

Regulatory Committee

Tuesday 13 November 2018 7.30pm

**Council Chamber
Runnymede Civic Centre, Addlestone**

Members of the Committee

Councillors Mrs J Gracey (Chairman), S A Lewis (Vice-Chairman), D A Cotty, Mrs M T Harnden and Ms A Shepperdson.

In accordance with Standing Order 29.2 any non-member of the Committee who is considering attending the meeting should first request the permission of the Chairman.

A G E N D A

**The Appendices are now included with the agenda
not a separate document**

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss C Pinnock, Democratic Services, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425627). (Email: clare.pinnock@runnymede.gov.uk).**
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Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Chairman will make the final decision on all matters of dispute in regard to the use of social media, audio-recording, photography and filming in the Committee meeting.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

- a) Exempt Information
(No reports to be considered under this heading)
- b) Confidential Information
(No reports to be considered under this heading)

1. FIRE PRECAUTIONS

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

3. MINUTES

To confirm and sign as a correct record, the Minutes of the meeting held on 25 September 2018, previously circulated to all Members of the Council via email in October 2018.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Democratic Services Officer at the start of the meeting. A supply of the form will also be available from the Democratic Services Officer at meetings.

Members are reminded that a non pecuniary interest includes their appointment by the Council as the Council's representative to an outside body and that this should be declared as should their membership of an outside body in their private capacity as a director, trustee, committee member or in another position of influence thereon.

Members are advised to contact the Council's Legal section prior to the meeting if they wish to seek advice on a potential interest.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is a disclosable pecuniary interest or if the interest could reasonably be regarded as so significant as to prejudice the Member's judgement of the public interest.

6. REGULATORY FEES AND CHARGES 2019/20 (RESOURCES)

Synopsis of report:

To recommend the proposed fees and charges under this Committee's remit for next financial year (2019/20).

Recommendation that:

the proposed fees and charges as set out in Appendix 'A' be approved, to be effective from the dates within the appendix or as soon as practical thereafter.

1. Context of report

1.1 The current fees and charges were agreed at the meeting of this Committee in November 2017.

2. Report

2.1 The Council's Constitution gives delegated authority to Officers to alter fees, charges and prices without reference to Committee in order to respond to market conditions,

new needs, changes in tax rates, and so on. Nonetheless, the annual review of charges still remains an important part of the overall budget setting process and the policy framework for service provision in general.

- 2.2 This report reviews current levels of fees and charges, with a view to helping to balance next year's budget and is a key strand of the Council's Medium Term Financial Strategy of net revenue reductions.
- 2.3 The proposed fees and charges are set out at Appendix 'A' along with the dates that they will take effect.
- 2.4 Taxi Licensing Fees: - Sections 53 (2) and 70 (1) of the Local Government Miscellaneous Provisions Act 1976 (the Act) authorise the charging of fees in respect of Hackney Carriage and Private Hire Licences for drivers, vehicles and operators.
- 2.5 The 'Act' allows councils to recover the costs of issue, administration and additionally, in the case of vehicles, compliance.
- 2.6 The case of R (Hemming and others) v Westminster City Council in 2013 (a case involving the setting of licensing fees) has demonstrated the need for a proper fee setting process to be in place.
- 2.7 The judgement made it clear that local authorities may become liable for costs if it is found that procedures for setting fees have not been correctly followed and if the fees are not reasonable and proportionate to the costs of the licensing procedures.
- 2.8 The current fee setting structure for taxi and private hire licensing in Runnymede was developed in 2014. This was constructed in such a way to allow a breakdown of the costs to be seen.

3. **Resource implications**

Individual fees and charges

Gambling Licences

- 3.1 All fees and charges are set by statute and have not changed since their introduction in 2005. This means that as inflation increases the cost base, the net cost of running the services increases. The estimated deficit for 2019/20 is £7,000.

Taxi Licences

- 3.2 The Council sets charges to recover the estimated costs of providing all chargeable licensing functions.
- 3.3 The estimated deficit for Taxi Licensing for 2019/20 is £22,000. However, £11,000 of this deficit are non rechargeable costs.

Other Licences

- 3.4 Members will be aware that in 2015 following on from the Hemmings case, a new fee setting regime was introduced by the Council's Licensing section based on a detailed breakdown analysis of the actual costs incurred in administering the taxi licensing process. The same fee setting regime has since been applied to scrap metal dealers' licences and other licences issued by Environmental Health which are heard by other committees.

4. **Legal implications**

- 4.1 Where the status of a charge is marked as 'statutory' the Council is required under the law to levy a fee. Where the status is given as 'discretionary' the Council may amend the fee charged or choose to make no charge for the service.
- 4.2 All of the regimes (excluding Gambling) are covered by the European Union Services Directive. Regulation 18 of the Provision of Services Regulations 2009 which implements the EU Services Directive into UK law requires that fees charged in relation to authorisations must be proportionate to the effective cost of the process.
- 4.3 The proposed fees must recover the council's costs in relation to the licensing process and cannot be used as an economic deterrent or to raise funds. The fees as proposed should enable the Council to recover its reasonable costs.
- 4.4 If the proposed fee structure results in a surplus or loss for the financial year there should be an appropriate reduction or increase in fees as the case may be for the following financial year.

Taxi and Hackney Carriage Licensing Fees

- 4.5 Section 70 (3) (a) of the Act provides that any increase in fees for the grant of a vehicle licence for a private hire vehicle, hackney carriage or operator's licence must be advertised in at least one local newspaper circulating in the district setting out the fee variation proposed and provide a period of not less than 28 days from the date of publication of the notice for objections to be made and the manner in which they are to be made. Section 70 (3) (b) provides that a copy of the notice shall also be made available for inspection at Council Offices for the same period from the date of publication of the newspaper advertisement.
- 4.6 Under the provisions of Section 70 (3) (6) of the Act, on considering objections received following a publication regarding a variation in fees, the Committee may remit in whole or part any fee chargeable in respect of that variation.
- 4.7 The following fees have been set by the Council using the relevant statutory powers within the statutes governing those licensing regimes:

Registration Fees

- Ear piercing, electrolysis, tattooing and acupuncture - Local Government (Miscellaneous Provisions) Act 1982
- Sex Establishments - Local Government (Miscellaneous Provisions) Act 1982

Other Licenses and Permits

- Scrap Metal Dealers - Scrap Metal Dealers Act 2013

5. Equality implications

- 5.1 Where any major changes to the structure of any charging regime are proposed, an Equality Impact Assessment will have been completed by the relevant Budget Manager.
- 5.2 Officers consider that there are no equality issues arising from the proposals contained in this report.

(To resolve)

Background papers

None.

Fees and charges

Gambling licences

		From April 2017 £	From April 2018 £	From April 2019 £	% Increase	Yield £	VAT treatment	
<u>Gambling Act 2005 licences and permits</u>								
Registration of a society to promote a lottery								
- Initial application fee	Statutory	40.00	40.00	40.00	0.00%	}	Outside Scope	
- Annual	Statutory	20.00	20.00	20.00	0.00%		Outside Scope	
<u>Gaming machine permits</u>								
Clubs with 3 or more machines	Annual fee	100.00	100.00	100.00	0.00%	}	Outside Scope	
Licensed premises gaming machine permit								
Conversion of existing permit	Statutory	100.00	100.00	100.00	0.00%		Outside Scope	
New Permit	Statutory	150.00	150.00	150.00	0.00%		Outside Scope	
First annual fee	Statutory	50.00	50.00	50.00	0.00%		Outside Scope	
Annual fee	Statutory	50.00	50.00	50.00	0.00%		Outside Scope	
Fee to vary permit	Statutory	100.00	100.00	100.00	0.00%		Outside Scope	
Fee for transfer	Statutory	25.00	25.00	25.00	0.00%		Outside Scope	
Fee for copy of permit	Statutory	15.00	15.00	15.00	0.00%		Outside Scope	
2,000								
Club gaming permit								
Conversion of existing permit	Statutory	100.00	100.00	100.00	0.00%		Outside Scope	
New Permit	Statutory	200.00	200.00	200.00	0.00%		Outside Scope	
New (fast-track) clubs only	Statutory	100.00	100.00	100.00	0.00%		Outside Scope	
First annual fee	Statutory	50.00	50.00	50.00	0.00%		Outside Scope	
Annual fee	Statutory	50.00	50.00	50.00	0.00%		Outside Scope	
Fee to vary permit	Statutory	100.00	100.00	100.00	0.00%		Outside Scope	
Fee to renew	Statutory	200.00	200.00	200.00	0.00%		Outside Scope	
Fee for copy of permit	Statutory	15.00	15.00	15.00	0.00%		Outside Scope	
Club machine permit								
Conversion of existing permit	Statutory	100.00	100.00	100.00	0.00%	Outside Scope		
New Permit	Statutory	200.00	200.00	200.00	0.00%	Outside Scope		
New (fast-track) clubs only	Statutory	100.00	100.00	100.00	0.00%	Outside Scope		
First annual fee	Statutory	50.00	50.00	50.00	0.00%	Outside Scope		
Annual fee	Statutory	50.00	50.00	50.00	0.00%	Outside Scope		
Fee to vary permit	Statutory	100.00	100.00	100.00	0.00%	Outside Scope		
Fee to renew	Statutory	200.00	200.00	200.00	0.00%	Outside Scope		
Fee for copy of permit	Statutory	15.00	15.00	15.00	0.00%	Outside Scope		

