

Town Clerk

From: Melanie Harris <MHarris@castlepoint.gov.uk>
Sent: 22 September 2022 10:53
To: Town Clerk
Subject: FW: Gambling Policy Consultation
Attachments: Gambling Licensing Policy 2023 to 2026 Final.doc

Dear Consultee

You are invited to have your say on the Gambling Policy that Castle Point Borough Council proposes to apply regarding the licensing of gambling, when exercising its functions under the Gambling Act 2005.

Castle Point Borough Council as the Licensing Authority is required to prepare and publish a statement of the principles that it proposes to apply when exercising its functions under the Gambling Act 2005. These aim to:

- Prevent gambling being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
- Ensure that gambling is carried out in a fair and open way;
- Protect children and other vulnerable people from being harmed or exploited by gambling.

The Licensing Policy Statement lasts for a maximum of three years and the existing policy will end on 30th January 2023. Castle Point Borough Council is now consulting on their latest draft policy. Those consulted will include the responsible authorities designated under the Act as well as trade groups and residents.

The draft policy is attached and will be available on the Council's website from tomorrow 21 September 2022. Responses can be emailed to licensing@castlepoint.gov.uk or sent to Licensing, Castle Point Borough Council, Council Offices, Kiln Road, Benfleet, Essex, SS7 1TF

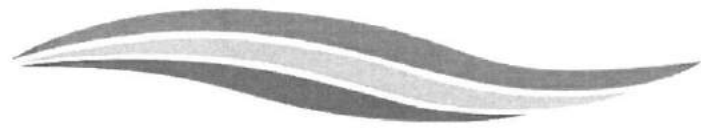
The closing date for responses is **1 November 2022**.

Best regards

Mrs Melanie Harris MA BSc(Hons) MIOL
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Gambling Licensing Policy Statement

2023-2026

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Final v January 2023

Contents

Part A

1.0	Introduction
2.0	The Licensing Objectives
3.0	Description of the Borough
4.0	Responsibilities under the Act
5.0	Statement of Licensing Policy
6.0	Consultation
7.0	Approval of Policy
8.0	Declaration
9.0	Responsible Authorities
10.0	Interested Parties
11.0	Exchange of Information
12.0	Public Register
13.0	Compliance and Enforcement

Part B - Premises Licences

14.0	Delegation of Powers
15.0	General Principles
16.0	Provisional Statements
17.0	Representations and Reviews
18.0	Adult Gaming Centres
19.0	Licensed Family Entertainment Centres
20.0	Casinos
21.0	Bingo Premises
22.0	Betting Premises
23.0	Tracks
24.0	Travelling Fairs

Part C - Permits/Temporary or Occasional Use Notices/Registrations

25.0	General
26.0	Unlicensed Family Entertainment Centre Gaming Permits
27.0	Alcohol Licensed Premises Gaming Machine Permits
28.0	Prize Gaming Permits
29.0	Club Gaming and Club Machine Permits
30.0	Temporary Use Notices
31.0	Occasional Use Notices
32.0	Small Society Lotteries
33.0	Delegations of Powers

Appendices

Appendix A
List of Consultees

Appendix B
List of Responsible Authorities

Appendix C
Definitions

Part A

1.0 Introduction

1.1 This Statement of Licensing Policy sets out the principles by which Castle Point Borough Council as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), intends to apply in discharging its functions to license premises for gambling under the Act as well as:

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an "Interested Party";
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting court proceedings for offences committed under the Act.

