

**GAMBLING ACT 2005
STATEMENT OF PRINCIPLES 2013**

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PART A – GENERAL PRINCIPLES

1. Section - Licensing Objectives

1.1 When dealing with licensing matters North Dorset District Council ("the Licensing Authority") will promote the three licensing objectives set out in the Gambling Act 2005 ("the Act"). These licensing objectives are:

- 1.1.1 preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- 1.1.2 ensuring that gambling is conducted in a fair and open way; and
- 1.1.3 protecting children and other vulnerable persons from being harmed or exploited by gambling ("the Licensing Objectives").

1.2 For the purposes of interpreting these objectives:

- 1.2.1 the term "disorder" is interpreted as meaning an activity that is more serious and disruptive than mere nuisance;
- 1.2.2 reference to "vulnerable persons" includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol and/or drugs; and
- 1.2.3 the phrase "harmed or exploited by gambling" in some circumstances can mean preventing children and vulnerable people from taking part in or being in close proximity to gambling and controlling advertising so that gambling products are not aimed at vulnerable people or advertised in such a way that makes them particularly attractive to such people.

2. Introduction

Section - Duration of Statement

2.1 This is the Licensing Authority's published statement for the purposes of the Act.

- Approved by Full Council on 30 November 2012
- Commences on 31 January 2013 for a period of three years.

2.2 This statement will be applied in the exercise of the Licensing Authority's functions under the Act during that period.

2.3 The statement will be reviewed from time to time, and in the light of any such review, it may be revised. Any such revision will be published before it takes effect.

2.4 Should you have any comments as regards this statement please send them via email or letter to the following contact:

The Licensing Team
North Dorset District Council,
Nordon,
Salisbury Road
Blandford Forum
Dorset DT11 7LL
licensing@north-dorset.gov.uk

Section - Content of Statement

2.5 A summary of information contained within this statement is attached as an index at the front of this document.

2.6 The licensable activities covered by this Statement are:

Premises Licences

- Adult gaming centres
- Licensed family entertainment centres;
- Bingo Premises ;
- Betting premises;
- Tracks; and
- Casinos.

Permits

- club gaming and club machine permits.
- gaming machines on alcohol licensed premises;
- prize gaming; and
- unlicensed family entertainment centres.

Notices

- temporary use; and
- occasional use.

Miscellaneous

- travelling fairs

2.7 The contents of this document are not a full or authoritative statement of law or statutory guidance and do not constitute professional or legal advice.

2.8 This statement is published on the Licensing Authority's web-site and is available at the offices of the Licensing Authority during normal working hours.

2.9 The address of the Licensing Authority's web-site is www.dorsetforyou.com .

Geographical application of Statement

- 2.10 North Dorset Council is situated in the heart of the County of Dorset which contains 8 Councils in total. The North Dorset area covers some 235 square miles (60864.720 hectares) and has a population of approximately 64,000 making it the middle in the County in terms of population.
- 2.11 It is a rural district with an economy based on agriculture commerce and service industries. Around 50% of the district's total population are clustered around the five main towns of Blandford, Gillingham, Shaftesbury, Stalbridge and Sturminster Newton whilst the other half are distributed throughout the rural villages thus creating an area of sharp contrasts. The age profile is such that it is above the national average for over 60 and the 20-29 agegroup is below the national average.

2.12 A map showing the extent of the District is produced at Appendix A.

Section - Consultation Process

2.12 Before publishing this policy statement, the Licensing Authority consulted with and took into account comments received from the following organizations:

2.12.1 The Chief Officer of Police in Dorset;
The Gambling Commission

2.12.2 Various persons / bodies who appeared to the Licensing Authority to represent the gambling businesses in the district, namely:

- Ladbrokes
- Corals
- Association of British Bookmakers
- BACTA
- The Bingo Association
- National Casino Industry Forum.
- Solicitors on behalf of Hall & Woodhouse
- Blandford LVA.