Fees and charges

Gambling licences

Charge Status	From April 2017 £	From April 2018 £	From April 2019 £	% Increase	Yield £	VAT treatment	
<u>Gaming machine permits</u>							
Prize gaming permit							
Conversion of existing permit	100.00	100.00	100.00	0.00%	} included above	Outside Scope	
New Permit	300.00	300.00	300.00	0.00%		Outside Scope	
Fee to renew	300.00	300.00	300.00	0.00%		Outside Scope	
Fee to change name	25.00	25.00	25.00	0.00%		Outside Scope	
Fee for copy of permit	15.00	15.00	15.00	0.00%		Outside Scope	
Unlicensed family entertainment centre permit							
Conversion of existing permit	100.00	100.00	100.00	0.00%		Outside Scope	
New Permit	300.00	300.00	300.00	0.00%		Outside Scope	
Fee to renew	300.00	300.00	300.00	0.00%		Outside Scope	
Fee to change name	25.00	25.00	25.00	0.00%		Outside Scope	
Fee for copy of permit	15.00	15.00	15.00	0.00%	Outside Scope		
<u>Regional Casino premises licence</u>							
Initial fee	15,000.00	15,000.00	15,000.00	0.00%	} 0	Outside Scope	
Annual fee	15,000.00	15,000.00	15,000.00	0.00%		Outside Scope	
<u>Large Casino premises licence</u>							
Initial fee	10,000.00	10,000.00	10,000.00	0.00%	} 7,200	Outside Scope	
Annual fee	10,000.00	10,000.00	10,000.00	0.00%		Outside Scope	
<u>Small Casino premises licence</u>							
Initial fee	8,000.00	8,000.00	8,000.00	0.00%	} 750	Outside Scope	
Annual fee	5,000.00	5,000.00	5,000.00	0.00%		Outside Scope	
Converted Casino premises licence	3,000.00	3,000.00	3,000.00	0.00%		Outside Scope	
<u>Bingo premises licence</u>							
Initial fee	3,500.00	3,500.00	3,500.00	0.00%	} 750	Outside Scope	
Annual fee	1,000.00	1,000.00	1,000.00	0.00%		Outside Scope	
<u>Adult gaming centre premises licence</u>							
Initial fee	2,000.00	2,000.00	2,000.00	0.00%	} 750	Outside Scope	
Annual fee	1,000.00	1,000.00	1,000.00	0.00%		Outside Scope	
<u>Betting premises (track) licence</u>							
Initial fee	2,500.00	2,500.00	2,500.00	0.00%	} 750	Outside Scope	
Annual fee	1,000.00	1,000.00	1,000.00	0.00%		Outside Scope	
<u>Betting shop premises licences</u>							
Initial fee	3,000.00	3,000.00	3,000.00	0.00%	} 750	Outside Scope	
Annual fee	600.00	600.00	600.00	0.00%		Outside Scope	
Variation to a betting (other) premises licence	1,200.00	1,200.00	1,200.00	0.00%		Outside Scope	
<u>Family entertainment centre licences</u>							
Initial fee	2,000.00	2,000.00	2,000.00	0.00%	} 750	Outside Scope	
Annual fee	750.00	750.00	750.00	0.00%		Outside Scope	

Fees and charges

Taxi licences

Charge Status	From April 2017 £	From April 2018 £	From April 2019 £	% Increase	Yield £	VAT treatment
<u>Taxi and Hackney Carriage licensing fees (outside scope of VAT)</u>						
<u>Vehicle applications</u>						
Hackney Carriage licence	270.00	271.00	271.00	0.00%	50,000	Outside Scope
Private hire vehicle licence	241.00	236.00	236.00	0.00%		Outside Scope
Temporary Hackney Carriage/private hire vehicles for period of 14 days extendable to 28 days when the licence is for a replacement vehicle provided by a specialist company while accident damage repair is carried out on a licensed Hackney Carriage or private hire vehicle	162.00	142.00	142.00	0.00%		Outside Scope
<u>Changes to licence</u>						
Change of vehicle during the licensing period (i.e. transfer to replacement vehicle for balance of licence period - existing plate must be returned)	108.00	98.00	98.00	0.00%	3,000	Outside Scope
Change of vehicle licence type during the licensing period (e.g. from Hackney Carriage to private hire)	107.00	103.00	103.00	0.00%		Outside Scope
Change of drivers licence during the licensing period (e.g. From private hire to Hackney Carriage drivers licence)	44.00	39.00	39.00	0.00%		Outside Scope
<u>Drivers licence new applications</u>						
Combined Hackney Carriage and private hire drivers licence - one year	240.00	242.00	242.00	0.00%	3,000	Outside Scope
Combined Hackney Carriage and private hire drivers licence - three year	443.00	445.00	445.00	0.00%		Outside Scope
Private hire drivers licence - one year	240.00	242.00	242.00	0.00%		Outside Scope
Private hire drivers licence - three year	443.00	445.00	445.00	0.00%		Outside Scope
<u>Drivers licence renewals</u>						
Combined Hackney Carriage and private hire drivers licence - one year	191.00	196.00	178.00	-9.18%	25,000	Outside Scope
Combined Hackney Carriage and private hire drivers licence - three year	396.00	406.00	388.00	-4.43%		Outside Scope
Private hire drivers licence - one year	191.00	196.00	178.00	-9.18%		Outside Scope
Private hire drivers licence - three year	396.00	406.00	388.00	-4.43%		Outside Scope
<u>Private hire operators licence (valid for 1 year)</u>						
1 vehicle owner/driver	172.00	176.00	176.00	0.00%	3,000	Outside Scope
2 - 5 vehicles	193.00	198.00	198.00	0.00%		Outside Scope
6 - 20 vehicles	274.00	281.00	281.00	0.00%		Outside Scope
21 - 40 vehicles	381.00	392.00	392.00	0.00%		Outside Scope
41 - 60 vehicles	489.00	504.00	504.00	0.00%		Outside Scope
61 - 80 vehicles	596.00	615.00	615.00	0.00%		Outside Scope
81 - 100 vehicles	703.00	726.00	726.00	0.00%		Outside Scope
<u>Private hire operators licence (valid for 5 years)</u>						
1 vehicle owner/driver	524.00	525.00	525.00	0.00%	3,000	Outside Scope
2 - 5 vehicles	545.00	547.00	547.00	0.00%		Outside Scope
6 - 20 vehicles	626.00	630.00	630.00	0.00%		Outside Scope
21 - 40 vehicles	733.00	741.00	741.00	0.00%		Outside Scope
41 - 60 vehicles	841.00	853.00	853.00	0.00%		Outside Scope
61 - 80 vehicles	948.00	964.00	964.00	0.00%		Outside Scope
81 - 100 vehicles	1,056.00	1,075.00	1,075.00	0.00%		Outside Scope

Fees and charges

Taxi licences

	Charge Status	From April 2017 £	From April 2018 £	From April 2019 £	% Increase	Yield £	VAT treatment
<u>Pre application and other charges</u>							
Failure to keep appointment / comply with renewal procedures	Discretionary	50.00	50.00	50.00	0.00%	5,500	Outside Scope
Knowledge test including re-takes	Discretionary	68.00	65.00	65.00	0.00%		Outside Scope
New drivers information pack	Discretionary	25.00	25.00	25.00	0.00%		Outside Scope
Disclosure & Barring Service (DBS) fixed fee (£44) plus processing charges £18.50 Runnymede Borough Council and £9 Surrey County Council.	Discretionary	64.00	71.50	71.50	0.00%		Outside Scope

Any change of vehicle during the licensing period will be charged at the appropriate vehicle licence rate. Credit will not be given for unexpired period of vehicles or drivers licences if the licence is surrendered.

Fees and charges

Other licences

Charge Status	From April 2017 £	From April 2018 £	From April 2019 £	% Increase	Yield £	VAT treatment	
Registration fees							
Ear piercing, electrolysis, tattooing and acupuncture							
- Practitioners	204.00	204.00	205.00	0.49%	1,800	Outside Scope	
- Premises	204.00	204.00	205.00	0.49%		Outside Scope	
Sex establishments Initial fee	918.00	918.00	918.00	0.00%		Outside Scope	
Sex establishments Annual fee	918.00	918.00	918.00	0.00%		Outside Scope	
Mobile homes site licences							
Application for new site licence (includes £50.00 for single unit site) plus an additional £6.00 for each additional unit upto 101 units plus an additional £5.00 for each additional unit upto 201 units plus an additional £4.00 for each additional unit over 201	400.00	300.00	300.00	0.00%	6,500	Outside Scope	
Site inspection		50.00	50.00	0.00%		Outside Scope	
Fit and proper person test		102.00	102.00	0.00%		Outside Scope	
Application to transfer or amend a site licence	200.00	295.00	295.00	0.00%		Outside Scope	
Application for a minor amendment to a site licence		200.00	200.00	0.00%		Outside Scope	
Application for a replacement copy of a site licence	25.00	25.00	25.00	0.00%		Outside Scope	
Annual licence fee for a single unit site plus an additional £6.00 for each additional unit upto 101 units plus an additional £5.00 for each additional unit upto 201 units plus an additional £4.00 for each additional unit over 201	25.00	50.00	50.00	0.00%		Outside Scope	
Fee for the deposit of site rules	75.00	75.00	75.00	0.00%		0	Outside Scope
Other licences and permits							
Scrap metal dealers site licence (3 year licence)	342.00	342.00	349.00	2.05%		600	Outside Scope
Scrap metal collectors licence (3 year licence)	219.00	219.00	223.00	1.83%	Outside Scope		
Charity collection permits:							
House to house collections	Free	Free	Free			Outside Scope	
Street collections	Free	Free	Free			Outside Scope	
Certificate of suitability							
Film certification	337.00	337.00	344.00	2.08%	0	Outside Scope	

7. HACKNEY CARRIAGE FARE REVIEW (ENVIRONMENTAL SERVICES)

Synopsis of report:

This report relates to the annual review of fare tariffs charged by Hackney Carriage Vehicles.

Recommendation:

that Hackney Care fare tariffs remain unchanged for 2019/20.

1. Context of report

- 1.1 Runnymede's Hackney Carriage and Private Hire Licensing Policy (part8) concerns hackney carriage fares. This states fares be subject of an annual review and gives guidance on the methodology and relevant considerations.
- 1.2 The Council sets fares with a view to allowing hackney carriage drivers to have an income from their business which allows them to run their vehicles and supply the public with a service at a fair price.
- 1.3 The last increase of Hackney Carriage fares in the Borough took place in June 2014 when there was an increase of 5.5% for the pull off rate, 3.84% for the second mile and 4.76% for subsequent miles. There was no increase in waiting time.
- 1.4 The current table of Hackney Carriage fares is attached at Appendix 'B'.

2. Report

- 2.1 Since the fare increase in 2014 there have been no requests for changes to the fares from the public.
- 2.2 A small number of drivers did ask at the beginning of 2018 that the Council consider a fare increase. The last fares survey was in 2014 and Officers considered it reasonable to consult the hackney trade to again for their latest opinion. A survey was circulated to all 140 hackney drivers for consideration, the survey period being 20 July 2018 to 17 Sept 2018.
- 2.3 Only 14 drivers responded to the survey, the responses and comments have been added to the survey which is attached at Appendix 'C'. As with all surveys not all respondents completed each part of the survey.
- 2.4 Members will see from the survey response that there is little appetite for an increase in fares with 9 drivers against any increase and only 4 in favour. Although 2 drivers have asked for a pull of rate of £5, this is considerably more than the current £3.80 and is likely to drive custom away from the hackney trade. One of the main concerns from those against any increase is losing custom to competing private hire operators.
- 2.5 Since the last fare increase in 2014 licensing fees have stabilised and in manycases reduced, most notably and in the case of driver's licenses where the cost of the 3 year licence is now £137 cheaper than in 2014.
- 2.6 Inflation (the consumer price index, CPI) is another measure which can be used to judge fare levels.