2.0 The Licensing Objectives

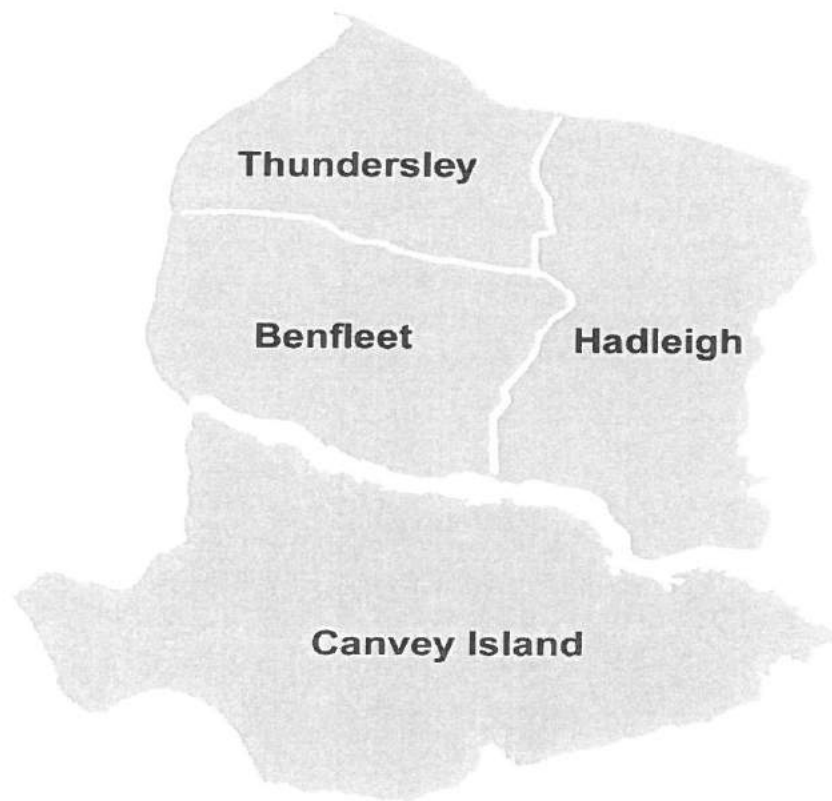
2.1 In exercising most of its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:

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

3.0 Description of the Borough

Castle Point Borough Council is situated on the coastline of south-east Essex on the northern side of the Thames estuary and has an area of 17.3 square miles and a population of approximately 89,500 people.

There are few major concentrations of premises in the Borough providing facilities for betting and gambling. Those premises are mainly made up of pubs, clubs, betting shops, family entertainment centres, adult entertainment centres, amusements arcades and bingo halls. There are also a number of registered society lotteries.



4.0 Responsibilities under the Act

- 4.1 The Act introduced a licensing regime for gambling which is conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.
- 4.2 Castle Point Borough Council is the Licensing Authority for the area shown on the map whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003.
- 4.3 The Gambling Commission is responsible for issuing Operating and Personal Licences to persons and organisations who:-
- operate a casino;
 - provide facilities for playing bingo or for pool betting;
 - providing betting or act as intermediaries for betting;
 - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
 - manufacture, supply, install, adapt, maintain or repair gaming machines;
 - manufacture, supply, install or adapt gambling machine software; or
 - promote a lottery.
- 4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are included other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. In addition it is responsible for the registration of certain types of exempt Small Society Lotteries.

- 4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must 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 of the Act;
 - b) in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
 - c) reasonably consistent with the Licensing Objectives (subject to paragraphs a) and b) and
 - d) in accordance with the Licensing Authority's Statement of Licensing Policy (subject to paragraphs a) and c).

Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence, or both, must have been obtained from the Gambling Commission.

5.0 Statement of Licensing Policy

5.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.

5.2 This policy must be reviewed and published every three years. The policy must also be reviewed from time to time and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' policy must then be published.

5.3 This policy takes effect from 31 January 2023 and replaces the previous one.

6.0 Consultation

6.1 In producing this policy the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals. A full list of all groups and persons consulted is provided at Appendix A.

6.2 The Act requires that the following parties are consulted by the Licensing Authority:-

- The Chief Officer of Police for the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

6.3 The other Groups and people consulted included:-

- Organisations working with people who are problem gamblers;
- Responsible Authorities under the Act
- Public Health

6.4 Consultation took place between 21 September and 1 November 2022.

7.0 Approval of Policy

7.1 This policy was reviewed during September and October 2022 and approved at a meeting of the full Council on 30 November 2022 and has effect from 31 January 2023.

