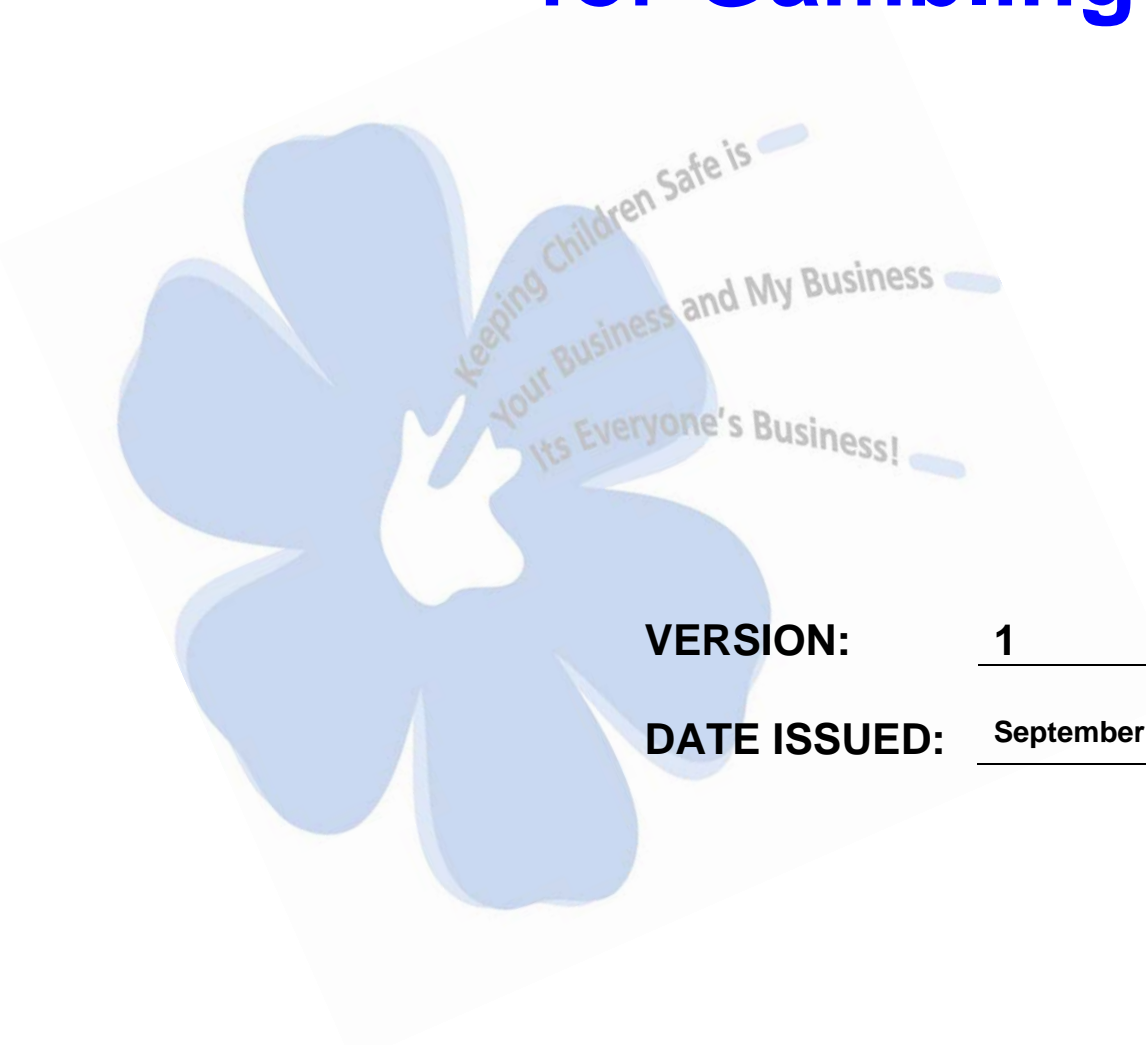


Guidance for License Holders  
**Safeguarding  
Children** on  
**Premises Licensed  
for Gambling**



**VERSION:** 1

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### **INTRODUCTION**

Stockton-on-Tees Local Safeguarding Children Board (SLSCB) was established under Section 13 of the Children Act 2004, its remit is wider than that of its predecessor the Stockton-on-Tees Area Child Protection Committee. SLSCB's remit is the prevention and protection for all children, not just those who are known to be vulnerable.