2.7 The CPI stood at 2.4% as of August 2018. Year on year the figures produced by the Office of National Statistics show the following rates for the CPI:

- 0.5% in the year to Aug 2014
- 0.4% in the year to Aug 2015
- 1.0% in the year to Aug 2016
- 2.7% in the year to Aug 2017
- 2.4% in the year to Aug 2018

2.8 Another main factor in determining fares is the price of fuel. There was a marked reduction in fuel prices after the fare increase in 2014; this is demonstrated in the table below showing average supermarket prices, these have increased lately and are generally back to the 2014 level give or take a few pence.

Year (June)	2013	2014	2015	2016	2017	Sept 2018
Petrol	133.7	126.7	116.5	112.0	116.9	128.2
Diesel	138.7	133.7	121.3	112.5	118.1	131.4

2.9 Other factors to take into account such as insurance and servicing costs are of course going to rise roughly in line with inflation. Officers have not had any feedback from the trade about hefty increases in these costs which would indicate a fare rise is required.

2.10 Fares for the surrounding boroughs are shown below for comparison.

	Runnymede	Woking	Spelthorne	Elmbridge	Surrey Heath	Windsor and Maidenhead	London
Pull off	£3.80	£3.10	£3.70	£3.85	£3.60	£2.80	£6 - £9.40
One Mile	£3.80	£4.60	£3.70	£3.85	£4.00	£3.80	As above
Two Miles	£6.50	£6.70	£6.20	£6.10	£6.30	£6.00	£9 - £14.60
Five Miles	£13.10	£13.00	£12.70	£12.85	£13.20	£10.40	4 miles £16-£23 6 miles £24-£31
Waiting	20p/35.3s	-	25p/40s	80p/120s	20p/40s	-	-

2.11 Relevant consideration such as the needs of the public, the expectation of paying a reasonable fare, availability and practicality have also been taken into account.

2.12 Officers are of the view that the information above concerning the survey response, the licensing fees, the cost of fuel, the CPI, relevant consideration such as the needs of the public, the expectation of paying a reasonable fare, availability and practicality, show a lack of demand and necessity for any fare increase next year.

3. Legal implications

3.1 Section 65 of the Local Government Miscellaneous Provisions Act 1976 permits local authorities to set fares for Hackney Carriages. The legislation also requires that proposed changes be published in a local newspaper and made available for viewing at the offices of the Council.

3.2 Further to this review of fares to be levied in 2019/20, as the Council proposes no changes to the current level of fares, there is no specific requirement to publish or advertise the fares for 2019/20 as it is neither making, fixing nor varying its fares from the current fares for 2018/19. A copy of the last fares to have been fixed by this Council remain deposited at the offices of the Council and shall at all reasonable hours be open to public inspection without payment.

4. **Conclusions**

4.1 The current fares are considered to be fair to both the trade and those who use hackney carriages and private hire services.

4.2 Members should note that the review structure for fares is within the policy, this a good example of the policy being used effectively to manage taxi licensing.

(To resolve)

Background papers

Office for National Statistics CPI charts

<https://www.ons.gov.uk/economy/inflationandpriceindices/timeseries/155o/mm23>

Automobile Association national fuel statistics

<http://www.theaa.com/driving-advice/driving-costs/fuel-prices>

Hackney Carriage and Private Hire Licensing Policy

<https://www.runnymede.gov.uk/article/14525/Apply-for-a-Hackney-Carriage-or-a-private-hire-driver-s-licence-as-a-new-applicant>

TABLE OF HACKNEY CARRIAGE FARES (With effect 3 June 2014)

IMPORTANT NOTE : The tariff in place at the time the hiring commences shall be the tariff for the whole of the hiring; taximeters are not to be calibrated to change rate mid-hire.

Rate 1	Daytime Rate - hiring between 6 am & 10 pm (except where rates 2, 3, or 4 apply)
1 st mile set charge £3.80 2 nd mile £2.70 pro rata Then £2.20 per mile (20p increments)	Any distance not exceeding 1609m (1 mile approx.) If the distance exceeds 1609m but not 3217m, for each subsequent 119m (130yds) or part thereof. If the distance exceeds 3217m (approx. 2 miles) for each subsequent 146m (159yds) or part thereof.
Waiting Time 20p	For each period of 35.3 seconds or part thereof
Rate 2	Sunday & Late Evening - hiring on Sundays or between 10 pm and midnight from Mondays to Saturdays inclusive (except where rates 3 or 4 apply)
1.25 x Rate 1 Set charge min. £4.75 2 nd mile £3.37 pro rata Then £2.75 per mile (20p increments)	Any distance not exceeding 1609m (1 mile approx.) If the distance exceeds 1609m but not 3217m, for each subsequent 95m (103yds) or part thereof. If the distance exceeds 3217m (approx. 2 miles) for each subsequent 117m (127yds) or part thereof.
Waiting Time 20p	For each period of 28.2 seconds or part thereof
Rate 3	Night & Holiday - hiring between midnight and 6 am and Bank Holidays.
1.5 x Rate 1 Set charge min. £5.70 2 nd mile £4.05 pro rata Then £3.30 per mile (20p increments)	Also between 6 pm and midnight on Christmas Eve and New Years Eve (except where rate 4 applies). If the distance exceeds 1609m but not 3217m, for each subsequent 79m (86yds) or part thereof. If the distance exceeds 3217m (approx. 2 miles) for each subsequent 98m (107yds) or part thereof.
Waiting Time 20p	For each period of 23.5 seconds or part thereof
Rate 4	Double Time Rate – hiring on Christmas Day, Boxing Day & New Years Day (double rate 1) from:- Midnight on 24 Dec to midnight on 26 Dec and Midnight on 31 Dec to midnight on 1 st Jan.
2 x Rate 1 Set charge min. £7.60 2 nd mile £5.40 pro rata Then £4.40 per mile (40p increments)	If the distance exceeds 1609m but not 3217m, for each subsequent 119m (130yds) or part thereof. If the distance exceeds 3217m (approx. 2 miles) for each subsequent 146m (159yds) or part thereof.
Waiting Time 40p	For each period of 35.3 seconds or part thereof
Supplementary Charges	
30p	For each person in excess of two
30p	For each package, or article of luggage conveyed outside the passenger compartment.
30p	For each animal
Free of Charge	For each assistance dog (e.g. guide dogs & hearing dogs)
£50.00	Discretionary Soiling Charge

Important : If the journey takes the cab outside the Borough of Runnymede, the driver **MUST** still charge in accordance with the above scales unless he or she has agreed otherwise with the hirer **before the journey has started.**

RBC 2018 Fare Review Survey

- 1 Is the fare structure is too complicated? Yes 5 No 9
- 2 Would you prefer a simpler fare structure with only 2 or 3 rates? Yes 6 No 7
- 3 Should hackney carriage fares be increased? Yes 4 No 9

*If you answered **yes** to 3 please complete the below questions.*

- 4 Should the enhanced rate of 1¼ (Rate 2) to be kept for working unsociable hours during evenings and/or weekends? Yes 5 No 6

If **yes** to above please answer these additional questions:-

4a Evenings Only 0 Weekends Only 0 Both 4

4b Evenings from 8pm 1 10pm 3 11pm 0

4c Weekends Saturday & Sunday 2 Sunday Only 1

4d If you **do not** wish to keep the enhanced evening rate of 1¼, would you prefer the night rate to start earlier? No 6 Yes, from 2300 0 Yes, from 2330 0

- 5 Should the 'pull off' rate to be kept at £3.80 Yes 6 No 5

Should the pull off rate be increased to **£3.90 and** the second mile at

£2.70 3 NO CHANGE (rates 2, 3, 4 and 5 being increased proportionately)

£2.80 1 (rates 2, 3, 4 and 5 being increased proportionately)

£2.90 1 (rates 2, 3, 4 and 5 being increased proportionately)

Please note that rates are calculated 'pro rata' so any increase in the 'pull off' or second mile rate would also affect rates 2, 3 and 4 proportionately.

- 6 Should the 'waiting rate' increase from 20p per 35.3 seconds Yes 5 No 6

If so **by** Pence (rates 2, 3, and 4 being increased proportionately)

- 7 Should supplementary charges (30p) - **Stay the Same** 8 increase to **40p** 0 **50p** 2

If you have any other comments or suggestion please place these below.

Coment 1 - A lot of our regulars seem to be satisfied as things are, I just think any increase would damage the trade at this present time.

Coment 2 - Rate of 1 1/4 (Rate 2) must apply like 9pm, There is no more jobs after 12 and very few after 9pm.

Coment 3 - Pull off 1st Mile should be £5.00 minimum fare £5.00.

Coment 4 - I think waiting time should go up by 100% from 20p to 40p.

Coment 5 - Any increase would only drive what little customers we have got left into the cars of uber and others outside of the area private hire cars who trade with impunity.

Coment 6 - Pull off £5 (for 1st Mile) No increase in fres, scrap rate 2/3 and 4.

Coment 7 - I don't believe HC charges should be increase as doing so would only make lives more difficult, whay with compation from UBER etc. we could do with a Rise but at this point in time I don't think it would be prudent to do so.

8. GAMBLING POLICY – THREE YEARLY REVIEW (ENVIRONMENTAL SERVICES)

Synopsis of report:

To present the revised Gambling Policy 2019 – 2022.

Recommendation to full Council:

- i) the revised Gambling Policy 2019 – 2022, as attached at Appendix 'D', be approved; and
- ii) the Environmental Health and Licensing Manager and Senior Licensing Officer be authorised to make any subsequent non-substantive administrative amendments to the Policy.

1. Context of report

- 1.1 The Gambling Act 2005 came into effect on 1 September 2007 and gave Local Authorities responsibility for a number of regulatory functions in relation to gambling.
- 1.2 The provisions of the Gambling Act 2005 require that the Council produces a Statement of Gambling Principles (the Policy) every three years. The form and content of the policy is prescribed by The Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.
- 1.3 The Gambling Commission's latest 'Guidance to Licensing Authorities' 5th edition was produced in September 2015 and this has been taken into account in drafting this review.
- 1.4 Runnymede's existing policy was approved by this Committee in June 2015 and is valid for the period 15 August 2012 to 30 January 2019. This includes a time extension (approved by this Committee in June 2018) which was necessary to realign the policy with the timescales set by the Gambling Commission.
- 1.5 The sequence of events for the introduction of the Policy for the period 31 January 2019 to 30 January 2022 was approved by this Committee on 26 June this year and would be as follows:-
 - Consultation 17 July to 9 October 2018
 - Regulatory Committee 13 November 2018
 - 1 January 2019 publish policy
 - 31 January 2018 policy comes into effect

2. Report

- 2.1 The draft 2019-2022 policy highlighting those areas of change from the existing 2015-2018 policy was presented to this Committee on 26 June this year. Following consultation the proposed policy for 2019-2022 is attached at Appendix 'D'. This contains those changes as highlighted on 26 June and an additional change as a result of the consultation.
- 2.2 As well as minor and administrative changes to the policy the main change relates to the Local Area Profile (LAP) and information relating to the operators Local Risk Assessment (LRA). Additional information has also been included in order to present a more informative policy based on the updated guidance from the Gambling Commission.

