gambling addiction
- n) people who are seeking treatment for a gambling addiction

4.20 We recognise that many serious issues can result from problem gambling, and it therefore presents a greater risk of harm to a vulnerable person. These can include but are not limited to:

- a) job loss and absenteeism
- b) poor work/study performance
- c) stress depression and anxiety
- d) suicide
- e) poor health
- f) financial hardship, debts, and bankruptcy
- g) resorting to crime/theft and imprisonment
- h) neglect of family
- i) impacts on others
- j) relationship breakdown
- k) domestic violence

4.21 Problem gambling, particularly with the young, can sometimes be an indication of other issues, such as anti-social behaviour problems. When we become aware of issues associated with problem gambling and vulnerable people, we will seek to work closely with the gambling premises operator, the Gambling Commission, and other relevant services within the Council.

4.22 When dealing with gambling premises applications, we will have regard to our local area profile and pay attention to applications for premises near venues where, for example, Gamblers Anonymous groups (or similar) meet, residential homes and hospitals. In considering the above, we will base our decision on whether the proximity of the premises to the vulnerable group is

likely to present a risk to this licensing objective. Where we have relevant evidence, we may consider the likelihood of vulnerable people using the premises, whether they have other reason to be in the proximity or not. This could be, as an example, through complaints made to us or through representations made about an application.

4.23 When determining an application where this issue is raised, we will also consider the operator's risk assessment and assess the controls that are in place (or will be in place) to protect vulnerable people and promote the licensing objectives at the premises. Depending on the circumstances, we may have regard to:

- a) the size of the premises
- b) staffing levels at the premises
- c) procedures in place to identify a vulnerable person and to stop a vulnerable person from gambling
- d) the location and type of gaming machines on the premises
- e) arrangements in place to supervise the gaming machines

Chapter five: Premises licences

- 5.1 Where an individual or company uses premises or causes or permits premises to be used to offer gambling, they will need to apply for a premises licence. We can grant premises licences with or without conditions and we can review or revoke existing premises licences.
- 5.2 A premises licence can authorise the provision of facilities for the following types of premises:
- a) casino
 - b) bingo
 - c) betting, including tracks and premises used by betting intermediaries
 - d) adult gaming centre (AGC)
 - e) licensed family entertainment centre (FEC)
- 5.3 Considering applications for premises licences is our main function in terms of local gambling regulation and a key means by which we can ensure that risks to the licensing objectives are mitigated effectively.

Buildings with Multiple Licences

- 5.4 We cannot issue more than one premises licence to any one premises. A 'premises' is defined as 'any place', and therefore a single building could be subject to more than one premises licence, providing they are for different parts of the building.
- 5.5 Different configurations may be appropriate under different circumstances, but the main consideration is whether the proposed premises within the building are genuinely separate premises that merit their own licence.
- 5.6 If we receive an application for multiple premises licences in a building, we will make an assessment on the individual merits of the application as to whether the proposed premises are truly separate. If we consider that the premises are not separate, or there is any doubt, then we will normally refer the application to a licensing panel for determination.
- 5.7 When assessing if premises are separate, we will take a range of factors into account. Depending on the circumstances of the application these may include:

- a) whether the premises are separately registered for business rates
- b) whether the same person owns the neighbouring premises
- c) whether each premises can be accessed from the street or a public passageway
- d) whether the premises can only be accessed from another gambling premises

5.8 Where we determine that multiple premises licences could be granted within a single building, we may require specific measures to be included as conditions on the licences. Such measures may include:

- a) the supervision of entrances
- b) segregation of gambling from non-gambling areas, which may include the type and position of partitions and/or
- c) the supervision of the premises and gaming machines

Provisional Statements

5.9 Developers may wish to apply for a provisional statement before entering into a contract to buy or lease property or land. This may allow the developer to judge whether a development is worth taking forward considering the need to obtain a premises Licence. There is no need for the applicant to hold an operating licence to apply for a provisional statement.