This guidance has been produced for Gambling License Holders and their staff and we would be pleased to receive feedback on its content and how we can work together more effectively to achieve better outcomes for children based on increase awareness of our mutual roles

The Gambling Act 2005 has three clear objectives:

- Keeping gambling crime free
- Making sure that gambling is fair and open
- Protecting children and vulnerable adults

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, encourages an important industry to thrive by behaving responsibly, and protects 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; 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. Stockton-on-Tees 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.

### **GOVERNMENT GUIDANCE**

The Government state that everyone working in an environment where there may be children present should safeguard and promote the well being of children. The term "Children" refers to all babies, children and any young people i.e. from birth till their 18<sup>th</sup> birthday. To do this all adults must follow the Government Guidance published by the DfES (Department for Education and Skills) "What To Do If You're Worried A Child Is Being Abused" 2006

The publication can be attained from the DfES website:

<http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00060/>

Advice can also be obtained during office hours from the Police:

Cleveland Police Headquarters  
Ladgate Lane  
Middlesbrough  
TS8 9EH

Tel: 01642 326326 Fax: (01642) 301200

Or

First Contact Unit (Children Social Services)

Stockton on Tees Borough Council

Bath lane

Stockton on Tees

TS18 2Ds

Tel: 01642 527764 (Out of hours 08702 402994)

Email: [firstcontact@stockton.gov.uk](mailto:firstcontact@stockton.gov.uk)

### **SAFEGUARDING CHILDREN & YOUNG PEOPLE: BASIC PRINCIPLES**

If anyone involved with the licensed gambling premises has concerns about a child's safety and or well being then they must discuss these with the SBC First Contact Team (Children's Services) or the Police at the earliest opportunity.

This may include concerns about a member of staff or suspicion that an activity-taking place on the premises could place children at risk.

In any situation where there is a suspicion of abuse, the welfare needs of the child must come first (Children Act 1989) even where there may be conflict in interest e.g. where the suspected perpetrator may be a customer, client or employee/employer.

#### **Protection for all**

All children must be safeguarded from harm and exploitation whatever their:

- Race, Religion, First Language or Ethnicity
- Gender or Sexuality
- Age
- Health, Ill-health or disability
- Location or placement (e.g. living alone, in a hostel or residential unit, with their Family or a Foster Family, as a tourist in a hotel etc)
- Criminal or offensive behaviour
- Wealth or lack of it
- Political or immigration status

### **DEFINITION OF CHILD ABUSE AND NEGLECT**

#### **Context**

This section closely reflects the procedures for "Working Together to Safeguard and Promote the Welfare of Children in Stockton on Tees"<sup>1</sup>.

<http://www.stockton.gov.uk/citizenservices/safeg/proclscb/>

#### **Child Abuse and Neglect**

'Child abuse and neglect' is a generic term encompassing all ill treatment of children, including serious physical and sexual assaults as well as cases where the standard of care does not adequately support the child's health or development.

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse a child by inflicting harm, or by failing to prevent harm.

Children may be abused in the family or an institutional or community setting by those known to them or, more rarely, by a stranger. An adult or adults or another child or children may abuse them.

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<sup>1</sup> SLSCB Multi Agency Procedures

*Working Together to Safeguard Children, 2006*<sup>2</sup> sets out definitions and examples of the four broad categories of abuse:

- Physical abuse
- Emotional abuse
- Sexual abuse
- Neglect

These categories overlap and an abused child does frequently suffer more than one type of abuse. e.g. a child may be suffering physical and emotional abuse.

### **Physical Abuse**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in a child (Working Together, 2006).

### **Emotional Abuse**

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate or valued only in so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capacity, as well as over-protection and limitation of exploration and learning, or preventing the child participating in normal social interactions. It may involve serious bullying causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone (Working Together, 2006).

### **Sexual Abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape or buggery or oral sex) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways (Working Together, 2006).

### **Neglect**

Neglect involves the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health and development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to provide adequate food and clothing, shelter including exclusion from home or abandonment, failing to protect a child from physical harm or danger, failure to ensure adequate supervision including the use of inadequate care-takers, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsive to, a child's basic emotional needs (Working Together, 2006).

Neglect can also include ignoring a child's basic emotional needs. This includes children being present with or without their parents, at venues unsuitable for their age:

- Where events of a sexual nature take place
- Where there are convictions of current members of staff allowing under age gambling to take place

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<sup>2</sup> DfES Working Together to Safeguard Children 2006

- Premises where gambling is the main activity and there are no activities for children or families

*N.B. Children need to be protected even when it appears that they are not aware that the physical abuse, or sexual activity that they are involved in or witness, or the neglect they experience, is harmful to them.*

### **NOMINATED SAFEGUARDING CHILDREN PERSON**

Recommended best practice is for the owner/license holder to nominate themselves or a senior staff member to have the following responsibilities in relation to Safeguarding Children for the licensed gambling premises. Staff assigned to this role should be adequately CRB checked and ensure that safe recruitment procedures are followed.