2.12.3 Various persons / bodies who appeared to the Licensing Authority to represent the interests of persons likely to be affected by the exercise of the Licensing Authority's functions under the Act, namely:

- Dorset County Council Social Services
- Dorset Fire & Rescue Services
- Dorset Chamber of Commerce & Industry
- Dorset Community Action
- Dorset Association of Parish & Town Councils
- Gam Care

2.12.4 Where relevant, regard was also had to unsolicited comments although these are not listed.

Section - Declaration

- 2.13 In producing this licensing statement of principles, the Licensing Authority declares that it has had regard to the Licensing Objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and responses received from those consulted on policy statement.
- 2.14 The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered by disabled people in certain areas including employment, and access to goods, facilities and services. In as far as it is not otherwise covered by legislation the Licensing Authority will have particular regard to disability issues when considering applications..

Section - Fundamental principles

- 2.14 In carrying out its functions the Licensing Authority will regulate gambling in the public interest.
- 2.15 Any application received will be considered on its merits and will be dealt with in accordance with the requirements of the Act and relevant regulations
- 2.16 The Licensing Authority will seek to avoid any duplication with other regulatory regimes so far as possible.
- 2.17 The Licensing Authority will, in particular when considering its functions in relation to applications and enforcement, have regard to the Human Rights Act 1998.
- 2.18 It should be noted that this statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence where such a right exists.

3. Responsible Authorities

Section - Responsible Authorities - General

- 3.1 The Act specifies various bodies as Responsible Authorities ("Responsible Authorities"). A list of the Responsible Authorities for the area of the Licensing Authority can be found on the Council's website at www.dorsetforyou.com.

- 3.2 The Responsible Authorities must be notified of applications in relation to Premises Licences and are entitled to make representations in relation to them.

Responsible Authority - Protection of Children from harm

- 3.3 In exercising the Licensing Authority's powers under section 157(h) of the Act to designate, in writing, a body competent to advise the Licensing Authority about protection of children from harm the following principles are applied:

- 3.3.1 the need for the body to be responsible for an area covering the whole of the licensing authority's area;
- 3.3.2 the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and
- 3.3.3 whether the body has experience in relation to protection of children issues.

- 3.4 The Licensing Authority designates Dorset County Council Child Services for the purpose of providing advice about protection of children from harm.

4. Interested parties

Section - Interested Parties – General

- 4.1 The Act identifies various categories of person who may be Interested Parties ("Interested Parties") in relation to an application for or in respect of a Premises Licence, namely a person who in the opinion of the Licensing Authority:

- 4.1.1 lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- 4.1.2 has business interests that might be affected by the authorised activities; or
- 4.1.3 represents persons who satisfy either of the two sub-paragraphs above.

- 4.2 Interested parties can make representations about licence applications or apply for a review of an existing licence.

Section - Interested Parties – Principles relating to determination

- 4.3 The Licensing Authority will apply various principles to determine whether a person is an Interested Party.

- 4.4 The Licensing Authority will consider each situation on its merits.

4.5 In determining whether a person lives “sufficiently close to the premises”, the Licensing Authority will have regard to such of the following factors as it considers appropriate to the circumstances:

- 4.5.1 the size of the premises;
- 4.5.2 the nature of the premises;
- 4.5.3 the distance of the premises from the location of the person making the representation;
- 4.5.4 what might, in the opinion of the Licensing Authority, be reasonably regarded as a potential impact of the premises (this might for example be influenced by the anticipated number of customers, routes likely to be taken by those visiting the premises etc);
- 4.5.5 the nature of the complainant. This is not meant to cover the personal characteristics of the complainant, but the interest of the complainant where they may be relevant to the distance from the premises. For example, the Licensing Authority is likely to apply a wider interpretation to the meaning of “sufficiently close” where the complainant provides services attended by children or vulnerable adults; and
- 4.5.6 such other factors as it considers are relevant.