5.10 A person can to make an application for a provisional statement in respect of premises that they:

- a) expect to construct
- b) expect to alter or
- c) expect to acquire a right to occupy.

5.11 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

5.12 In contrast to the premises licence application, the applicant does not have to hold, nor have applied for; an operating licence from the Gambling

Commission (except in the case of a track) and they do not need a right to occupy the premises in respect of which their provisional statement application is made.

5.13 The holder of a provisional statement may subsequently apply for a premises licence once the premises is constructed, altered, or acquired. We will be constrained in the matters we can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be considered unless:

- a) they concern matters which could not have been addressed at the provisional statement stage, or
- b) they reflect a change in the applicant's circumstances.

5.14 In addition, we 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 statement application stage;
- b) which reflect a change in the operator's circumstances; or
- c) where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan. We can discuss any concerns we may have with the applicant before we decide.

Licence types

Casino premises

5.15 A casino premises licence for premises in Elmbridge which were licensed before the introduction of the Gambling Act 2005, allows the primary activity, and allows bingo and the following allocation of gaming machines:

- a) Maximum of 20 category B to D (except B3A) machines, or
- b) any number of C or D machines instead.

5.16 Regional, large, and small casinos are entitled to a different allocation of gaming machines. However, there are no regional, large, or small casinos in Elmbridge and we have not therefore listed the allocations in this section.

Resolution not to issue casino licences

- 5.17 The 2005 Act allows licensing authorities to make a resolution not to issue any casino premises licences.
- 5.18 In 2006, Elmbridge made a resolution not to issue casino premises licences based on resident opposition to new casinos.
- 5.19 However, The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 specifies those licensing authorities that may issue casino premises licences. Elmbridge Borough Council is not one of the local authorities permitted to issue casino licences therefore, we do not consider it necessary to make a 'no casino resolution' at this time.
- 5.20 Potential applicants should note that as we are unable to issue casino premises licences, we will not process any applications for this type of licence.

Bingo premises

- 5.21 A bingo premises licence allows the primary activity of bingo and the following allocation of gaming machines
- 5.22 If the licence was granted after 13 July 2011:
- a) a maximum of 20% of the total number of gaming machines which are available for use on the premises may be category B3 or B4 (but not B3A) machines
 - b) any number of Category C or D machines
- 5.23 If the licence was granted before 13 July 2011:
- a) eight category B3 or B4 (but not B3A) machines, or 20% of the total number of gaming machines which are available for use on the premises, whichever is the greater
 - b) any number of Category C or D machines

Betting premises

- 5.24 A betting premises licence allows the primary activity of betting and the following a maximum of four category B2 to D (except B3A) machines.

Betting machines in betting premises

- 5.25 Holders of a betting premises licence are permitted (at our discretion) to

have betting machines. A betting machine is different from a gaming machine as it is designed or adapted to allow betting on real events. For example, some premises may have betting machines that accept bets on live events, such as horse racing as a substitute for placing a bet in person over the counter.

- 5.26 Licensing Authorities have powers to restrict the number of betting machines in certain premises. In determining the number of betting machines, the licensing authority will consider the nature of the machine and the circumstances by which they are made available. This may include:
- a) the size of the premises
 - b) the number of counter positions available for transactions; and/or
 - c) the number of staff available to monitor the use of the machines by children and young persons or vulnerable people.
 - d) whether the machines have been or are likely to be used in breach of the licensing objectives.

Adult gaming centres (AGC)

5.27 An AGC allows the following allocation of gaming machines:

5.28 If the licence was granted after 13 July 2011:

- a) a maximum of 20% of the total number of gaming machines which are available for use on the premises may be category B3 or B4 (but not B3A) machines
- b) any number of Category C or D machines

5.29 If the licence was granted before 13 July 2011:

- a) eight category B3 or B4 (but not B3A) view hyperlinks machines, or 20% of the total number of gaming machines which are available for use on the premises, whichever is the greater
- b) any number of Category C or D machines

Licensed family entertainment centres (FEC)