2.3 From 6th April 2016 the Gambling Commission's Licence Conditions and Codes of Practice required gambling premises operators to undertake a LRA taking into consideration the local information within the LAP. Licence holders must assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises. Operators will be expected to have policies, procedures and control measures in place to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy.

2.4 Summary of the main changes:

At page 6 of 39, the previous full description of Runnymede Borough within the body of the policy is now replaced with a LAP (Appendix 'E'); this is an online link from the policy to a separate document. This enables timely changes to the LAP to be made as and when changes occur or additional information is made available.

At pages 10 - 11, revised decision making information taking into account the latest 'guidance'.

At Page 11 'Premises ready for Gambling' – revised to take into account the latest 'guidance'.

At page 12, a fuller description of what is required in a LRA.

At pages 13 - 14, the revision of information relating to Premises licenses/ Multiple Licences/ Layout of Buildings taking into account the latest 'guidance'.

At page 15, the inclusion of information relating to mandatory and default conditions.

2.5 Consultation

2.6 The proposed policy includes many variances from the existing policy. Therefore, a twelve week consultation was carried out with all those listed at annex 2 and 3 of the policy. Consultation details were also placed on the Council's website.

2.7 One response was received in regards to the consultation; this was from Gosschalks solicitors who were acting for the Association of British Bookmakers, attached at Appendix F (highlighted section on page 68 of the appendix refers). They welcomed the Council's approach to Gambling and made two suggestions in relation to part 2.6 and 2.12 concerning conditions and restrictions on betting machines. These were sensible suggestions which helped clarify matters and have been included in the policy.

2.8 No negative responses were received.

Other matters for consideration

2.9 To assist in keeping the policy as up to date as possible Officers request delegated authority to make small administrative amendments to the policy when required without the need to refer the policy to this Committee for amendment. These would only be administrative amendments and not those affecting the reasoning of the policy.

3. **Legal implications**

3.1 Under section 349 of the Gambling Act 2005, a Licensing Authority must prepare and publish the policy they propose to apply in exercising their functions under the Act.

3.2 Prior to the policy coming into effect it must be advertised in accordance with the Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.

4. **Equality Implications**

4.1 The Council is required by the Equality Act 2010 to have due regard to the Council's Public Sector Equality Duties to eliminate discrimination and to consider how it may advance equality of opportunity and foster good relations between different groups and sectors of the community as they carry out their functions.

4.2 The Council's Gambling Policy has been drafted with Equalities issues being considered in the context of the licensing objectives and the LAP. Specifically relevant to people with protected characteristics is the Licensing objective to protect children and other vulnerable persons from being harmed or exploited by gambling. This engages the characteristics of age and potentially disability.

4.3 Members are referred to section 1.5.1 of the Policy which sets out how the authority intends to protect children and to section 2.3 concerning Local Risk Assessments, which take into account factors such as the location of premises and their proximity to schools, nurseries, childcare facilities, centres for the care of vulnerable adults and or children, including facilities for the disabled and residential areas with a high concentration of children or older persons, demonstrating that the Council has had due regard to Equalities issues throughout.

4.4 The LAP contains key demographic information for the borough with regard to the protected characteristics under the Equality Act 2010.

5. **Conclusions**

5.1 The revised policy sets out a document which includes small changes to legislation and the addition of further information to assist operators in complying with the Gambling Act 2005 and the promotion of the licensing objectives.

(To recommend to full Council)

Background papers

The Gambling Act 2005

<http://www.legislation.gov.uk/ukpga/2005/19/contents>

The Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.

<http://www.legislation.gov.uk/uksi/2006/636/made>

Gambling Commission Guidance issued in September 2015 (5th edition).

<https://www.gamblingcommission.gov.uk/PDF/GLA5.pdf>

Gambling Commission - Licence Conditions and Codes of Practice issued in January 2018.

<https://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice.pdf>

Gambling Act 2005

Runnymede Borough Council's Statement of Gambling Policy

31 January 2019 - 30 January 2022^{All}

references to the guidance of the Gambling Commission to licensing authorities refer to the guidance published in September 2015 (5th edition).

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1. Introduction

1.1 The Gambling Act 2005

1.1.1 General Statement of Principles

Runnymede Borough Council ('The Council') recognises the wide variety of premises which require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.

In carrying out its licensing functions the Council will have regard to any guidance issued by the Gambling Commission and the Gambling Commissions licence conditions and codes of practice.

The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation.

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

Where children and other vulnerable people are allowed access to premises where gambling takes place, the Council may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under-age gambling.

The Council will not normally seek to limit the access of children to any premises unless it receives representations to that effect or it believes it is right to do so for the prevention of their physical, moral or psychological harm.

Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

The overriding principle is that each application and the circumstances prevailing at each premise will be considered on their own individual merits.

1.1.2 The Functions of Licensing Authorities

The Gambling Act 2005 ('the Act') requires licensing authorities to carry out various regulatory functions relating to gambling.

Runnymede Borough Council is a licensing authority for the purposes of the Act.

The main functions of licensing authorities are:

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

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

1.1.3 The Licensing Objectives

The Gambling Act 2005 ('the Act') regulates almost all gambling that takes place in England and Wales except exempt gambling specified under the Act and the National Lottery which has its own legislation. Responsibility for administering and enforcing the legislation is split between the Gambling Commission and Licensing Authorities. Runnymede Borough Council ('the Council') is the licensing authority for the purposes of the Act.

The Act gives licensing authorities various regulatory functions in relation to gambling.

The main functions of licensing authorities are:

- Licensing premises for gambling activities;
- Considering notices given for the temporary use of premises for gambling;
- Granting permits for gaming and gaming machines in clubs and miners' welfare institutes;
- Regulating gaming and gaming machines in alcohol licensed premises;
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines;

- Granting permits for prize gaming;
- Considering occasional use notices for betting at tracks;
- Registering small societies' lotteries.

The Licensing Authority also has enforcement powers relating to these areas.

The Gambling Commission has responsibility for dealing with personal licences and operating licences.

There will be an overriding aim on the part of the Licensing Authority to regulate gambling in the public interest, and in doing so it will act in accordance with the following.

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

In relation to exercising their functions in connection with the licensing of premises for gambling purposes the Licensing Authority will act in accordance with section 153 of the Act. That requires that the Licensing Authority shall aim to permit the use of premises for gambling in so far as they think it is :

- a) in accordance with any relevant code of practice under section 24;
- b) in accordance with any relevant guidance issued by the Commission under section 25;
- c) reasonably consistent with the licensing objectives; - subject to paragraphs (a) and (b);
- d) in accordance with the statement published by the authority under section 349;- subject to paragraphs (a) to (c).

In addition, section 153(2) makes it clear that demand for the facilities to be provided at gambling premises cannot be taken into account in determining any application.

1.2 Local Area Profile

Runnymede Borough Council lies in north-west Surrey some twenty miles south-west of Central London. Total area is 7804 Hectares, of which 6078 Hectares are Green Belt. The Borough has three principal towns; these are Chertsey, Egham and Addlestone. Chertsey is a historic town with a famous abbey dating from Saxon times. While it retains its historic character, Chertsey is a thriving modern business centre. Egham lies close to the historic Runnymede Meadow, site of the sealing of Magna Carta in 1215. Several modern office and shopping developments have recently been built around its attractive pedestrianised centre. Addlestone is the Borough's youngest centre, having only grown into a town in the 19th century. It is now a busy commercial centre and home to Runnymede Borough Council. Addlestone is in the process of redevelopment with a new hotel, a quality shopping centre and cinema..

The Borough also contains a number of smaller villages and suburban centres including Virginia Water, Thorpe, Englefield Green, Egham Hythe, Woodham, New Haw, Ottershaw and Lyne. Its northern and eastern edges are formed by the rivers Thames and Wey, across which are the towns of Staines and Weybridge. In the North West the Borough contains part of Windsor Great Park, to the west it reaches the edge of Chobham Common and to the south extends almost to Woking. To assist licensees in making their Local Risk Assessment (LRA) Runnymede have completed a Local Area Profile. This is not a requirement under the Gambling Act 2005 but it is beneficial in terms of allowing operators to have a better awareness of the local area risks.

The Local Area Profile itself is a separate document from this policy, this enables timely changes to the profile to be made as and when changes occur or additional information is made available.

X:\WebContentAudit\Environment_content\Licensing_content\Review\Forms\Runnymede Borough Local Area Profile for the purposes of the Gambling Act 2005.pdf

A Map of Runnymede is set out at Annex 1

1.3 Consultation

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

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

A full list of consultees for the original policy is set out at Annexe 2.

The statement of policy will remain in force for no more than 3 years, but may be reviewed at any time.

1.4 Declaration

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

1.5 Responsible Authorities

These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:-

- The Gambling Commission
- The Police
- The Fire Service
- The local planning authority
- Environmental Health
- Child Protection Committee (see Section 1.5.1)
- HM Revenue and Customs
- A licensing authority in whose area the premises is situated

Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the Council will not generally take into account representations which are deemed to be irrelevant, for example:

- there are too many gambling premises in the locality
- the premises are likely to be a fire risk
- the location of the premises is likely to lead to traffic congestion
- the premises will cause crowds to congregate in one area causing noise and nuisance

Each representation will, however, be considered on its own individual merits.

The contact details of all the Responsible Authorities under the Act are available via the Council's website at www.runnymede.gov.uk and set out at Annexe 3.

1.5.1 Protection of Children

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

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

Having regard to the above principles, the Council designates the Surrey County Councils Children's Service 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. However, the following factors will be taken into account:

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

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

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

- trade associations;
- trade unions;
- residents and tenants associations;
- ward/ county/ parish councillors; and
- Member of Parliament whose constituency includes an interested party.

This list is not exhaustive and the Council may consider other bodies/ associations and 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. Information provided to the Council in connection with the Gambling Act may not be held confidentially if, in order to fulfil its functions, the Council is under a duty to share it with, for example:

- the Gambling Commission
- other public bodies, or
- legitimate consultees

In handling information it receives consideration will be given to guidance issued by the Gambling Commission and to the Council's duties in relation to General Data Protection Regulations and the Freedom of Information Act.