7.2 It should be noted that this policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

8.0 Declaration

8.1 The Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses from those consulted during the consultation process and will adopt the Principles of Better Regulation.

8.2 The Council recognises its responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes such as the Race Equality Scheme and the Disability Equality Scheme.

9.0 Responsible Authorities

9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Appendix B. It should be noted that under the Act the Licensing Authority is designated as a Responsible Authority.

9.2 The Licensing Authority is required to designate in writing a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:

- the competency of the body to advise the Licensing Authority;
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons rather than any particular interest group etc.

9.3 In accordance with the Gambling Commission's Guidance to Local Authorities the Licensing Authority designates the Essex County Council Children's and Adult's Safeguarding Boards for this purpose.

10.0 Interested Parties

10.1 Interested parties can make representations about licensing applications or apply for a review of an existing licence. An interested party is defined in the Act as follows:

'... a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:

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

- b) has business interests that might be affected by the authorised activities, or*
- c) represents persons who satisfy paragraphs (a) or (b).'*

10.2 Interested Parties can be persons who are democratically elected such as Borough and Town Councillors and Members of Parliament.

Interested parties can also be trade associations, trade unions, residents' associations and tenants' associations. Providing that these people represent those living or having business interests in the area which might be affected, no specific evidence of authorisation is required.

Otherwise, the licensing authority will generally require a third party to produce some form of authorisation to speak on behalf of an interested party.

Whether a person is an interested party will be determined on a case by case basis. The types of organisations which may be considered to have business interests will be given a wide interpretation.

10.3 In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities the Licensing Authority will consider the following factors:

- 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 (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- The circumstances of the complaint. This does not mean 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); and
- Whether the person making the representation has business interests in that catchment area that might be affected.

10.4 The Licensing Authority will decide if a representation made in respect of an application is valid based on the following factors:

- It is not frivolous or vexatious
- It raises issues that relate to the Guidance issued by the Gambling Commission
- It raises issues that relate to this policy
- It relates to the Licensing Objectives

11.0 Exchange of Information

11.1 In its exchange of information with parties listed in Schedule 6 of the Act the Licensing Authority will have regard to:

- the provisions of the Act, which include the provision that the Data Protection Act 1998 and the General Data Protections Regulations 2016 will not be contravened;
- the Guidance issued by the Gambling Commission;

- relevant Legislation and Regulations

In accordance with Section 350 of the Gambling Act 2005, the Licensing Authority may exchange information with the following statutory bodies or individuals:

- A constable or police force
- An enforcement officer
- A licensing authority
- Her Majesty's Revenue and Customs
- The Gambling Appeal Tribunal
- The Secretary of State
- Scottish Ministers
- Any other person or body designated by the Secretary of State in accordance with the Act.

11.2 The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime but will only share any personal details for this purpose if required by law to do so.

12.0 Public Register

12.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

13.0 Compliance and Enforcement

13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice. This requires that actions should be:

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – The Authority must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as is possible and adopt a risk based inspection programme. All enforcement action is taken having regard to the Licensing Enforcement Policy.

13.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act is to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. Concerns about the manufacturer, supply or repair of gaming machines are not dealt with by the Licensing Authority but will be notified to the Gambling Commission.

- 13.4 The Licensing Authority will keep itself informed of developments as regard to the Department for Business, Energy and Industrial Strategy in its consideration of the regulatory functions of Local Authorities and will have regard to best practice.
- 13.5 Bearing in mind the principle of transparency the Licensing Authority's enforcement/compliance protocol or written agreements will be available on request.
- 13.6 As part of its ongoing inspection regime the Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Licence holders will always be advised of the outcome of the test. Where operators carry out their own test purchasing, and the Licensing Authority is unable to obtain the results from the Primary Authority, we would expect this information to be provided by the operator when requested. Should the results show a failure then the Licensing Authority will, in the first instance, work with the operator to review and improve their policies and procedures.
- 13.7 Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:
- Ladbrokes/Corals – Milton Keynes
 - Paddy Power – Reading
 - William Hill – City of Westminster