5.30 An FEC allows any number of Category C or D machines

The application and decision-making process

- 5.31 When we receive an application for a premises licence, we must consult interested parties and responsible authorities as set out in Chapter 2 above. Both groups can make comments about applications for premises licences. These comments are called representations.
- 5.32 Where we receive a representation, and it relates to either the licensing objectives, matters in this Policy or the Gambling Commissions Codes or Practice or Guidance, we will normally refer the application to the Licensing Panel for determination.
- 5.33 In determining applications, we shall aim to permit the use of premises for gambling as far as we consider it to be:
- a) in accordance with any relevant Code of Practice or guidance issued by the Gambling Commission
 - b) reasonably consistent with the licensing objectives
 - c) in accordance with this Policy
- 5.34 When determining an application, we may not consider the
- a) moral objections (we cannot base our decision on a dislike of gambling, or a general notion that it is undesirable to allow gambling premises in Elmbridge)
 - b) planning (we cannot have regard to planning or building control permissions or any planning restrictions)
 - c) demand (we must not consider issues around the demand for gambling premises)

Representations and Hearings

- 5.35 Where we receive a representation from an interested party or responsible authority, we will normally refer the application to the Licensing Panel for a decision regarding the application.
- a) We will not consider representations that:
 - b) are not made by an Interested Party or a Responsible Authority
 - c) are vexatious or frivolous, or

- d) will “certainly not” influence our determination of the application
- 5.36 When considering if a representation will influence the determination of an application, we will consider the relevance of the representation to:
- a) the application, and
 - b) the licensing objectives
- 5.37 An interested party who wishes to be represented by another person or organisation at the Licensing Panel meeting must give us a written notice requesting to be represented by that person or organisation.
- 5.38 Interested parties can make representations about licence applications or apply for a review of an existing licence (see below).
- 5.39 Trade associations, trade unions and residents and tenants’ associations can be interested parties, if they can demonstrate they are representing a member who lives sufficiently close to the premises or is likely to be affected by the activities being applied for.
- 5.40 Elected Councillors and MPs may also be interested parties. Elected Councillors may also represent interested parties, subject to legal constraints, guidance, and advice. Where a Councillor or MP is representing their constituents, the requirements of paragraph 2.5 above.

Licence conditions

- 5.41 Where we receive a relevant representation regarding one of the licensing objectives, the Licensing Panel will consider whether conditions are required to ensure that the licensing objectives are promoted.
- 5.42 Any conditions we attach to premises licences will be proportionate to the circumstances which they seek to address and will be:
- a) relevant to the need to make the proposed building suitable as a gambling facility
 - b) causally related to the premises and type of licence applied for
 - c) fairly and related to the scale and type of premises
 - d) reasonable in all other respects.
- 5.43 Our local area profile may identify specific risks or problems associated with a locality, specific premises, or class of premises. We will determine those

matters on a case-by-case basis and in these circumstances; we will normally attach individual conditions to address those risks or problems.

- 5.44 Having had regard to our local area profile and the individual merits of the application, we will also exclude default conditions where we consider it appropriate to do so.
- 5.45 We will not duplicate any conditions or requirements attached to a premises licence by the Gambling Act, Gambling Commission Codes of Practice or Secretary of State (unless they are default conditions that we may substitute accordingly) or conditions attached to an operator's licence or personal licence.
- 5.46 The following are some but not all matters that operators are likely to be required to comply with under the 2005 Act, Regulations, mandatory conditions, default conditions or Codes of Practice:
- a) Proof of Age schemes
 - b) CCTV
 - c) supervision of entrances and machine areas
 - d) physical separation of areas
 - e) whether the premises may hold a licence to provide alcohol
 - f) location of entry to the premises
 - g) notices and signage about persons under 18 years of age not entering the premises
 - h) opening hours
 - i) self-barring schemes and
 - j) provision of information leaflets and helpline number of gambling self- help organisations.
- 5.47 However, where not covered by other requirements, we may consider adding appropriate conditions that we consider relevant to the application.