Any person wishing to obtain further information about their rights under the General Data Protection Regulations or the Freedom of Information Act 2000 may view the Licensing Authority's policies at www.runnymede.gov.uk.

1.8 Enforcement Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises, and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified. This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to licensing authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

In accordance with the Gambling Commission's Guidance to licensing authorities, this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, 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 principles

The main enforcement and compliance role for this licensing authority 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 shall have regard to the principles of “Better Regulation” as outlined by the Department for Business Innovation and Skills.

1.9 Reviews of Premises Licences

Requests for a review of a premises licence can be made by interested parties or responsible authorities (it should be noted that there is no mechanism to review any permit or notice). However, it is for the Licensing Authority to decide whether such a request will result in a review. Such a decision will be taken by considering, amongst other matters, the following:

- any relevant code of practice or guidance issued by the Gambling Commission;
- the licensing objectives;
- the Licensing Authority’s Statement of Policy;
- whether the request is considered frivolous, vexatious, or whether it will certainly not cause the authority to wish to alter or revoke or suspend the licence; and
- whether the request is substantially the same as previous representations or requests for a review.

The Licensing Authority, as the licensing authority, may also initiate a review of a premises licence. The purpose of such a review would be to determine whether the Licensing Authority, as the licensing authority, should take any action in relation to the licence.

Following a review, the actions open to the Licensing Authority are:

- add, remove or amend a licence condition imposed by the Licensing Authority;
- exclude a default condition imposed by the Secretary of State or Scottish Ministers or remove or amend such an exclusion;
- suspend the licence for any period not exceeding three months; and
- revoke the licence.

In considering what action, if any, should be taken following a review the Licensing Authority must have regard to the principles set out under section 153 of the Act as well as any relevant representations.

2. Premises Licences

2.1 Decision making - general

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

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy

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

Moral objections to gambling will not be considered by the Council, as they are not valid reasons for rejecting a Premises Licence application.

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.

This licensing authority also notes Gambling Commission guidance on Appropriate Licensing Environment (previously known as primary gambling activity).

It is not permissible for an operator to offer gaming machines on a premises which is licensed for non-remote betting but not to offer sufficient facilities for non-remote betting. A non-remote betting operating licence authorises its holder to 'provide facilities for betting' (s.65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for 'the provision of facilities for betting...' (s.150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (s.172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.

This authority notes the Commission's view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises.

Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings.

2.2 Premises ready for gambling - Consideration of planning permission and building regulations.

The Gambling Commissions Guidance to Licensing Authorities (5th edition) states that in determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be

satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. (Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence). This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. Part 11 of the Guidance gives more information about provisional statements.

2.3 Local Risk Assessments (LRA)

The location of premises may be relevant to the promotion of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern:

- schools, nurseries or childcare facilities
- Centres for the care of vulnerable adults or children including facilities for the disabled
- residential areas with a high concentration of children or older persons

The Gambling Commission has introduced provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. The introduction, during 2016, of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns.

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

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

Licensees are expected share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

It is expected that licensees will refer to the Licensing Authority's Local Area Profile when complying their risk assessments.

Under the code of practice, the requirement to share risk assessments with the Council is not mandatory; however, the Council will expect licensees to do this unless there are exceptional circumstances that are accepted by the Council and which would exempt a licensee from the requirement to share their risk assessment.

2.4 Premises licenses/ 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.

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

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

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

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

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

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

Casinos

- The principal entrance to the premises must be from a street (as defined at 7.23 of the Guidance).
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street (as per paragraph 7.23 Guidance to Licensing Authorities) or from other premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop itself is a licensed betting premises.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Para 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

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

2.5 Provisional Statements

Developers may wish to apply for a provisional statement before entering into a contract to buy or lease premises or land so that they can judge whether the development is worthwhile. There is no requirement for an applicant to hold an operating licence before applying for a provisional statement.

Section 204 of the Act provides that an applicant for a provisional statement must:

- expect the premises to be constructed; or
- expects it to be altered; or
- expects to acquire a right to occupy the premises.

2.6 Conditions

Conditions may be imposed upon a Premises Licence in a number of ways. These are

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

Conditions imposed by 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;
- Are fairly and reasonably related to the scale and type of premises; and
- Are reasonable in all other respects

The Council believes that mandatory and default conditions are under normal circumstances perfectly sufficient to ensure that operations are carried out in accordance with the licensing objectives. Additional conditions will be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.

The Council will not apply conditions upon a Premises Licence in relation to the following matters:

- 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 is required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes

2.7 Door Supervisors

It is not a mandatory requirement of the Act to impose a condition relating to door supervision.

However, if the Council do consider it necessary to impose a condition on a Premises Licence requiring the presence of door supervisors, such persons will be required to hold the appropriate licence from the Security Industry Authority (SIA).

This requirement does not apply to door supervisors at licensed casino or bingo premises, who are exempt from the licensing requirements of the Private Security Industry Act 2001.

The Council may however impose specific requirements on door supervisors at such premises if considered appropriate in an individual case.

The Council will only impose a condition requiring door supervisors where such a condition is considered necessary and proportionate to be compatible with the licensing objectives

2.8 Adult Gaming Centres

Persons operating an adult gaming centre must obtain an operating licence from the Commission and a Premises Licence from the Council. This will allow the operator to make category B (B3 and B4), C & D machines available to their customers. No one under the age of 18 is permitted to enter an adult gaming centre.

“Gaming machines” means “a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes).”

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

Applicants are encouraged to consider the following steps:

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

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

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 category C & D machines available to their customers.

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. Where category C machines are available in licensed family entertainment centres the Council will normally require that:

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

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

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

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

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

2.10 Travelling Fairs

It will fall to the Council to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Council will also consider whether the applicant falls within the statutory definition of a travelling fair. It has been noted that the 27 day statutory maximum for the land being used as a fair is per calendar year, 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.

2.11 Casinos

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

2.12 Betting Premises

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.

The Council may, in accordance with section 181 of the Act, restrict the number of betting machines, their nature, and the circumstances in which those machines are made available for use. When considering whether to impose such a condition, the Council will take into account the following: -

- the size of the premises;
- the number of counter positions available for person-to-person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people

The Council will therefore expect applicants to have fully considered these issues in their application and may ask for alterations to plans where it is not satisfied that adequate supervision of the machines can be ensured.

The Council will only restrict the number of machines where there is evidence that to do so would render an application that is otherwise inconsistent with the licensing objectives reasonably consistent with the licensing objectives.

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.

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.

Premises that might be suitable for Temporary Use Notices would include hotels, conference centres and sporting venues. The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence.

If objections are received to a temporary use notice (from the Police, Gambling Commission, HM Revenues & Customs or any other licensing authority in whose area the premises are

situated, the Council will hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

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

3. Permits

3.1 Unlicensed Family Entertainment Centre gaming machine permits

Paragraph 3.1 constitutes a Statement of Principles in accordance with paragraph 7 of Schedule 10 of the Act.

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.

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

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits.

The policies and procedures are expected to include:

- What staff should do if they suspect that truant children are on the premises
- How staff should deal with unsupervised young children on the premises
- How staff should deal with children causing perceived problems on or 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);
- That staff are trained to have a full understanding of the maximum stakes and prizes

3.2 Alcohol Licensed Premises Gaming Machine Permits

Premises licensed to sell alcohol for consumption on the premises, can automatically have 2 gaming machines, of categories C and/or D. The holder of a **Premises Licence under the Licensing Act 2003**, authorising the sale of alcohol, will simply need to notify the Council, and pay the prescribed fee.

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

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

If a premises wishes to have more than 2 machines, then the holder of the Premises Licence will need to apply for a permit. The Council shall consider that application having regard to the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

The Council shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, 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 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 will also need to be considered.

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

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

The Council may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. The Council will not attach any other conditions in granting such an application.

The holder of such a permit will be required to comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3.3 Prize Gaming Permits

Applicants for prize gaming permits should set out the types of gaming that they intend to offer. The applicant will be required to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

In making its decision on an application for this type of permit the Council does not need to have regard to the licensing objectives but will 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 may grant or refuse an application for a permit, but will not attach any conditions. However, there are 4 conditions in the Act that permit holders must comply with. These are:

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

3.4 Club Gaming and Club Machine Permits

Members clubs (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B4, C or D), equal chance gaming and games of chance.

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit, which will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.

The Council may conduct a visit to the premises in advance of granting a permit.

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

3.5 Cancellation of Permits

3.5.1 Gaming / Machine Permits

The authority is able to cancel a permit. It may do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels an authority must notify the holder giving 21 days' notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed.

3.5.2 Club Gaming / Club Machine Permits

Decisions relating to the cancellation of a Club Gaming or Club Machine Permit may not be made by an officer of the authority. Such decisions shall be dealt with by the Regulatory Committee.

3.5.3 Alcohol Licensed Premises Permits

In the event of representations being received against a notice of cancellation, the matter will be determined by a licensing sub-committee. Where no representations have been received, or if they have been received but have been subsequently withdrawn, then the final decision may remain with an Officer of the Council.

4. Small Local Society Lotteries

4.1 Small Society Lottery Registrations

A Small Society Lottery is a lottery that is promoted on behalf of a non-commercial society (such as a charity or similar non-profit making organisation) to raise funds for any of the purposes for which the society or organisation is set up.

Small Society Lotteries do not require a licence but must be registered with the licensing authority in the area where the society's principle premises is situated. An application to register a Small Society Lottery should be on the relevant application form, available from the website given below, and accompanied by any necessary documents and the appropriate fee. The maximum prize per ticket in either money or monies worth is £25,000.

In determining whether to grant or renew a small society lottery registration, the Licensing Authority will have regard to the Guidance to Local Authorities issued by the Commission. Societies may wish to refer to the relevant section of the Licensing Authority's website www.runnymede.gov.uk for full details on how to register and maintain small society lottery registrations. It also details the steps that promoters have to take to comply with the legislation.

5. Exempt Gambling

The Licensing Authority has no control over Gambling in these circumstances, provided the specific requirements are complied with and any limits on stakes and prizes are observed.

5.1 Non-commercial gaming

There are two types of non-commercial gaming allowed: non-commercial prize gaming and non-commercial equal chance gaming. Neither of these require any authorisation provided the maximum stakes and prizes are not exceeded. In each case the gaming can be incidental to another activity, or the activity itself. It must be non-commercial which means there must be no private profit or gain. However, the proceeds of such events may benefit an organisation, group or one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes;
- to enable participation in, or support of, sporting, athletic or cultural activities.

5.2 Non-commercial prize gaming

In this case, the prize should be determined in advance and not be dependent on the number of players or monies staked. The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track).

This can include casino nights and race nights.

