

Gambling Act 2005

Guidance for Applicants

The Gambling Act 2005 is part of Government licensing reform, which promotes safer practice at premises where gambling activities take place. Under this legislation, licensees and their operators have a legal responsibility to protect children and other vulnerable persons from being harmed or exploited by gambling. The Torbay Safeguarding Children Board (TSCB), as a 'Responsible Authority', has a statutory responsibility to ensure that licence holders operate in a way that safeguards children.

Overall, the TSCB wants to see that applicants have thought about the safety of children on their premises and have rules and systems in place to ensure that children are safe. Parents/carers may have primary responsibility for supervision, for instance, but the applicant still has responsibility to ensure the safety of children on the premises.

The following guidance is not exhaustive, but will hopefully help applicants understand what sort of information we would find helpful.

What is Safeguarding?

Children of all ages need to be kept safe from harm. Safeguarding is about making sure that they are protected from all kinds of harm, not only physical and sexual but also psychological, emotional and moral harm. Where there is a risk it is important that steps are taken to keep children safe.

What are the risks?

The risks will vary depending on the type of gambling activities taking place at the premises. For example, at adult gaming centres or casinos safeguarding systems must be in place to prevent young people gaining access to the premises. If children are permitted access to adult gambling activities they may be at risk of being:

- Exposed to information or advertisements encouraging them to gamble.
- Allowed or invited to gamble or bet in a commercial setting.
- Financially exploited.
- Allowed to purchase and consume alcohol.

The Gambling Act 2005 has three clear 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.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

These are underpinned by:

- Social responsibility and protection of the public, especially children and the vulnerable. This remains the top priority.
- Creating a new regime, which has at its heart firm but fair regulation, allowing people to enjoy gambling responsibly, encouraging an important industry to thrive by behaving responsibly, and protecting the vulnerable. A robust regime is good for players, providers and investors.
- Close, open and consultative working with all stakeholders – the industry; faith, belief and community groups; researchers and those dealing day to day with problem gamblers.

The Act provides protection for children and vulnerable adults from the effects of harmful gambling through a number of specific offences that will prevent children and young people from being given access to inappropriate or harmful gambling opportunities.

In particular, it will be an offence to invite or permit a child or a young person to gamble contrary to the provisions of the Act.

The Gambling Commission and Gambling Act promotes socially responsible gambling through licence conditions and codes of practice directed at those providing facilities for gambling. The Torbay Local Safeguarding Children Board endorses this, whilst reinforcing the need for children and young people to be safe from harm. We would therefore expect gambling license holders to be aware of how they can contribute to the safeguarding children agenda.

What we expect from licensees

To prevent children and young people accessing adult gambling activities stringent safeguarding measures should be in place, such as:

- Challenge 21 scheme operated by all door and bar staff and only recognised proof of age accepted (for example photo driving licence or passport; PASS cards).
- All points of entry monitored by security staff/CCTV.
- Signage prominently displayed at all points of entry regarding the prohibition of under 18's.
- Signage displayed on machines highlighting age restrictions.
- Signage prominently displayed in bar areas regarding the law and the sale of alcohol.
- Operate a membership scheme.
- All staff trained to be vigilant and respond if a child gains illegal access to premises.

If your premises offers a range of gambling activities (for example a regional casino, a licensed family entertainment centre, bingo premises or if you offer gaming machines in category C or above) you must operate systems to ensure that under 18's are prevented from accessing areas where adult activities such as betting, or high stakes gambling take place or where adult gaming machines are located. The measures set out above should be used to help the public clearly identify in which areas children are prohibited. If your premises offer a variety of activities, you may also need to operate the following systems:

- Designate family-friendly areas using physical barriers/cordons to segregate these from restricted areas.
- Points of access/egress to be located for easy supervision by staff and regularly monitored.
- Signage displayed to indicate access rules.
- Signage to remind parents/adults of their responsibilities.
- Use the Challenge 21 scheme.

The employment of children and young people

The Gambling Act 2005 does not prohibit the employment of children and young people at some premises. However, it does restrict the type of tasks and areas to which children and young people may have access and it is important that you comply with these restrictions as failure to do so may result in you, or your employee, committing an offence. For example, it is an offence to employ children and young people to provide

facilities for gambling or to perform a function in relation to a gaming machine at any time. Children should not be exposed to gambling as they carry out their employment functions. There are also restrictions on the employment of children, or children involved in the provision of commercial entertainment, under local Bylaws and under the Children and Young Persons Act 1963.

The Process

- All applications will come to the TSCB post box or via e-mail to the TSCB office in Torbay.
- Applications will be vetted for safeguarding issues and to ensure that adequate consideration has been given to the protection of children from harm, which is one of the licensing objectives.
- Where insufficient information is provided the applicant will be contacted.
- Where there are concerns or a lack of suitable conditions on the application a representation will be sent to the council's licensing department. A committee hearing will then be arranged to discuss this and any other representations received.
- In all cases, applications will be logged on a TSCB database.

What should I do if I am worried about a child or young person?

Children and young people depend on the adults around them to keep them safe and to be well cared for. If you have concerns about the safety and welfare of a child don't keep it to yourself, call:

Children's Services (daytime) 01803 208100
Emergency out of hours 01803 524519
Police 101

Need more information for your application?

The TSCB has produced more detailed safeguarding guidance for licensed premises. To request a copy please contact the TSCB Business Unit on 01803 207176. The guidance can also be accessed online at www.torbay.gov.uk/tscb

Further advice and information is also available from the TSCB Licensing Officer:

Lisa Jennings
Professional Adviser and Business Manager
Torbay Safeguarding Children Board
Town Hall
Torquay TQ1 3DR

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