Conditions we cannot attach to licences

- 5.48 We cannot attach the following types of condition to a premises licence:
- a) any condition on a that makes it impossible to comply with a

condition of the operating licence

- b) conditions relating to gaming machines categories, numbers, or method of operation
- c) conditions which provide that membership of a club or body be required
- d) conditions in relation to stakes, fees, winnings, or prizes.

Review of a premises licence

5.49 We may review a premises licence, or an interested party or responsible authority may apply to review a premises licence. When determining whether to initiate a review, we shall have regard to our licensing and gambling enforcement policy. This Policy sets out our approach to achieving compliance with the law on gambling and licensing and is available on our website³.

5.50 Whether we carry out a review or not is a matter for us to decide. In making this decision we will consider whether the grounds for review:

- a) are in accordance with any relevant code of practice or guidance issued by the Gambling Commission
- b) are consistent with the licensing objectives or
- c) are in accordance with this Policy

5.51 We will also consider whether the request for a review is frivolous, vexatious, will 'certainly not' cause us to alter, revoke or suspend the licence, or whether the request is substantially the same as previous representations or requests for review (i.e. it is repetitive).

5.52 We can initiate a review of a premises licence, or a class of premises licence for any reason we think is appropriate.

5.53 Once we have received a valid application for a review, responsible authorities and interested parties can make representations during a 28-day period. This period begins seven days after we receive the application. We will publish notice of the application within seven days of receipt.

5.54 We will carry out the review as soon as possible after the 28-day period for

³ elmsbridge.gov.uk

making representations has passed.

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

- a) add, remove, or amend a licence condition imposed by us
- b) exclude a default condition imposed by the Secretary of State 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.

5.56 In determining what action, if any, we should take following a review, we will have regard to any relevant representations and the principles set out in paragraph 1.17 above.

5.57 We may also initiate a review of a premises licence because 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.

5.58 Once we have completed the review will notify the following as soon as possible:

- a) the licence holder
- b) the applicant for review (if any)
- c) the Commission
- d) any person who made representations
- e) the chief officer of police and
- f) Her Majesty's Commissioners for Revenue and Customs
- g) We may provide further guidance regarding the review process on our website.

Chapter six: Permits and notices

- 6.1 A permit or notice is required when premises provide a gambling facility, but either the stakes and prizes are exceptionally low, or gambling is not the main function of the premises.
- 6.2 We are responsible for issuing and receiving the following types of permit and notice:
- a) gaming machine permit
 - b) prize gaming permit
 - c) club gaming and club machine permit
 - d) unlicensed family entertainment centre permit
 - e) travelling fairs
 - f) temporary use notice
 - g) occasional use notice
- 6.3 We have not included specific details of the stakes and prizes for the various permits and have only provided minimal information regarding the numbers of permitted machines, because the government may change this information during the life of this Policy. We advise readers to refer our website or the Gambling Commission's website⁴ for up to date information.
- 6.4 Gaming Machines are referred to as 'fruit machines' or 'one arm bandits' and fall into categories depending on the stake required to play them and the value of the maximum prize available. Generally,
- a) Category A machines have no limits on prizes or stakes but would only be permitted at a regional casino.
 - b) Category B machines can be provided in casinos, betting premises, bingo premises, adult gaming centres and private members clubs. These machines can give a much higher prize and there is a restriction on the number of machines allowed in those premises.

⁴ [gamblingcommission.gov.uk](https://www.gamblingcommission.gov.uk)

- c) Category C machines are the type most found in pubs and have a maximum prize value that is significantly lower than category B.
- d) Category D machines are the type found in amusement arcades and have lower value prizes and stakes.

Further guidance on permits and notices

6.5 Separate guidance on how to apply for a permit, renewal, lapse, surrender, forfeiture, refusal, conditions, stakes, and prizes of the various permits is available on our website and the Gambling Commission's website.