5.3 Non-commercial equal chance gaming

In this case, the stakes per player cannot exceed £8. In addition, the aggregate value of prizes in all games played at a single event cannot exceed £600 (but if the event is the final one of a series in which all of the players have previously taken part, a higher prize fund of up to £900 is allowed). The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track).

This can include casino nights and race nights.

5.4 Private Gaming

This covers situations where the public are not admitted to the gaming. This includes residential and domestic premises and workplaces.

This can include casino nights and race nights.

5.5 Domestic gaming

Non-equal chance gaming can be played in private dwellings on domestic occasions provided no participation charge is made.

5.6 Residential gaming

Non-equal chance gaming can be played in hostels or halls of residence provided at least 50% of the participants are residents.

5.7 Non-commercial and private betting

This is betting in domestic premises or workplaces. In domestic premises the participants must habitually reside there, and for workers betting the participants must be employed by the same employer.

5.8 Incidental non-commercial lottery

These can take place as an incidental activity at another non-commercial event, e.g. a raffle at a dinner or a tombola at a garden party. No registration or permission is required provided the following requirements are met.

- Tickets can only be sold on the premises where the event takes place to people present and while the event is taking place;
- The draw must take place at the event and the results must be announced while the event is taking place;
- No rollovers are allowed;
- The maximum deduction allowed for prizes from the proceeds is £500; and
- The maximum deduction allowed for organising costs from the proceeds is £100.

5.9 Exempt gambling in pubs

Various types of gambling can take place in premises that are licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises and which have a bar at which alcohol is served to customers, but this does not apply where the sale of alcohol can only take place as being ancillary to the sale of food.

5.10 Equal chance gaming in pubs

Equal chance gaming up to specified limits on stakes and prizes can take place, and this includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

The following requirements have to be met:

- The maximum stakes and prizes for each type of game must not be exceeded (£5 maximum stake for any game of chance except poker, dominoes and cribbage. For poker the maximum stake is £5, a daily maximum of £100 in aggregate stakes cannot be exceeded and the maximum prize limit is £100. There are no limits on stakes and prizes for dominoes or cribbage);
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice;
- No participation fees can be charged and no levy taken from stakes or prizes;
- The games cannot be linked to any other games in other premises; and
- Nobody under 18 years old can take part.

5.11 Bingo in pubs

Low-turnover bingo where the aggregate of stakes and prizes in a seven day period does not exceed £2000 can take place.

5.12 Exempt gambling in Clubs

There are two types of club for the purposes of the Act: members' clubs (including miners' welfare institutes) and commercial clubs. Generally speaking the club must be established for purposes other than gaming, but there is an exception for bridge or whist clubs. The exempt gaming that can take place differs according to the type of club. If a club has a club gaming permit, additional games and higher stakes and participation fees apply (see paragraph 3.4 above)

5.13 Equal chance gaming in clubs

Equal chance gaming with no specified limits on stakes and prizes (except for poker) can take place. The following requirements have to be met:

- Only club members (who have been members for at least 48 hours) or a bona fide guest of a member can participate;

- Except for poker, there is no maximum stake or prize;
- For poker there is a £10 maximum stake, a daily maximum of £250 in aggregate stakes and a seven day maximum of £1000 in aggregate stakes cannot be exceeded, and the maximum prize limit is £250;
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice;
- A maximum participation fee of £1 can be charged but no levy taken from stakes or prizes (however if the games are bridge or whist, on a day when no other gaming is permitted, participation fees of up to £18 per person can be charged);
- The games cannot be linked to any other games in other premises; and
- Nobody under 18 years old can take part.

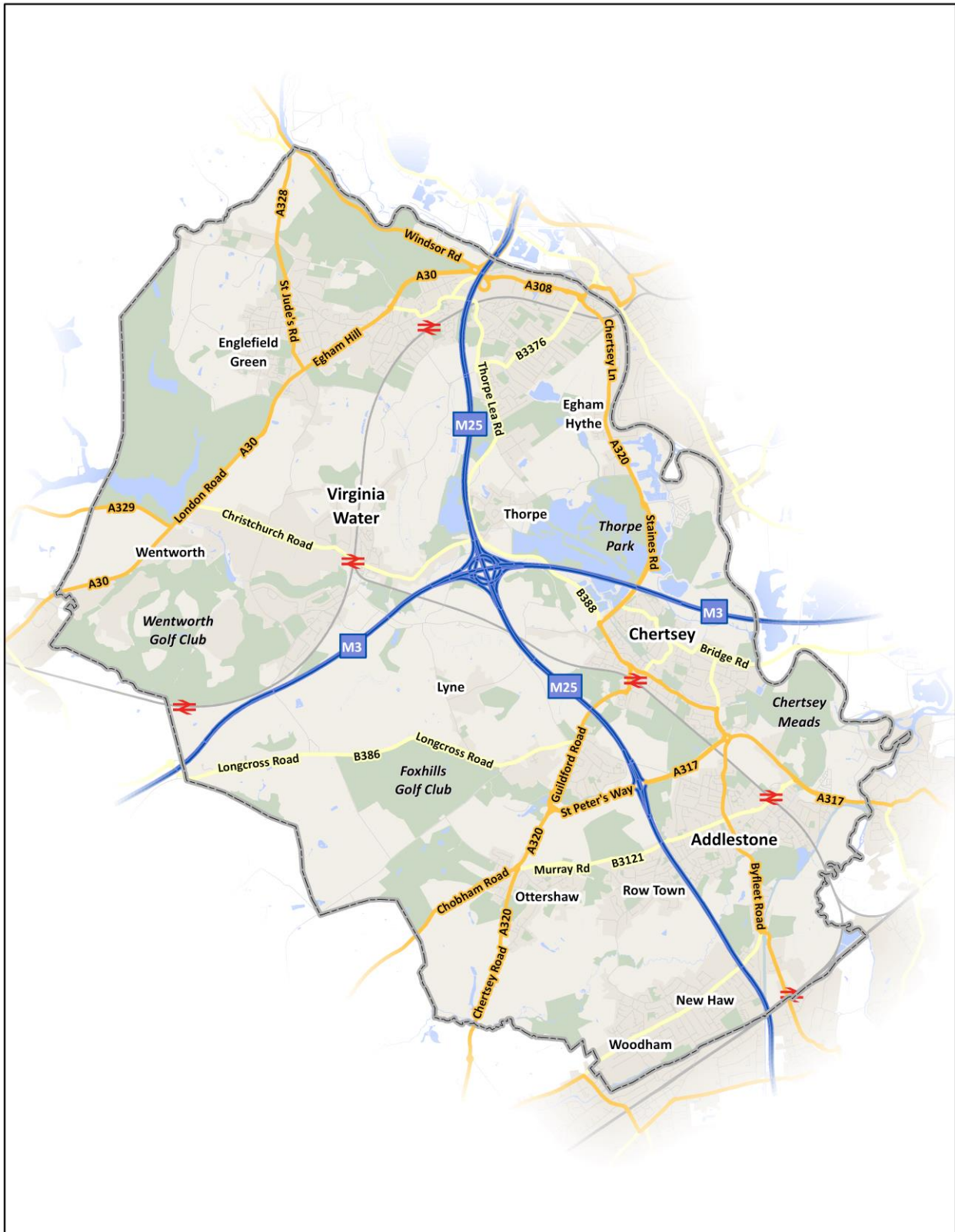
5.14 Bingo in clubs

Low-turnover bingo where the aggregate of stakes and prizes in a seven day period does not exceed £2000 can take place in all types of club.

5.15 Bridge and Whist clubs

Unlimited stakes bridge or whist can be played. In addition participation fees (up to £18) can be charged.

ANNEXE 1 – MAP OF RUNNYMEDE



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ANNEXE 2
LIST OF CONSULTEES FOR ORIGINAL POLICY

<p>PERSONS OR BODIES REPRESENTING THE INTERESTS OF THOSE CARRYING ON GAMBLING BUSINESSES IN THE BOROUGH:</p> <ul style="list-style-type: none"> • Association of British Bookmakers • Association of Licensed Multiple Retailers • British Amusement Catering Trade Association • British Beer & Pub Association • British Institute of Innkeeping • Federation of Licensed Victuallers Associations • GamCare • HM Revenue & Customs • Remote Gambling Association • Rugby Football Union • Runnymede Borough Council, Older People Services • The Football Association • The Gambling Commission • Working Men's Club & Institute Union <p>-----</p> <p>PERSONS OR BODIES REPRESENTING THE INTERESTS OF THOSE WHO ARE LIKELY TO BE AFFECTED BY THE EXERCISE OF THE AUTHORITY'S FUNCTIONS:</p> <ul style="list-style-type: none"> • All Elected (Ward) Councillors, Runnymede Borough Council • All "Responsible Authorities" as defined under the Gambling Act • All departments within Runnymede Borough Council • Alcoholics Anonymous 	<ul style="list-style-type: none"> • Citizens Advice Bureau • Gamblers Anonymous • Government organisations (Department for Communities & Local Government LGR, LGA) • North Surrey Primary Care Trust • North West Surrey Magistrates Court • Responsibility in Gambling Trust • Runnymede Mind (MHA) • Samaritans (Addlestone Branch) • Surrey Alcohol & Drug Advisory Service • Surrey Chamber of Commerce • Surrey Child Protection & Independent Review Unit • Surrey Law Centre • Surrey Libraries • Surrey Trading Standards • Surrey Youth Offending Team (East & West Branches) • The Engage Project • The Salvation Army • Trinity Mirror Southern Group <p>-----</p> <p>NEIGHBOURING, COUNTY & DISTRICT COUNCILS:</p> <ul style="list-style-type: none"> • Elmbridge Borough Council • Royal Borough Of Windsor & Maidenhead • Spelthorne Borough Council • Surrey Heath Borough Council • West Berkshire Council • Woking Borough Council <p>-----</p> <p>CURRENT HOLDERS OF LICENSES, PERMITS etc. IN RUNNYMEDE:</p> <ul style="list-style-type: none"> • Representatives of Premises Licence holders with section 34 gaming permits (including Breweries that hold Premises Licences for premises that sell alcohol) • Representatives of Qualifying Clubs with Club Premises Certificates
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Note: This list is not intended to be exhaustive. Comments and observations were welcomed from anyone affected by this policy. Should you have any comments in respect of this policy statement please send them via e-mail or letter to the following contact:

Robert Smith, Senior Licensing Officer
Runnymede Licensing,
Runnymede Borough Council,
Runnymede Civic Centre,
Station Road,
Addlestone,
Surrey,
KT15 2AH
Tel: 01932 425711
e-mail: robert.smith@runnymede.gov.uk
e-mail: licensing@runnymede.gov.uk