- Arrange safeguarding training for all staff
- Ensure that all staff have read and know where to find this policy and Government Guidance: "What To Do If Your Worried A Child Is Being Abused" 2006
- Ensure that Safeguarding Children posters are displayed
- Provide advice and support to staff when they have a concern about safeguarding a child
- Record all concerns raised by staff
- In cases where adults responsible for supervising children fail to do so, they would notice this or respond to staff who have, by addressing the issue (i.e. ask the adult to ensure their children remain under close supervision and explain why – because if they are wandering about the premises they may be at risk of accidental or other type of harm:)
- Ensure that employment laws/by laws are complied with in relation to the employment of children, obtaining work permits when necessary
- Review the layout and design of the premises to ensure they do not pose a risk or the style and character of the premises alters at specific times so that it becomes dangerous or inappropriate for Children. She/he should suggest ways to manage the risk (e.g. designate an area of the premises for family use, impose restrictions/prohibitions, impose a ban or similar sanctions upon individuals who do not behave responsibly at the premises)

The LSCB may be able to assist and or provide advice and guidance in respect of Safeguarding Children training. ✉ [slscb@stockton.gov.u.k](mailto:slscb@stockton.gov.u.k) ☎ 01642 524591

### **SAFEGUARDING ISSUES SLSCB & SBC WILL CONSIDER**

Stockton-on-Tees Local Safeguarding Children Board in liaison with the First Contact Unit, Children Education and Social Care of Stockton on Tees Borough Council will on receipt of an application assume that all the requirements of the act in respect of the Protection of Children and Young Persons will be adhered to. It would therefore be good practice for licensees to remind themselves of these in order for them to be taken into account when submitting an application.

We would also suggest that consideration is given to the provision of advice to staff regarding how to deal the following situations relating to noise and environment. An extract from The Office of Public Sector Information, Gambling Act Explanatory notes relating to Part Four, is included for information:

#### **Noise:**

Managers of premises or clubs that are situated in residential areas need to be aware that children and young people living near those premises may be disturbed by any excessive noise, including that made by customers leaving premises late at night. This should be addressed through verbal advice and written notices to customers or members.

#### **Environments:**

Where licensed gambling premises or clubs are in close proximity to schools, nurseries, or other children's provisions, then there needs to be an awareness of issues that could influence or encourage underage gambling.

Awareness of what to do if the premises, including its grounds are being used as a 'hang out' for children and young people particularly late at night or if they are coming or being brought onto the premises when they should be in an educational setting. This is particularly relevant for family gambling venues.

Staff should be made aware of what to do and who to contact if they have any concerns or would like to receive advice on this matter.

### **Extract From The Explanatory Notes Gambling Act 2005<sup>3</sup>**

*These notes refer to the Gambling Act 2005 (c.19), which received Royal Assent on 7 April 2005*

#### **PART FOUR: PROTECTION OF CHILDREN AND YOUNG PERSONS**

*Part 4 of the Act creates a number of offences that establish the extent to which children and young people may become involved in gambling, whether in terms of participation in the gambling, entry into gambling premises, or employment in relation to the provision of such facilities.*

#### **Section 45: Meaning of child and young person**

*174. Under the Act, any person aged less than sixteen years is defined as a child. Any person aged sixteen years or more, but who is not yet eighteen, is defined as a young person.*

#### **Sections 46 & 48: Inviting children and young persons to gamble; participation by young persons in gambling**

*175. In broad terms, people aged under eighteen are not to be permitted to gamble. Therefore, it is an offence for a person to invite, cause or permit a person under eighteen to gamble. It is also to be an offence for the young person to gamble (those aged sixteen and seventeen). However, children (those not yet aged sixteen) do not commit an offence if they gamble.*

*176. There are some exceptions to the general prohibition on gambling by children and young people. Children and young persons may participate in all forms of private or non-commercial gaming and betting. Young persons may participate in lotteries and pool betting on association football. Children and young persons may use the category of gaming machine with the lowest stakes and prizes (Category D). They may also take part in equal chance prize gaming at certain premises, as provided under Part 13 of the Act.*