Alcohol licensed premises: gaming machine notifications

6.6 Any premises that holds a premises Licence granted under the Licensing Act 2003 that permits the retail sale of alcohol (an "alcohol licence") and has a bar at which alcohol is served for consumption on the premises, has an automatic entitlement to provide two category C or D gaming machines. Restaurants or similar premises are excluded from having gaming machines where they have a condition requiring alcohol to be sold as ancillary to food.

6.7 To benefit from the automatic entitlement, the holder of the alcohol licence must give us written notification together with the prescribed fee. The notification is not transferable, and should the alcohol licence be transferred, the new alcohol licence holder must give a new notification.

6.8 We cannot consider or refuse the notification; however, we may make an order under section 284 of the 2005 Act to remove an automatic entitlement if:

- a) provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- b) gaming has taken place on the premises that breaches a condition of section 282 for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines.
- c) the premises are mainly used for gaming.
- d) an offence under the 2005 Act has been committed on the premises.

6.9 In this situation, we will give the permit holder the opportunity to make oral or written representations (or both) to us and may request a hearing before we make a final determination.

Alcohol licensed premises: permit for more than two machines

- 6.10 If an alcohol licensed premises wishes to exceed the automatic entitlement of two machines, they must apply to us for a permit for more than two machines. This permit replaces the automatic entitlement to two machines and is not an addition to it. We will consider that application based upon the licensing objectives, the Guidance, and any other matters that we think relevant.
- 6.11 We will decide each application on a case by case basis but generally:
- 6.12 We may consider the size of premises and whether the numbers of machines applied for is appropriate considering the licensing objectives and whether the premises is being “mainly used” for gambling.
- 6.13 We shall have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. We will expect the applicant to provide sufficient measures to ensure that persons under 18 years of age do not have access to adult only gaming machines and that the permit holder can comply with Section C of the Gambling Codes of Practice, which relates to gaming machine permits in alcohol licensed premises.
- 6.14 whether there are any issues in the premises’ history relating to the gambling licensing objectives that the Licensing Authority should consider when deciding whether to grant a permit.
- 6.15 Some alcohol-licensed premises may apply for a premises licence for the non-alcohol licensed areas within the premises. In these circumstances, we would expect an application to be submitted for a premises licence for an adult gaming centre.
- 6.16 We may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. However, we cannot attach any other conditions.
- 6.17 We expect the holder of a permit to comply with the Codes of Practice issued by the Gambling Commission.

Club Gaming Permit

- 6.18 Only members clubs and miners’ welfare institutes may apply for a club gaming permit. Commercial clubs such as snooker clubs may not apply.
- 6.19 Miners’ welfare clubs are associations established for recreational or social purposes. They are managed by representatives of miners or use premises

regulated by a charitable trust, which has received fund from one or a number of mining organisations.

- 6.20 A member's clubs must:
- a) have at least 25 members
 - b) be established for, and conducted wholly or mainly for, purposes other than gaming (unless gaming is permitted by separate regulations)
 - c) be permanent in nature
 - d) not established to make a profit; and
 - e) controlled by its members equally.
- 6.21 A club gaming permit allows a total maximum number of three Gaming Machines of categories B4, C or D. It also permits the playing of games of chance and equal chance, such as Pontoon. Please refer to the Gambling Commission's website for a detailed and up to date list of permissions, prizes, and stakes.
- 6.22 A club gaming permit lasts for ten years unless it ceases to have effect because it is surrendered, cancelled, or forfeited. We can only grant or refuse a club gaming permit. We cannot add conditions.

Club Machine Permit

- 6.23 Members clubs and miners' welfare institutes may choose to apply for the club machine permit if they do not want to have the full gaming provided by a club gaming permit. In addition, commercial clubs may also apply for a club machine permit.
- 6.24 Commercial clubs are members clubs established for profit, such as snooker clubs.
- 6.25 A club machine permit allows a total maximum number of three gaming machines of categories B3A to but only one B3A machine can be sited as part of this entitlement. Please refer to the Gambling Commission's website for a detailed and up to date list of permissions, prizes, and stakes.
- 6.26 A club machine permit lasts for ten years unless it ceases to have effect because it is surrendered, cancelled, or forfeited. We can only grant or refuse a club machine permit. We cannot add conditions.