ANNEXE 3

SCHEDULE OF RESPONSIBLE AUTHORITIES

For the purposes of the Act, Responsible Authorities are public bodies that must be notified of all applications and who are entitled to make representation in relation to Premises

Runnymede Licensing
Runnymede Borough Council,
Runnymede Civic Centre, Station Road,
Addlestone, Surrey, KT15 2AH
01932 425711

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham, B2 4BP
0121 230 6666

Surrey Police
PO Box 101,
Guildford,
Surrey
GU1 9PE

Surrey Fire & Rescue Service
Headquarters,
Croydon Road
Reigate,
Surrey
RH2 0EJ

Head of Planning
Runnymede Planning Department
Runnymede Borough Council,
Runnymede Civic Centre, Station Road,
Addlestone, Surrey, KT15 2AH
01932 425240

Environmental Health and Licensing
Manager
Environmental Health Department
Runnymede Borough Council,
Runnymede Civic Centre, Station Road,
Addlestone, Surrey, KT15 2AH
01932 425734

Surrey County Council – Child Employment

Quadrant Court
35 Guildford Road
Woking, Surrey GU22 7QQ
0300 200 1006

HM Revenue & Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow, G2 4PZ
0845 010 9000

Authorities for Vessels:

- Navigation Authority
- The Enforcement Agency
- The British Waterways Board
- The Secretary of State

ANNEXE 4 – COUNCIL’S SCHEME OF DELEGATION FOR ITS FUNCTION UNDER THE GAMBLING ACT 2005

Matter to be dealt with	Full Council	Regulatory Committee	Officers
Three year licensing policy	√		
Policy not to permit casinos	√		
Fee Setting – when appropriate	√ (after recommendation from Regulatory Committee)		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representation have been withdrawn
Application for variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representation have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received from the Commission
Review of a premises licence		√	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received from the Commission
Cancellation of club gaming/club machine permits		√	

Applications for other permits			√
Cancellation of licensed premises gaming machine permits		Where permit holder requests a hearing	Where permit holder does not choose to have representations considered
Consideration of temporary use notice		√ (where representations are received)	√ (where no representations are received)
Decisions to give a counter notice to a temporary use notice		√	

ANNEXE 5 – GLOSSARY OF TERMS

Admissible Representations: - representations submitted by a Responsible Authority or Interested Party.

Authorised Local Authority Officer: - a Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.

Authorised Person: - a licensing officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:

- Inspectors appointed under the Fire Precautions Act 1971;
- Inspectors appointed under the Health and Safety at work, etc. Act 1974;
- Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995; &
- A person in a class prescribed in regulations by the Secretary of State.

Automated Roulette Equipment: - equipment that is either linked to a live game of chance, e.g. roulette, or plays live automated games, i.e. operates without human intervention.

Automatic Conditions: - conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.

AWP machines: - Amusement with Prize Machines

BACTA: - the British Amusement Catering Trade Association

Betting Intermediary: - someone who offers services via remote communication, such as the internet.

Betting Ring: - an area that is used for temporary 'on course' betting facilities.

Bingo: - a game of equal chance.

Casino: - an arrangement whereby people are given an opportunity to participate in one or more casino games.

Casino Games: - games of chance that are not equal chance gaming.

Casino Premises Licence Categories: - regional, large, small, casinos permitted under transitional arrangements.

Casino Resolution: - resolution concerning whether or not to issue Casino Premises Licences.

Child: - an individual who is less than 16 years old.

Christmas Day Period: - the period of 24 hours from midnight on 24 December.

Club Gaming Machine Permit: - a permit to enable the premises to provide gaming machines (three machines of Categories B, C or D)

Club Gaming Permit: - a permit to enable the premises to provide gaming machines (three machines of Categories B C or D), equal chance gaming and games of chance.

Complex Lottery: - an arrangement where:

- Persons are required to pay to participate in the arrangement;
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class;
- The prizes are allocated by a series of processes; and
- The first of those processes relies wholly on chance.

Conditions: - conditions to be attached to licences by way of:

- Automatic provision
- Regulations provided by Sec. Of State
- Conditions provided by Gambling Commission
- Conditions provided by Licensing Authority
- Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence,

Customer Lotteries: - lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.

Default Conditions: - conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

Delegated Powers: - decisions delegated by the Licensing Authority either to a Licensing Committee, Sub-Committee or Licensing Officers.

Disorders: - in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.

Domestic Computer: - one used for in a residential property for private, non-commercial purposes and is exempt from a Gaming Machine Permit.

Dual Use Computer: - definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.

Equal Chance Gaming: - games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants

EBT: - Electronic Bingo Ticket Minder consisting of electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.

Exempt Lotteries: - lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:

- Small Society Lottery (required to register with Licensing Authorities)
- Incidental Non Commercial Lotteries
- Private Lotteries
- Customer Lotteries

External Lottery Manager: - an individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

Fixed Odds Betting: - general betting on tracks.

Gaming: - prize gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming and where the prizes

are determined by the operator before the play commences.

Gaming Machine: - a machine used for gambling under all types of gambling activity, including betting on virtual events.

Guidance to Licensing Authorities: - guidance issued by the Gambling Commission dated May 2009.

Human Rights Act 1998: - Articles 1, 6, 8 and 10

Article 1: Protocol 1 – the right to peaceful enjoyment of possessions

Article 6: - the right to a fair hearing

Article 8: - the right of respect for private and family life

Article 10: - the right to freedom of expression

Inadmissible Representation: - a representation not made by a Responsible Authority or Interested Party.

Incidental non-commercial lottery: - a lottery that is run as an additional amusement at non-commercial events with tickets only sold and drawn during the event, such as a raffle at a dance, bazaar etc.

Information Exchange: - exchanging of information with other regulatory bodies under the Gambling Act.

Interested Party: - a person who in the opinion of the Licensing Authority

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- Has business interests that might be affected by the authorised activities, or
- Represents persons above, including Trade Associations, Trade Unions, Residents and Tenants Associations where they can demonstrate that they represent such persons.

In determining if a person lives or has business interests sufficiently close to the premises, the following factors will be considered: -

- The size and nature of the premises to be licensed.
- The distance of the premises from the location of the person making the representation.
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment).
- The nature of the complaint, i.e. not the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises.
- The catchment area of the premises (i.e. how far people travel to visit).
- Whether the person making the representation has business interests that might be affected in that catchment area.

Irrelevant Representations: - representations that are vexatious, frivolous or will certainly not influence the authority's determination of the application.

Large Lottery: - where the total value of tickets in any one lottery exceeds £20,000 or tickets in separate lotteries in one calendar year exceeds £250,000. This type of lottery requires an operating Licence from the Gambling Commission.

Licensed Lottery: - large society lotteries and lotteries run for the benefit of local authorities will require operating licences to be issued by the Gambling Commission.

Licensing Objectives: - there are three objectives

- 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; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Live Gambling: - gambling on a live game as it happens.

Lottery: - an arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.

Lottery Tickets: - every lottery must have tickets for each chance

- Identifying the promoting society
- Stating the price of the ticket, which must be the same for all tickets
- Stating the name and address of the member of the society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and
- Stating the date of the draw, or sufficient information to enable the date of the draw to be determined.

Mandatory Conditions: - conditions that must be attached to a Premises Licence, to a class of Premises Licence or licences for specified circumstances.

Members Club: - a club must have at least 25 members, be established and conducted 'wholly or mainly' for purposes other than gaming, be permanent in nature, not established to make commercial profit and controlled by its members equally.

Non-commercial event: - an event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.

Non-commercial society: - a society established and conducted for charitable purposes; for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or for any other non-commercial purpose other than that of private gain.

Occasional Use Notice: - a notice that may only be issued in respect of a track, that permits betting on a track without the need for a Premises Licence and which only the person

responsible for administration of events on the track or the occupier of the track may issue.

Off Course Betting: - betting that takes place other than at a track, i.e. at a licensed betting shop.

Off Course Betting: - betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those

taking place on the track. Normally operate only on race days.

On Course Betting: - betting that takes place on a track while races are taking place.

Operating Licence: - a licence issued by the Gambling Commission to permit individuals and companies to provide facilities for certain types of gambling, including remote or non remote gambling.

Permit: - an authorisation issued by the Licensing Authority to provide gambling facilities where the stakes and prizes are low or gambling is not the main function of the premises.

Personal Licence: - a licence issued by the Gambling Commission to individuals who control facilities for gambling or are able to influence the outcome of gambling.

Pool Betting (Tracks): - pool betting may only be offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.

Premises: - 'any place' including anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water, a hovercraft or anything or any place situated on or in water. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.

Premises Licence: - a licence issued by the Licensing Authority to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres where an operator's licence and personal licence have been issued by the Gambling Commission. A licence is restricted to one premises only but one set of premises may have separate licences issued in respect of different parts of the building.

Private lottery: - there are three types of private lottery

- Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society
- Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises
- Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises

Prize Gaming: - gaming in which the nature and size of the prize is not determined by the number of players or the amount paid for or raised by the gaming, the prizes having been determined before play commences, e.g. bingo with non-cash prizes. (NB: bingo with cash prizes and that carried on in commercial bingo halls will need to be licensed by the Gambling Commission; prize gaming does not include gaming by use of gaming machines.)

Prize Gaming Permit: - a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specific premises.

Provisional Statement: - an application to the Licensing Authority in respect of premises that are

- Expected to be constructed
- Expected to be altered
- Expected to acquire a right to occupy

Relevant Representations: - representations that relate to the Gambling Licensing Objectives, the Gambling Commission's Guidance, the Codes of Practice.

Responsible Authorities: - public bodies for the area in which the premises are mainly or wholly situated

- Licensing Authority in whose area the premise is partly or wholly situated
- Chief Officer of Police
- Fire & Rescue Service
- Planning Authority
- Environmental Health (related to pollution and harm to human health)
- Body competent to advise on protection of children from harm, i.e. Children & Young Peoples' Service
- Authority in relation to vulnerable adults
- Navigation Authority whose statutory functions are in relation to waters where a vessel is usually moored or berthed
- Environment Agency
- British Waterways Board
- Maritime & Coastguard Agency
- HM Revenue & Customs
- Gambling Commission

Simple Lottery: - an arrangement where

- Persons are required to pay to participate in the arrangement
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class and • The prizes are allocated by a process which relies wholly on chance.

SWP: - a Skills-with-Prizes machine

Skills with Prizes machine: - a machine on which the winning of a prize is determined only by the player's skill and there is no element of chance. SWPs are unregulated.

Small Lottery: - where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

Small Society Lottery: - a lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

Small Operations: - independent on course betting operators with only one or two employees or a bookmaker running just one shop.