Part B

Premises Licences

14.0 Delegation of Powers

- 14.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found in the Council's Constitution @ www.castlepoint.gov.uk

15.0 General Principles

- 15.1 Premises Licences are subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions detailed in regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is thought appropriate.
- 15.2 In accordance with section 150 of the Act Premises Licences can authorise the provision of facilities on:
- Casino premises
 - Bingo premises
 - Betting premises, including tracks and premises used by betting intermediaries
 - Adult gaming centre premises (for category B3, B4, C and D machines)
 - Family entertainment centre premises (for category C and D machines) (note that separate to this category the Licensing Authority may issue a family

entertainment centre gaming machine permit which authorises the use of category D machines only)

- 15.3 Each case will be decided on its merits and will depend upon the type of gambling that is proposed, as well as taking into account how the application proposes that the Licensing Objective concerns can be overcome.
- 15.4 The Licensing Authority is required by the Act, in making decisions about premises licences, to permit the use of premises for gambling so far as it thinks fit:
- in accordance with any relevant codes of practice under section 24 of the Act;
 - in accordance with any relevant guidance issued by the Gambling Commission under section 25;
 - to be reasonably consistent with the Licensing Objectives, subject to Paragraphs a) and b) and;
 - in accordance with the Authority's Statement of Licensing Policy, subject to paragraphs a) and c).
- 15.5 **Definition of Premises**
In the Act 'premises' is defined as including 'any place'. It is for the Licensing Authority (having due regard for the Gambling Commission Guidance) to determine on the merits of each application whether different parts of a building can be regarded properly as separate premises.
- The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).
- 15.6 **Demand**
Demand is a commercial consideration and is not an issue for the Licensing Authority.
- 15.7 **Location**
Location will only be a material consideration in the context of the Licensing Objectives.
- 15.8 The Act is clear that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the Licensing Objectives can. The Licensing Authority will pay particular attention to the Objectives of Protection of Children and Vulnerable Persons from Being Harmed or Exploited by gambling as well as issues of crime and disorder.
- 15.9 In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the Licensing Objectives. It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) under section 10 that licensees assess the local risks to the Licensing Objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

15.10 The LCCP also states that licensees must review (and update as necessary) their local risk assessments:

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

15.11 The Licensing Authority expects the local risk assessment to consider as a minimum:

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

15.12 In every case the local risk assessment should show how vulnerable people, including people with gambling dependencies are protected.

15.13 Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a Betting Premises Licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide betting machines.

The Licensing Authority expects all licensed premises' to have their Local Area Risk Assessment available on site for inspection by an authorised officer at all times when they are trading.

15.14 Such information may be used to inform the decision the Council makes about

whether to grant a licence, to grant a licence with special conditions or to refuse an application.

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

15.16 Duplication with other Regulatory Regimes

Duplication with other statutory/regulatory regimes will be avoided where possible. This Authority will not consider whether a licence application is likely to be awarded planning permission or building control consent.

15.17 Licensing Objectives

Premises Licences granted must be reasonably consistent with the three Licensing Objectives. With regard to these Objectives, the following will be considered:-

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime**
The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

Whilst the Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this Licensing Objective.

Where an area has known high levels of crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of door supervisors.

- **Ensuring that gambling is conducted in a fair and open way**
The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way.

However, the Licensing Authority will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licensing Conditions and Code of Practice.

- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**
In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

The Licensing Authority will consider very carefully whether applications for premises Licences in respect of gambling premises located close to schools, centres for gambling addicts, or residential areas where there may be a high concentration of families with children, should be granted, and will fully scrutinise the control measures outlined in an operator's local area risk assessment in this regard.

The Licensing Authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

15.18 Conditions and Plans

The Licensing Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises the Authority may consider attaching individual conditions related to the Licensing Objectives.