Prize gaming permits

- 6.27 Prize gaming takes place when the number of people playing does not determine the nature and size of the prize, or the amount paid for or raised by the gaming. The operator determines the prize before play commences.
- 6.28 When determining a prize gaming permit application, we will have regard to our local area profile and consider whether:
- a) the applicant clearly understands the limits to stakes and prizes that they propose to offer, and the gaming is within the law
 - b) the premises where gaming is proposed to be offered is not situated near areas that may overly attract young people, such as schools, after school care, parks, or playgrounds
 - c) the applicant has any relevant convictions
 - d) the offering of prize gaming is in accordance with the licensing objectives. This may include whether offering prize gaming on the premises is likely to attract or perpetuate issues around crime and disorder in the area or issues around children and young people or the vulnerable
 - e) the police have raised any objections relevant to the licensing objectives.
- 6.29 The above list is not exhaustive, but an indication of the types of issues that we may consider when we receive an application for a prize gaming permit.
- 6.30 Although we cannot attach conditions to a prize gaming permit, the 2005 Act sets out the following conditions which the permit holder must comply with:
- a) limits on participation fees, as set out in regulations
 - b) all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day
 - c) 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
 - d) 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

- e) participation in the gaming must not entitle the player to take part in any other gambling

Unlicensed family entertainment centre permits (UFEC)

- 6.31 A UFEC authorises the lowest stake gaming machines (Category D). We can grant or refuse an application for a UFEC, but we cannot add conditions.
- 6.32 A UFEC is likely to cater to families, including unaccompanied children and young persons and are likely to be arcade style premises such as in airports and motorway service centres. A UFEC should not be confused with a licensed family entertainment centre (FEC) which requires the operator to obtain a premises licence. A requirement of an FEC is that there must be clear segregation between areas permitted for children and people over 18 years old.
- 6.33 The applicant for a UFEC must show that the premises will be or will mainly be used for making gaming machines available for use.
- 6.34 We can only grant an application for a permit if we are satisfied that the premises will be used as an UFEC, and if we have consulted the chief officer of police on the application.

Travelling Fairs

- 6.35 We are responsible for deciding whether, where Category D machines and equal chance prize gaming without a permit can to be made available for use at travelling fairs. The statutory requirement is that the facilities for gambling must be ancillary amusement at the fair and not its main purpose.
- 6.36 We will also consider whether the applicant falls within the statutory definition of a travelling fair in that it must not be on a site that has been used for fairs on more than 27 days per calendar year.
- 6.37 The 27-day statutory maximum for the land being used as a fair 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. We will work with our neighbouring licensing authorities to ensure that we monitor land that crosses our boundaries so that the statutory limits are not exceeded.

Temporary use notices

- 6.38 Temporary Use Notices (TUNs) 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 a TUN could include hotels, conference centres and sporting venues. We can only grant a TUN to a person or company holding a relevant operating licence issued by the Commission.

- 6.39 The Secretary of State has the power to determine what form of gambling can be authorised by a TUN, and we will always have regard to the relevant regulations. Currently TUNs can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner. We recognise that TUNs will usually be (but not always) used to run poker tournaments.
- 6.40 In considering whether a place falls within the definition of "a set of premises", we will have regard to the Guidance and consider the individual facts on their merits but, amongst other things, we will have regard to the ownership, occupation, and control of the premises.
- 6.41 We expect to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Guidance.

Occasional use notices

- 6.42 An occasional use notice permits betting on a sporting event or race at a track on eight days or fewer in a calendar year without the need for a full premises licence. It therefore allows temporary and infrequent events such as point-to-point racing to take place and for bets to be taken on the outcome.
- 6.43 We have little discretion in relation to occasional use notices apart from ensuring that the statutory limit of eight days in a calendar year starting on 1 January is not exceeded. However, we will consider whether the applicant is licensed as a betting operator and has appropriate permission from the Gambling Commission to use tracks for conducting betting.
- 6.44 We will also decide what constitutes a track, sporting event or race on a case-by-case basis. In doing so we will follow the Gambling Commission's guidance in relation to tracks.