Statement of Principles: - matters the Licensing Authority may publish in the Statement of Licensing Principles that they intend to apply when considering an applicant's suitability in applications for permits for unlicensed family entertainment centres and prize gaming.

Temporary Use Notice: - a notice that may be issued in respect of a set of premises where there is no premises licence, but where a person or company holding an operating licence relevant to the proposed temporary use of premises wishes to use the premises temporarily for providing facilities for gambling.

Travelling Fair: - a fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.

Vehicles: - includes trains, aircraft, sea planes and amphibious vehicles other than hovercraft.

Vessel: - anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything or part of any place situated on or in water.

Virtual Betting: - gambling by machine that takes bets on virtual races, i.e. images generated by computer to resemble races or other events.

Vulnerable Persons: - no set definition but likely to mean group to include people who gamble more than they want to, people who gamble beyond their means; people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

Young Person: - an individual who is over 16 years of age but who is under 18 years of age.

Runnymede Borough Local Area Profile for the purposes of the Gambling Act 2005

Runnymede Borough Council lies in north-west Surrey some twenty miles south-west of Central London. Total area is 7804 Hectares, of which 6078 Hectares are Green Belt. The Borough has three principal towns; these are Chertsey, Egham and Addlestone. Chertsey is a historic town with a famous abbey dating from Saxon times. While it retains its historic character, Chertsey is a thriving modern business centre. Egham lies close to the historic Runnymede Meadow, site of the sealing of Magna Carta in 1215. Several modern office and shopping developments have recently been built around its attractive pedestrianised centre. Addlestone is the Borough's youngest centre, having only grown into a town in the 19th century. It is now a busy commercial centre and home to Runnymede Borough Council. Addlestone is in the process of redevelopment with a new hotel, a quality shopping centre and cinema.

The Borough also contains a number of smaller villages and suburban centres including Virginia Water, Thorpe, Englefield Green, Egham Hythe, Woodham, New Haw, Ottershaw and Lyne. Its northern and eastern edges are formed by the rivers Thames and Wey, across which are the towns of Staines and Weybridge. In the North West the Borough contains part of Windsor Great Park, to the west it reaches the edge of Chobham Common and to the south extends almost to Woking. At the time of the 2011 Census there were around 34,206 households in the Borough, accommodating a population of 80,510

Key demographic statistics related to the population of Runnymede can be seen below.

	Runnymede	South East region	England
2011 Population: All Usual Residents	80,510	8,634,750	53,012,456
2011 Population: Males	39,148	4,239,298	26,069,148
2011 Population: Females	41,362	4,395,452	26,943,308
2011 Age Structure: 0-17 years	19.3%	21.5%	21.4%
2011 Age Structure: 18-44 years	38.7%	35.2%	36.9%
2011 Age Structure: 45-64 years	25.2%	26.1%	25.4%
2011 Age Structure: 64+ years	16.8%	17.1%	16.4%
Mean Age	39.7	40.0	39.3

2011 Density (number of persons per hectare)	10.3	4.5	4.1
All Households	32,714	3,555,463	22,063,368
All households who owned their accommodation outright	33.1%	32.5%	30.6%
All households who owned their accommodation with a mortgage or loan	36.4%	35.1%	32.8%
Very Good Health	51.3%	49%	47.2%
Good Health	34.1%	34.6%	34.2%
Day-to-Day Activities Limited a Lot	5.9%	6.9%	8.3%
Economically Active; Employee; Full-Time	41.3%	40.4%	38.6%
Economically Active; Employee; Part- Time	12.1%	13.8%	13.7%
Economically Active; Self-Employed	10.7%	11%	9.8%
Economically Active; Unemployed	2.7%	3.4%	4.4%
People aged 16 and over with 5 or more GCSEs grade A-C, or equivalent	14.4%	15.9%	15.2%
People aged 16 and over with no formal qualifications	18.3%	19.1%	22.5%

The average age of people in Runnymede is 40, while the median age is lower at 39.80.2% of people living in Runnymede were born in England. Other top answers for country of birth were 1.4% Scotland, 1.2% India, 1.1% United States, 1.1% Wales, 1.0% Ireland, 1.0% South Africa, 0.8% China, 0.7% Philippines, 0.4% South America. 91.9% of people living in Runnymede speak English. The other top languages spoken are 0.8% All other Chinese, 0.7% Polish, 0.5% Spanish, 0.4% Tagalog/Filipino, 0.4% Italian, 0.4% French, 0.3% Portuguese, 0.3% German, 0.3% Russian.

The religious make up of Runnymede is 63.4% Christian, 23.4% No religion, 1.9% Muslim, 1.5% Hindu, 0.7% Sikh, 0.6% Buddhist, 0.3% Jewish, 0.1% Agnostic

Key statistics related to the borough of Runnymede are shown below.

	Runnymede Values	Surrey Rank	Surrey Average	Surrey Local Authority Lowest/ Worst	Surrey Local Authority Highest/ Best
▶ HOUSING, INFRASTRUCTURE AND ENVIRONMENT					
1. Persons per hectare DataSet, 2015	10.97	6 (11)	7.03	3.33	23.17
2. % of social housing Calendar Year, 2016	13%	2 (11)	12%	8%	14%
▶ ECONOMY					
3. Index of Multiple Deprivation average score Indices of Deprivation (3 years), 2015	10.94	10 (11)	9.46	13.19	7.07
4. % of population aged 16-64 claiming working age benefits Calendar Quarter, 2016 Q4 (Oct-Dec)	5.7%	5 (11)	6.1%	7.4%	5.4%
5. % of adults with no or low qualifications 2011 Census	26.6%	10 (11)	22.8%	30.9%	17.7%
▶ HEALTH AND WELLBEING					
6. Male life expectancy - years 3 Year Pooled Data, 2012-2014	81.6	6 (11)	81.7	80.7	82.6
7. Female life expectancy - years 3 Year Pooled Data, 2012-2014	84.3	7 (11)	84.6	83.7	85.7
8. Rates of premature deaths (aged under 75) 5 Year Pooled Data, 2008 - 2012	84.4	10 (11)	77.4	89.0	71.8
9. % of people with a limiting long-term illness (all) 2011 Census	13.9%	6 (11)	13.5%	14.9%	12.1%
10. % of people with Long Term illness or disability with day to day activities limited a lot 2011 Census	5.9%	7 (11)	5.7%	6.4%	5.1%
▶ CHILDREN AND YOUNG PEOPLE					
11. % of children living in poverty - all Children Calendar Year, 2014	11.8%	10 (11)	9.6%	13.7%	7.4%
12. % of pupils achieving 5+ A*-C (inc Eng & Maths), GCSE or equivalent 3 Year Pooled Data, 2009-2011	59.4%	8 (11)	61.4%	53.4%	67.0%
13. No of young people Not in Education, Employment or Training (NEET) Month, Mar 2013	60	3 (11)	89	141	57
14. Child well-being index Indices of Deprivation (3 years), 2009 CWI	80.55	8 (11)	71.79	101.20	50.77
15. Average number of children per household 2011 Census	1.74	10 (11)	1.79	1.72	1.84
▶ SAFER AND STRONGER COMMUNITIES					
16. Number of recorded notifiable offences (crime), per 1000 of population Month, May 2017	6.28	11 (11)	5.30	6.28	3.56
17. Number of recorded incidents of anti-social behaviour, per 1000 of population Month, May 2017	2.37	9 (11)	2.00	2.50	1.62

47.6% of people are married, 10.6% cohabit with a member of the opposite sex, 0.7% live with a partner of the same sex, 25.6% are single and have never married or been in a registered same sex partnership, 7.9% are separated or divorced. There are 3,889 widowed people living in Runnymede.

The top occupations listed by people in Runnymede are Professional 18.9%, Associate professional and technical 14.4%, Managers, directors and senior officials 13.4%, Administrative and secretarial 12.4%, Skilled trades 10.5%, Corporate managers and directors 9.3%, Elementary 9.1%, Caring, leisure and other service 9.0%, Administrative 8.8%, Elementary administration and service 8.5%.

Runnymede has a strong local economic base with many commercial enterprises in the town centres, industrial estates and business parks. Its proximity to Heathrow and the Terminal 5 make Runnymede a highly desirable business location. The local economy, in common with the rest of Surrey, is dominated by the service sector, which employs some 83% of the workforce while manufacturing accounts for just 5%. The Borough is a draw for tourism, with attractions such as the River Thames, the site of Magna Carta and Thorpe Park bringing a great number of visitors to Runnymede every year, who are offered a range of high quality hotel accommodation throughout the Borough.

The Borough has excellent access to the M25/M3/M4 and good rail links to London and the West. Heathrow Airport is a short distance from the Borough and is a key reason for many international companies locating HQs in the area.

Royal Holloway University of London (RHUL) is situated near Egham in the north of the borough and its students make a significant contribution to the local economy. Royal Holloway is one of the UK's leading research-intensive universities, with 19 academic departments spanning the arts and humanities, sciences, social sciences, management and economics. It has over 8,600 students from more than 100 countries and employs around 2,300 staff.

There are twelve betting shops and one Family Entertainment Centre in Runnymede.

There are 44 licensed premises in the borough with gaming machines and there are 47 registered lotteries. There are no bingo premises or casinos.

The area is well served by premises licensed to sell alcohol with a total of 237 premises licenses and 35 club certificates in existence.

Of these 69 are for off sales in premises such as off licences and small convenience stores.



BY EMAIL ONLY
 Licensing Department
 Runneymede Borough Council

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 097505.00005
 #GS2202516
Your ref:
Date: 3 October 2018

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take with regard, to the requirements for local area risk assessments.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these would be detrimental to the gambling licensing regime. The ABB also believes it is important that

the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as "*breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.*"

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Employing additional licence conditions

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent

with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Considerations specific to the Statement of Gambling Policy January 2019-January 2022

On behalf of the ABB, we welcome the light touch approach to the draft statement of gambling policy and have very few comments with regard to the current draft.

Paragraph 2.5 explains the Licensing Authority's approach to the imposition of conditions on premises licences. This section would be assisted by clear explanation that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section should also state that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.

Paragraph 2.11 deals specifically with betting premises. The final sentence refers to "breaches" of the licensing objectives and we submit that this sentence should be re-drafted so that it is clear that the Council will only restrict the number of betting machines where there is evidence that to do so would render an application that is otherwise inconsistent with the licensing objectives reasonably consistent with the licensing objectives.

Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory

for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,



GOSSCHALKS

9. EXCLUSION OF PRESS AND PUBLIC

If Members are minded to consider any of the foregoing items in private, it is the

OFFICERS' RECOMMENDATION that -

the press and public be excluded from the meeting during discussion of the report(s) under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

(To Resolve)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)