



Elmbridge Borough Council

... bridging the communities ...

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Gambling Act 2005 - Glossary of Terms

Although the Gambling Act seems extremely complicated, the Licensing Authority's involvement breaks down into 2 specific areas:

1. premises licences and all activities associated with those; and
2. permits (including local society lotteries) and all activities associated with those.

This glossary gives a brief explanation of the most commonly encountered terms. Further details are contained in the Licensing Authority's Statement of Licensing Policy, the Statutory Guidance issued by the Gambling Commission ("GC"), the Gambling Act 2005 itself ("the 2005 Act") and the Explanatory Notes to the Gambling Act.

The definitions are in alphabetical order except the definition of Gambling which appears first as it informs the whole document.

Gambling: - Gambling is illegal unless it is run in accordance with the 2005 Act, the National Lottery Act 1993 for any National Lottery products, or the Financial Services and Markets Act 2000 in respect of spread betting. Under the 2005 Act there are three ways in which gambling can take place:

- (i) taking part in gaming (see below);
- (ii) betting (see below); and
- (iii) taking part in a lottery (see below).

Adult Gaming Centre: - licensed gambling premises which can provide gaming machines. Only adults (persons 18 years old or over) can enter an Adult Gaming Centre.

Betting premises: - licensed gambling premises which can provide betting facilities and gaming machines. Only adults (persons 18 years old or over) can enter Betting Premises unless the premises are on a track.

Bingo: - any version of bingo, irrespective of how it is described. This is further divided into "high turnover bingo" and "low turnover bingo" (see below)

Bingo Premises: - licensed gambling premises which can provide high turnover bingo and gaming machines.

Casino: - there are 3 types of casino that can exist in England and Wales: large, small, or “tiny” (casinos that existed under the old law and have retained their licences under the new law). The differences are based on overall size and the number of machines and gaming tables that can be provided. Casinos can provide casino games (games which are not equal chance gaming and may involve playing against a bank) and bingo as well as gaming machines. There are no casinos in Elmbridge Borough and under the existing law there cannot be any developed.

Club: - the 2005 Act recognises 2 types of club: members clubs (at least 25 members and established for purposes other than gaming unless it is a bridge or whist club, including Miners Welfare Institutes); and commercial clubs. Equal chance gaming can take place without any further permit provided the limits on stakes and prizes are not exceeded. In addition low turnover bingo can take place and if it is a bridge or whist club then bridge or whist can be played.

Club Gaming Permit: - a permit to enable the premises to provide gaming machines (three machines of Categories B3A, B4, C or D), equal chance gaming and games of chance (limited to pontoon and chemin de fer).

Club Machine Permit: - a permit to enable the premises to provide gaming machines (three machines of Categories B3A, B4, C or D)

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

Exempting gambling: - certain specified low-level gambling can take place in private premises, workplaces, pubs and clubs without any requirements for licensing or registration.

Exempt Lotteries: - certain types of lottery can be run without either a licence from the Gambling Commission or registration with the local authority. There are 3 types:

- Incidental Non Commercial Lotteries. A lottery that is run as an ancillary amusement at non-commercial events such as a raffle at a dance, garden fete etc. Tickets can only be sold and prizes drawn during the event.
- Private Lotteries. There are three types of private lottery: Private Society Lotteries where tickets can only be sold to members of the Society or people who are present on the premises of the Society); Works Lotteries (where the promoters and purchasers of tickets must all work at the same premises); Residents’ Lotteries (where the promoters and purchasers must live in the same premises)
- Customer Lotteries (tickets are sold at the premises of a particular business to their customers)

Family Entertainment Centre: - there are 2 types of Family Entertainment Centres: licensed and unlicensed. In both cases children and young persons can enter the premises unaccompanied by adults and use category D machines. A

Licensed Family Entertainment Centre can provide category C and D machines, but only persons aged 18 or over can use the category C machines. An Unlicensed Family Entertainment Centre can only provide category D machines.

Gaming: - playing a game of chance for a prize. This includes games of pure chance (or luck), games that have an element of skill and chance combined, and games where “superlative skill” can eliminate the element of chance. Sports are excluded from the definition of Games of Chance.

Gaming Machine: - a machine used for gambling. There are divided into 8 categories, (A, B1, B2, B3A, B3, B4, C & D) depending on the maximum stakes and maximum prizes. Different categories of machines can be used in different types of licensed gambling premises and under different permits.

Guidance to Licensing Authorities: - guidance issued by the Gambling Commission. The latest edition was published in September 2012.

High Turnover Bingo - Bingo where the aggregate of stakes and prizes in any 7 day period exceeds £2000. High turnover bingo can only take place in casinos and bingo halls.

Incidental non-commercial lottery: - see Exempt Lotteries above.

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

Licensed premises Gaming Machine Permit: - allows pubs to have more than 2 gaming machines, provided the main purpose of the premises is to remain a pub, rather than an Entertainment Centre with a bar.

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.

Lottery: - the 2005 Act recognises 2 types of lottery, a simple lottery or a complex lottery. In both cases players pay to take part and prizes are allocated. In the case of a simple lottery, that allocation is wholly by chance, but in the case of a complex lottery there can be further steps which are not dependent upon chance. Some lotteries are exempt from regulation (see above).

Low Turnover Bingo - (sometimes described as non-high turnover bingo) Bingo where the aggregate of stakes and prizes in any 7 day period is less than £2000. Low turnover bingo can take place in pubs and clubs, and in premises that hold a Prize Gaming Permit or Unlicensed Family Entertainment Centre Gaming Machine Permit.

Occasional Use Notice: - a notice that may only be issued in respect of a track (see below) that permits betting on a track without the need for a Premises Licence.

Prize Gaming: - gaming in which the nature and size of the prize is not determined by the number of players or stakes, e.g. bingo with non-cash prizes.

Prize Gaming Permit: - a permit issued by the Licensing Authority allowing prize gaming to take place.

Pub: - premises that have a premises licence under the Licensing Act 2003 to sell alcohol for consumption on the premises in a bar at which alcohol is served to customers. Pubs can have 2 category C or D gaming machines. If a pub has a Licensed Premises Gaming Machine Permit (see above) it can have more gaming machines.

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. These are unregulated.

Small Society Lottery: - these are for non-commercial societies (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) who must register their lotteries with the local authority, which costs £40. Lotteries cannot raise more than £2000 per lottery and more than £25,000 in a calendar year. The society is required to make returns to the Council after each lottery and renew their registration annually at a fee of £20

Temporary Use Notice: - a notice that allows limited types of gambling to take place for a limited period on premises that do not have a premises licence.

Track: - a site where races or other sporting events take place e.g. horse racing, dog racing, athletics, football, motor racing etc.

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. Fairs can provide prize gaming and category D gaming machines.