*177. The offence of inviting a child or young person to gamble is to include advertising and other actions that bring attention to the facilities available for gambling. A person may be liable to commit the offence where his or her name or contact details are included in the information provided to the child or young person, and that person is someone to whom payment may be made or from whom information about the gambling may be obtained. However, in such a case, the person has a defence if he can prove that the information was provided without his consent or authority. A further defence is also available in a case where information is brought to a child's attention (as opposed to being sent to the child). In those circumstances, the person whose contact details appear in the information will have a defence if he can demonstrate that it was brought to the child's attention incidentally to it being brought to the attention of adults.*

#### **Sections 47 & 49: Invitation to enter premises; young persons entering premises**

*178. Children and young persons may not enter a casino, a betting shop or an adult gaming centre at any time when facilities for gambling are being provided on*

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<sup>3</sup> © Crown Copyright 2005

*the premises in reliance on the relevant premises licence. This is subject to the exception that children and young persons may enter the non-gambling area of a regional casino, but they may not enter the gambling area.*

*179. Under Part 8, a betting premises licence for a track is subject to the condition that children and young persons are excluded from any area where a Category C gaming machine is available for use or any area where facilities for betting are provided. However, the latter restriction does not apply in the case of a dog-race track or a horse-race course on any day on which racing takes place (see section 182).*

*180. Children are equally not permitted to enter areas of family entertainment centres where Category C gaming machines are available for use.*

*181. Any person who invites a child or young person to enter these premises, or the parts of the premises described above, commits an offence. Where a young person enters these areas, he too commits an offence.*

*182 As a consequence of these provisions, a person of any age may enter bingo premises, the betting areas of a horse racecourse or a greyhound track on days on which races are being run, or the non-gambling area of a regional casino. A person of any age may also enter any area of a family entertainment centre where no Category C gaming machines are provided at that place. This does not mean that they can necessarily partake in any gambling on the premises, see sections 46 and 48.*

### **Section 50: Provision of facilities for gambling**

*183 A young person commits an offence if he provides facilities for gambling, except in connection with private or non-commercial gaming and betting, lotteries, football pools and prize gaming at a travelling fair.*

### **Sections 51 to 55: Employment offences**

*184. It is an offence to employ children and young persons to provide facilities for gambling, except in the case of private or non-commercial gaming and betting and in relation to prize gaming at a travelling fair. There is a further exception in the case of lotteries and football pool betting. In those cases, the offence only extends to the employment of children and not young persons. The National Lottery is excluded from this provision. Regulations made under the National Lottery etc. Act 1993 already prohibit the sale of National Lottery tickets to those under 16.*

*185. Restrictions are imposed on the ways in which children and young people can be employed to work on premises where facilities for gambling are provided, even if they are not engaged to perform any gambling activities themselves. This is to ensure that children and young people are not afforded undesirable exposure to gambling.*

*186. It is an offence to employ children to work in premises at any time when facilities for the playing of bingo are being provided on the premises. It is also an offence to employ children at a club or institute at any time when facilities for gambling are being provided pursuant to a permit (section 53).*

*187. In relation to any premises where gaming machines of any category are situated, then any child or young person employed may not perform any function that involves the gaming machine. Therefore, for example, a child may be employed in a family entertainment centre to undertake non-gambling activities, although he may not operate or handle the machine or pay customers prizes in the*

event that the machine has insufficient money in it (and he may not enter the area where the Category C machines are located) (section 54).

188. Generally children and young persons are not allowed to be employed in any capacity in casinos, betting premises and adult gaming centres. This is subject to an exception in the case of regional casinos where children and young persons can be employed in non-gambling areas. It is possible, however, for children and young persons to be employed in adult only gambling premises (small and large casinos, the gambling area of regional casinos, betting offices and adult gaming centres) when no facilities for gambling are being provided. Therefore, for example, a sixteen-year-old apprentice joiner may undertake improvement works on the structure of a bar in a casino when it is closed (section 55).

189. There is also an effective prohibition on children and young persons being employed in the betting areas of certain tracks and the adult-only areas of family entertainment centres. This follows the provisions referred to above which generally prohibit children and young persons from being able to enter such areas (sections 47 and 49).

### **Section 56: Invitation to participate in lottery**

189. This section makes it an offence to invite, cause or permit a child to take part in a lottery, for example, by selling him a ticket. However, this offence does not apply to two types of lottery allowed under the Act, that is, private lotteries and incidental non-commercial lotteries (see Schedule 11, Parts 1 and 2). This means that the section does not, for example, prevent the sale to children of tickets in events such as the tombola at a school or church fete. The National Lottery is also excluded from this provision.