Any conditions attached to Licences will be proportionate and will be:-

- Relevant to the need to make the proposed premises suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

In addition, the Licensing Authority will examine how applicants propose to address the Licensing Objectives. In considering applications the Licensing Authority will particularly take into account the following, if deemed appropriate:-

- Proof of age schemes
- Closed Circuit Television
- Door supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices and signage;
- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as Gamcare.

15.19 It is recognised that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

- any conditions on the Premises Licence which make it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);

- conditions in relation to stakes, fees and the winning of prizes.

15.20 Credit

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATM's) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.

15.21 Betting Machines [See Appendix C for definition]

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the casino*).

15.22 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:-

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

15.23 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of Codes of Practice or Guidance issued under the Act.

15.24 In all applications where a plan is required to be submitted, the Licensing Authority expectation is that, it will be in a scale of 1:100 unless otherwise agreed in writing and that, as a minimum, it will show the following (as appropriate to the type of application):

- The extent of the proposed licensed area
- All entry and exit points (including fire exits)
- CCTV camera positions
- Positions of betting terminals, high pay out machines (including fixed odds betting terminals) and ATM's
- Any fixed or permanent structures including counters
- Privacy screens
- All unlicensed areas under the control of the licensee including any 'sterile area's' and toilet and kitchen facilities be they for staff or public use.

16.0 Provisional Statements

16.1 An application for a provisional statement may be made in respect of premises which the applicant:

- expects to be constructed
- expects to be altered
- expects to acquire a right to occupy.

The applicant should refer to the Act and the detailed information provided in the Guidance.

17.0 Representations and Reviews

17.1 Applications for a review of a premises licence may be made by responsible authorities and interested parties.

It is for the Licensing Authority to decide whether the review is carried out . This decision will generally be on the basis of whether the request for the review is relevant to the matters listed below:-

- Whether the grounds for the request raises issues relevant to the principles to be applied by the Licensing Authority and set out with the Licensing authority Statement of Policy;
- Whether the grounds for the request are frivolous or vexatious
- Whether the grounds for the request would certainly not cause the Licensing Authority to alter/revoke/suspend the Premises Licence
- Whether the grounds for the request are substantially the same as previous representations or requests for a review
- In accordance with any relevant codes of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the Licensing Objectives

17.2 In accordance with the Guidance, the Licensing Authority can also initiate a review of the Licence on the basis of any reason which it thinks appropriate.

18.0 Adult Gaming Centres

18.1 An Adult Gaming Centre is defined in Appendix 'C'. Entry to these premises is age restricted.

18.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

19.0 Licensed Family Entertainment Centre

19.1 A Licensed Family Entertainment Centre is defined in Appendix C. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

19.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

20.00 Casinos

20.1 A casino is defined in Annex 'C'. Entry to these premises is age restricted.

20.2 The Licensing Authority is empowered to pass a resolution not to issue new licences for casinos in the area. No such resolution has been made.

20.3 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

20.4 Betting Machines

Conditions may be imposed to limit the number of betting machines , each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

20.5 Credit

Credit facilities are prohibited in casinos; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

21.0 Bingo Premises

21.1 A Bingo premises is defined in Appendix C. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

21.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

21.3 Credit

Credit facilities are prohibited in premises licensed for Bingo; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

22.0 Betting Premises

22.1 Betting Premises are defined in Appendix C. Entry to these premises is age restricted.

22.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

22.3 Betting Machines

In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merits and account will be taken on the Codes of Practice or Guidance issued under the Act.

22.4 B2 & B3 Machines

In respect to nationally expressed concerns that exist in relation to the potentially adverse impact of B2 (often called Fixed Odds Betting Terminals or FOBT's) and B3 machines may have on vulnerable groups of adults. The Licensing Authority will give due consideration to the need to apply conditions to betting shop premises including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.

22.5 The Licensing Authority expects B2 & B3 machines to be positioned in such a way that they can appropriately be monitored by staff particularly where those staff are positioned at a counter away from the machines. In general the Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Particular attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard, especially code 9.11.1. Where an existing licensee adds 'privacy screens' a variation application will be required.