Chapter seven: Inspection, compliance, and enforcement

- 7.1 This chapter outlines in general terms, our approach to monitoring the operation of gambling premises to check compliance with licence conditions and the law, and our approach to enforcement for non-compliance.
- 7.2 The primary aim of enforcement is to achieve compliance. Enforcement means the formal approach, but also includes advice and support to business to achieve compliance.
- 7.3 We may achieve compliance through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include training, giving advice and information, and initiatives that educate, inform, and encourage partners and stakeholders to work together efficiently and effectively. Our principal objective in taking an holistic approach to managing gambling premises is to prevent problems from occurring before they begin.
- 7.4 However, we recognise that we cannot always achieve such aims, and that active enforcement of the law may be the only effective means of securing compliance. To this end the following enforcement options are available to us:
- a) verbal or written advice
 - b) verbal warning
 - c) written warning
 - d) mediation between licensees and residents
 - e) simple caution
 - f) prosecution
- 7.5 These actions are not mutually exclusive, and it may be that one course of action follows another, depending on the individual circumstances.
- 7.6 We operate a partnership approach to dealing with enforcement matters concerning gambling premises. This may include working with the police or other Council colleagues or outside agencies.

- 7.7 We have a licensing enforcement policy⁵ under which all our monitoring and enforcement practices operate. This enforcement policy follows the principles of the Enforcement Concordat.
- 7.8 We will also have regard to the Regulator’s Code⁶ under which we should:
- a) carry out our activities in a way that supports those we regulate to comply and grow
 - b) provide simple and straightforward ways to engage with those we regulate and hear their views
 - c) base our regulatory activities on risk
 - d) share information about compliance and risk
 - e) ensure clear information, guidance and advice is available to help those we regulate meet their responsibilities to comply
 - f) ensure that our approach to their regulatory activities is transparent
- 7.9 We need to be satisfied that premises are complying with the law and licence conditions. To achieve this, we make full inspections of premises, covert visits, and general monitoring of known problem areas.
- 7.10 We will base our inspections and enforcement activity on the principles of risk assessment, a graduated response, and the targeting of problem premises. We will not routinely carry out full premises’ inspections and the frequency of inspections will be determined on risk-based criteria with high-risk operations receiving more attention than premises carrying low public safety, crime and disorder or public nuisance risks.
- 7.11 We will rate fully compliant premises as lower risk. We will rate non-compliant premises as higher risk.
- 7.12 We will take appropriate enforcement action against those responsible for unlicensed premises/activity. We will take any action in accordance with our enforcement policy.
- 7.13 Before deciding which course of action to take, we will consider the following matters:

⁵ elmsbridge.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=2500

⁶ gov.uk/government/publications/regulators-code

- a) the history of the premises
- b) the history of the offender
- c) the offender's attitude
- d) the circumstances of the offence
- e) whether the offender has a statutory defence to the allegations
- f) the impact or potential impact of the breach on the public
- g) the quality of the evidence against the offender
- h) the likelihood of achieving success in a prosecution
- i) the punishment that may be incurred if the case goes to Court
- j) whether the course of action proposed is likely to act as a deterrent
- k) whether the course of action, if it is publicised, is likely to have a beneficial effect on the behaviour of others

7.14 Additionally, responsible authorities and interested parties under the 2005 Act may seek a review of a premises licence if they feel the premises are not properly upholding the licensing objectives.

Inspections

7.15 When we carry out inspections of licensed premises, we shall have regard to our gambling and licensing enforcement policy and to the Legislative and Regulatory Reform Act 2006 and the statutory principles of good regulation. We will ensure that we carry out our licensing functions in a way that is

- a) transparent
- b) Accountable
- c) Proportionate
- d) consistent

Licence fees

7.16 We will calculate and collect fees from gambling operators to meet the costs of carrying out our licensing functions under the 2005 Act. The intention of the government is that fees will cover our costs for administration (including

hearings and appeals), inspection and enforcement of the licensing regime.