191. The Act does not criminalise the purchase by a child of a ticket in any form of lottery.

### **Section 57: Invitation to participate in football pools**

192. Young people are to be permitted to participate in football pools, and it is, therefore, permissible for the operators of football pools to provide information to young persons, or to direct advertisements to young persons. However, children may not participate in football pools and this section makes it an offence to invite, cause or permit a child to do so.

### **Section 58: Return of stake**

193. Under Part 5, all operating licences for gambling are subject to a condition requiring licence holders to return any money paid to them by children or young persons, where the person concerned is not permitted to participate in the gambling activity (section 83). It also requires the licence holder to withhold any winnings that would otherwise be payable. This section makes it an offence for a licence holder to fail to do so.

### **Section 59: Age limit for category D machines**

194. The Act does not set a minimum age limit for the use of Category D gaming machines. This section gives the Secretary of State power by order to establish one, by creating an offence of inviting, causing or permitting a child or young person below a specified age to use a Category D gaming machine.

195. Before making such an order, the Secretary of State is required to consult the Commission, people who appear to the Secretary of State to represent the interests of gambling businesses and people who have knowledge about problem gambling. An order need not apply to all types of Category D machine, which means that an age limit can be imposed on particular types of Category D machine.

*Therefore, if the evidence dictates that only certain types of machine require an age limit (as a result of harm), the section ensures that only those machines will be covered by the limit.*

### **Section 60: Temporary use notice**

*196. Temporary use notices issued under Part 9 may authorise gambling at premises that do not have a premises licence. The same applies in the case of premises subject to an occasional use notice. For the purposes of this Part, the relevant areas of such premises are to be regarded as being subject to the equivalent premises licence. Therefore, where a temporary use notice authorises gaming in one part of a hotel, a young person working in the hotel may not enter that area during the time that the notice has effect.*

### **Section 61: Meaning of employment**

*197. For the purposes of this Part, employment is to be regarded as having a wide meaning. For example, as well as direct employees of the licence holder, people engaged temporarily through an employment agency are equally to be regarded as employees of the licence holder.*

*198. Any offence committed under this Part will be treated as a continuing offence which means that a new offence will be committed on each day that the employment continues. This increases the level of penalty that will be available in sentencing.*

### **Section 62: Penalty**

*199. Offences under this Part are to be punishable on conviction by a maximum term of imprisonment of up to 51 weeks in England and Wales (or 6 months in Scotland), or a fine not exceeding level 5 on the standard scale, or both. Where it is young person who is convicted, imprisonment is not to be available and any fine imposed may not exceed level 3 on the standard scale.*

### **Section 63: Reasonable belief about a person's age**

*200. Where a person is charged with an offence under this Part of doing anything in relation to a child or young person it is to be a defence for the person to prove that he took all reasonable steps to determine the relevant person's age and he reasonably believed that the person was not a child or a young person.*

### **Section 64: Use of children in enforcement operations**

*201. This section will enable children and young persons to be used in test purchasing operations for the purpose of assessing whether the provisions in this Part, prohibiting under-age gambling, are being complied with. For example, a constable, enforcement officer or authorised person will not commit an offence under section 46 if, in the course of their duty, they invite a child or young person to gamble. Equally, a young person will not commit an offence under section 48 if he gambles at the request of a constable, enforcement officer or authorised officer who is acting in the course of his functions*

## **REPORTING MECHANISMS TO SLSCB**

The Safeguarding Children Business Manager will present bi-monthly reports to the Local Safeguarding Children Board. This will update the LSCB of the number of gambling applications they have received and any exceptions to the routine application.

Where there are concerns about an application which may result in a representation being lodged with the Licensing Authority the nominated representative from Children Education and Social care of Stockton-on-Tees Borough Council will undertake this task following discussion with the nominated representative(s) of Stockton-on-Tees Local Safeguarding Children Board.

For example if there are concerns of a child protection nature at a particular establishment, the nominated representative from Children Education and Social Care of Stockton-on-Tees Borough Council will liaise with, prepare any documentation and attend meetings where representation is to be made due to concerns.

### **OUTCOMES**

The expected outcome of this guidance is that the SLSCB will develop a knowledge and understanding of establishments that may pose a risk to the safety and well being of children in Stockton-on-Tees. Through dialogue with partners and establishments that require a gambling license the potential of this policy is that the environment can be made safer for children.

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