23.0 Tracks

- 23.1 A Track is defined in Appendix C. Entry to these premises is generally age restricted. Please refer to the Gambling Commission Guidance.
- 23.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

24.0 Travelling Fairs

- 24.1 The facilities for gambling (being category D machines and/or equal chance prize gaming without a permit) must amount to no more than an ancillary amusement at the fair. The Licensing Authority will determine whether this requirement is being met.

Part 3 Permits

25.0 General

The Act introduced a range of permits for gambling which are granted by Licensing Authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. With the exception of limiting machine numbers on Licensed Premises Gaming Machine permits, the Licensing Authority may only grant or reject an application for a permit. No conditions may be added.

26.0 Unlicensed Family Entertainment Centre Gaming Machine Permits

- 26.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 26.2 The Licensing Authority requires the applicant to submit a scale plan of the premises showing the areas which the permit will cover together with any other areas under the control of the licensee. Generally, this will be at a scale of 1:100 but other scales may be submitted with prior agreement from the Licensing Authority.
- 26.3 The Licensing Authority will expect the applicant to show that there are written 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 suitability of such policies and procedures will be considered on their merits, however, they may include:-
- A basic Disclosure and Barring Service check or equivalent criminal record check for the applicant and the person having the day to day control of the premises;
 - Proof of age schemes;

- Displaying details of contact numbers advising the public of agencies to whom they can report concerns to in respect of children;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- Training covering how staff will deal with:
 - Unsupervised children being on the premises,
 - Children causing perceived problems on/around the premises, or
 - Suspected truant children

In addition applicants should be able to demonstrate a full understanding of maximum stakes and prizes (and that staff are suitably trained in this respect).

27.0 (Alcohol) Licensed Premises Gaming Machine Permits

- 27.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of Categories C and/or D via a notification to the Licensing Authority.
- 27.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.
- 27.3 Premises restricted to selling alcohol only with food, will not be able to have gaming machines or apply for a permit.
- 27.4 Where an application for more than two gaming machines is received the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-
- Adult machines being in sight of the bar; or in sight of staff who will monitor that the machines are not being used by those under 18;
 - Appropriate notices and signage;
 - As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets/help line numbers for organisations such as Gamcare;
 - Relevant Codes of Practice issued by the Gambling Commission.

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

To enable the Licensing Authority to come to an appropriate decision, applicants are expected to submit a plan to show the proposed positioning of machines with their application.

28.0 Prize Gaming Machine Permits

- 28.1 The Licensing Authority will expect the applicant to show that there are written 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 suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic Disclosure and Barring Service check or equivalent criminal record check for the applicant and the person having the day to day control of the premises.
- Proof of age schemes
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises,
 - children causing perceived problems on/around the premises, and
 - suspected truant children

In addition applicants should be able to demonstrate a full understanding of maximum stakes and prizes (and that staff are suitably trained in this respect.

In making its decision on an application for a Permit the Licensing Authority does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

29.0 Club Gaming and Club Machine Permits

29.1 Members' Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

29.2 Commercial clubs may apply for a club machine permit, subject to restrictions.

29.3 The gambling provided under the authority of a club gaming permit must also meet the following conditions:

(a) in respect of gaming machines:

no child or young person may use a category B or C machine on the premises

that the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.

(b) the public, children and young persons must be excluded from any area of the premises where the gaming is taking place.

29.4 Section 273 of the Act sets out the conditions that will apply to the club machine permit including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

PART D – Occasional use and temporary permission

30.0 Temporary Use Notices (TUN)

- 30.1 A TUN is defined in Annex 'C'. A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.
- 30.2 For the purposes of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.
- 30.3 The definition of a "set of premises" will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of "a set of premises", the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.
- 30.4 The Licensing Authority will object to Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.
- 31.0 Occasional Use Notices - OUN are defined in Annex 'C'.
- 31.1 The Licensing Authority has very little discretion as regards these Notices aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 31.2 The Licensing Authority will however consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.
- 32.0 Small Society Lotteries
- 32.1 The definition of a Small Society Lottery is contained in Appendix C and these require registration with the Licensing Authority.
- 33.0 Delegation of powers
- 33.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act.