7.17 Current fees are available on our website.

Appendix 1: Consultation & approval of this Policy

In reviewing this Policy, we consulted widely with licence holders, residents, and many other groups or organisations with interest in Elmbridge or with gambling. We carried out the consultation between 27 July 2020 and 18 October.

List of consultees

We consulted the following responsible authorities:

- The Chief Officer of Police
- Surrey County Council Children's Services
- Elmbridge Residents
- Resident associations
- Ward Councillors
- Trade Associations and businesses who hold Premises Licences
- Responsible Authorities
- Community and faith organisations and those working with problem gamblers and young people; and
- Neighbouring Licensing Authorities.
- We consulted the following groups:
 - community associations
 - relevant Council teams
 - all responsible authorities under the Licensing Act 2003

Key dates for decisions

The following Committees considered the draft Policy and LAP before approval by the full Council on (date TBC)

Licensing Committee

22 June 2020

Licensing Committee

2 November 2020

Council

2 December 2020

Changes to the draft Policy

After considering the responses to the public consultation, we made the following changes to the draft policy:

- corrected typographical errors and grammar throughout the document
- included several substantive changes as shown in the table below

Paragraph	Change
1.24 to 1.26	New paragraphs added re: safeguarding
2.4	Correction: Surrey County Council Children's Services
Appendix 1 – 2 b)	Correction: Surrey County Council Children's Services
General	Typographical errors

A copy of the responses to the consultation is included in the agenda papers considered by the Council and is available on our website.

Appendix 2: Responsible authorities

Contact details for the responsible authorities for Elmbridge are shown below:

<p>The Licensing Authority Environmental Services Elmbridge Borough Council Civic Centre High Street Esher, KT10 9SD</p>	<p>Surrey Fire & Rescue Business Fire Safety Team Headquarters Croydon Road Reigate, RH2 0EJ</p>
<p>Surrey Police Borough Inspector Surrey Police Civic Centre High Street Esher, KT10 9SD</p>	<p>Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p>
<p>HM Revenue and Customs National Registration Unit Portcullis House 21 India Street Glasgow Scotland G2 4PZ</p>	<p>Surrey Child Employment Team Quadrant Court 35 Guildford Road Woking GU22 7QQ</p>
<p>Environmental Health Team Environmental Services Elmbridge Borough Council Civic Centre High Street Esher, KT10 9SD</p>	<p>Planning Authority Elmbridge Borough Council Civic Centre High Street Esher, KT10 9SD</p>

Appendix 3: Terms used in this Policy

We have tried to make this Statement easy to read and understand. We recognise that some terms may be unfamiliar to some people or groups and we have clarified the meaning of those terms below:

Term	Definition
DCMS	The Department of Digital, Culture, Media and Sport
interested parties	People who are entitled to make a representation about an application or review of a licence
'licence'	Any type of premises licence issued under the Gambling Act 2005
'licensable activities'	Gambling activities that are regulated by a licence
'licensing authority'	Elmbridge Borough Council
'Licensing Committee'	A group of 15 elected Councillors who decide licensing matters
'Licensing Panel'	A sub-committee of three members chosen from the Licensing Committee
'relevant representation'	A written comment about an application for a licence (subject to certain legal requirements)
'responsible authority'	Any of the organisations listed in Appendix 2
'the 2005 Act'	The Gambling Act 2005
'the Council'	Elmbridge Borough Council
'the police'	Surrey Police

Term	Definition
'the regulations'	Additional rules issued by the Secretary of State under the Gambling 2005 Act
'the Guidance'	Guidance issued to Licensing Authorities by the Gambling Commission under Section 182 of the Gambling Act 2005
'the/this/our statement'	This Statement of Licensing Policy
'we; us; our'	Elmbridge Borough Council