Appendix A

List of Consultees

The draft policy was placed on the Council Website and in accordance with the Act and the following organisations and individuals were consulted as part of the formal consultation exercise on the Statement of Gambling Licensing Policy.

- All responsible Authorities for the Gambling Act (as specified in Annexe 2).
- Holders of Premises Licences and Permits under the Gambling Act 2005.
- The Licensing Committee
- Canvey Island Town Council
- Castle Point Association of Voluntary Services
- Gamblers Anonymous
- Gambling Commission
- Gamcare
- Local Solicitors
- Members of the Borough Council
- Public Health
- Licensees of alcohol licensed premises who have given notice on the use of gaming machines
- A sample of organisations who had previously sought registration for the purposes of local lotteries
- Religious Groups
- Educational establishments including a sample of local secondary schools and SEEVIC
- Licensing consultants and legal advisers in private practice
- Castle Point Community Safety Partnership

Appendix B

Responsible Authorities

Organisation	Contact and Address	Telephone
Licensing Authority	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF licensing@castlepoint.gov.uk	01268 8822000
Essex Police	Essex Police Licensing Unit Licensing Department (Alcohol & Gambling) Blythes Meadow Braintree Essex CM7 3DJ Licensing.applications@essex.police.uk	101 ext 452035
The Fire and Rescue Authority	Essex County Fire and Rescue Service Rayleigh Weir Community Fire Station 500 Rayleigh Road Benfleet Essex SS7 3TR eastareacommand@essex-fire.gov.uk	01376 576500
Essex County Council Children's and Adults Safeguarding Service	Licensing Applications Essex County Council 70 Duke Street County Hall Chelmsford Essex CM1 1JP licenceapplications@essexcc.gov.uk	01245 492211
Trading Standards	Information and Business Support Team Essex Trading Standards New Dukes Way Office 2 Beaufort Road Dukes Park Industrial Estate Chelmsford Essex CM2 6PS ESFbsnewdukesway@essex.gov.uk	01245 341800
The Local Planning Authority	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF planning@castlepoint.gov.uk	01268 882200
Environmental Health	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF Environmental-Health@castlepoint.gov.uk	01268 882200

Organisation	Contact and Address	Telephone
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP info@gamblingcommission.gov.uk	0121 230 6500
HM Revenue & Customs	HM Revenue & Customs Excise Processing Teams BX9 1GL Nrubetting&gaming@hmrc.gsi.gov.uk	03000 516023
Public Health	Essex County Council Dr Danny Showell Consultant in Public Health Essex County Council County Hall Market Rd Chelmsford Essex CM1 1QH Ben.Hughes@essex.gov.uk	

Appendix C

Definitions

Please note, definitions listed below are for guidance only and do not form part of the Council's Statement of Licensing Policy or will necessarily appear in it.

ATM	Auto teller machine or cash machine
Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Betting	In this Act "betting" means making or accepting a bet on: (a) the outcome of a race, competition or other event or process, (b) the likelihood of anything occurring or not occurring, or (c) whether anything is or is not true.
Betting Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Bingo	Bingo is not given a statutory definition in the Act other than that it means any version of the game irrespective of by what name it is described. It is to have its ordinary and natural meaning. Two types of bingo are commonly understood: <ul style="list-style-type: none"> • cash bingo, where the stakes paid make up the cash prizes that are won • prize bingo, where various forms of prizes are won, not directly related to the stakes paid.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Resolution	Resolution not to issue casino premises licences.
Child	Individual who is less than 16 years old.
Club Gaming	Equal chance gaming and games of chance in members' clubs and miners' welfare institutes (but not commercial clubs)
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines [3 machines of Categories B,C or D.
Code of Practice	Any relevant code of practice under Section 24 of the Act
Conditions	Conditions to be attached to licences by way of:- <ul style="list-style-type: none"> • Automatic provision • Regulations provided by Secretary 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.
Crane Grab Machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical

	object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default Conditions	Conditions that will apply unless the Licensing Authority decides 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 either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Exempt Lotteries	Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types: <ul style="list-style-type: none"> • 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.
Family Entertainment Centre (FEC)	There are two types of FEC:- A licensed FEC (i.e., one with a Premises Licence) has no limit on the number of category C or D machines permitted An unlicensed FEC (i.e., one with a Permit) has no limit on the number of category D machines permitted
Fixed Odds Betting Terminals	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. (Betting Shops) FOBTs have 'touchscreen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming and Game of Choice	In the Act "gaming" means playing a game of chance for a prize. and "game of chance"— (a) includes— (i) a game that involves both an element of chance and an element of skill, (ii) a game that involves an element of chance that can be eliminated by superlative skill, and (iii) a game that is presented as involving an element of chance, but (b) does not include a sport

Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events, but not including home computers even though user can access online gambling websites.
Guidance to Licensing Authorities	Guidance issued periodically by the Gambling Commission.
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.
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non commercial events [commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance]
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	A person who:- <ul style="list-style-type: none"> • Lives within 100 metres, or is sufficiently close to the premises to be likely affected by the authorised activities. • Have business interests that might be affected by the authorised activities. • Represents persons in either of the above groups.
Licensing Objectives	<ol style="list-style-type: none"> 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. 2. Ensuring that gambling is conducted in a fair and Open way. 3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.
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	Tickets that must:- <ul style="list-style-type: none"> • Identify the promoting society; • State the price of the ticket, which must be the same for all tickets; • State the name and address of the member of the society who is designated as having responsibility for the society for the promotion of the lottery or, if there is one, the external lottery manager, and • State the date of the draw, or enable the date of the draw to be determined.
Members' Club	A club that must:- <ul style="list-style-type: none"> • Have at least 25 members; • Be established and conducted 'wholly or mainly' for purposes other than gaming; • Be permanent in nature;

	<ul style="list-style-type: none"> • Not be established to make commercial profit; • Be controlled by its members equally.
Money Prize Machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non-Money Prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by: <ul style="list-style-type: none"> (i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or (ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full premises licence.
Odds	The ratio to which a bet will be paid if the bet wins. e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting - Tracks	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: <ol style="list-style-type: none"> 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horseracing in Britain.
Private Lotteries	There are three types of private lotteries: <ul style="list-style-type: none"> • 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

	<p>tickets must all work on a single set of work premises;</p> <ul style="list-style-type: none"> • Residents lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.
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. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he:- <ul style="list-style-type: none"> • Expects to be constructed. • Expects to be altered. • Expects to acquire a right to occupy.
Regulations or Statutory Instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible Authorities	<p>Public Bodies that must be notified of all applications and who are entitled to make representations in relation to premises licences, as follows:-</p> <ul style="list-style-type: none"> • The Licensing Authority in whose area the premises is partly or wholly situated • The Gambling Commission • The Chief Officer of Police • Fire and Rescue Service • The Planning Authority for the local authority area • Environmental Health Service for the local authority area • The Body competent to advise on the protection of children and from harm • HM Revenue and Customs • Authority in relation to vulnerable adults • Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency <p>Full details of Responsible Authorities for Castle Point Borough Council are contained in Appendix 'B' to this policy.</p>
Skill Machine/Skill With Prizes	The Act does not cover machines that give prizes as a

machine	result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Small Society Lottery	A lottery promoted on behalf of a non commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house (where the house could be a gaming machine).
Table gaming	Card games played in casinos
Temporary Use Notice (TUN)	To allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
Tote [or Totalisator]	'Tote' is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourse.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	No set definition, but likely to mean group to include people who:- <ul style="list-style-type: none"> • gamble more than they want to • gamble beyond their means • 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 not a child but who is less than 18 years old.