4.6 In determining whether a business interest is “likely to be affected”, the Licensing Authority will have regard to such of the following factors as it considers appropriate to the circumstances:

- 4.6.1 the size of the premises;
- 4.6.2 the “catchment” area of the premises (i.e. how far people travel to visit);
- 4.6.3 the nature of the business that it is suggested might be affected; and
- 4.6.4 such other factors as it considers are relevant.

4.7 It could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain. But that is unlikely to be enough to satisfy the test of being “a person with business interests that might be affected by the premises” under consideration. For example, an operator in a particular sector (be it a casino, bingo, betting etc) should not be able to lodge representations on every application put in by a rival operator anywhere in the country; simply because they are in competition within the same gambling sector. The Licensing Authority will need to be satisfied that the relevant business is likely to be affected.

4.8 In determining whether a person is regarded as representing a person in either of the other two Interested Party categories, the Licensing Authority in particular considers that the following may fall within this category:

- 4.8.1 Local councilors and Members of Parliament;

- 4.8.2 Town and Parish Councils;
 - 4.8.3 Resident's and Tenants Associations; and
 - 4.8.4 Trade unions and Trade Associations.
- 4.9 The Licensing Authority will not necessarily consider a person / body as representing one of the other categories of Interested Party unless the person / body can demonstrate that they have specifically been requested in writing to represent that person and / or business in relation to the submission of the representation.

5. Responsible Authorities and Interested Parties

Section - Responsible Authorities and Interested Parties – representations

- 5.1 A representation made by a Responsible Authority or Interested Party which is not withdrawn will normally result in a hearing taking place.
- 5.2 In certain circumstances however, a hearing need not take place. For example, where the Licensing Authority consider that the representation:
- 5.2.1 is vexatious;
 - 5.2.2 is frivolous; or
 - 5.2.3 will certainly not influence the authority's determination of the application.

6. Disclosure / Exchange of Information

Section - Exchange of Information – General

- 6.1 The Act, and other legislation such as the Data Protection Act 1998, the Freedom of Information Act 2000 and secondary legislation places various statutory duties and responsibilities upon the Licensing Authority in relation to the exchange and disclosure of information that is available to it.

Section - Exchange / Disclosure of Information – principles

- 6.2 The Licensing Authority will comply with all statutory duties imposed upon it which require it to disclose information, subject always to any legislative restrictions that impact upon any such requirement.
- 6.3 Where the Licensing Authority has a discretion as to whether or not information may be disclosed / exchanged it will in particular normally have regard to the following principles:
- 6.3.1 any request that is received for the disclosure of information will be considered on its merits having regard to any general statutory principles that might apply;
 - 6.3.2 upon receipt of a request for any exchange or disclosure, information will not normally be withheld where it is considered by the Licensing Authority that this may aid in the promotion of

the licensing objectives, and does not unacceptably conflict with other factors which the Licensing Authority considers as being of relevance to it; and

6.3.3 the Licensing Authority may also provide information available to it, whether a request has been received or not, if it considers it may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors as identified above.

6.4 Where representations are received in relation to any function being exercised by the Licensing Authority under the Act, those representations will normally be disclosed to an extent that the Licensing Authority considers reasonable in the circumstances. In particular, in making this assessment, the Licensing Authority will have regard to the interests of natural justice and Article 6 of the Convention on Human Rights. Information will not be disclosed where statute expressly prevents its disclosure.

6.5 In so far as the law allows, the Licensing Authority generally favours full disclosure of all relevant representations made in relation to an application that it is considering under the Act.

6.6 The Licensing Authority in carrying out its duties will have full regard to the provisions of the Data Protection Act 1998 and the Freedom Of information Act 2000.

6.7 Where the law allows, a data subject for the purposes of the above legislation may require and be entitled to information that is held by the Licensing Authority. Some of this information may be accessible via the Licensing Authority's website and registers that the Licensing Authority is obliged to keep under the Act. Where this is not the case, then a request for such data should be made to the Licensing Section of the Licensing Authority.

7. Enforcement

Section - Enforcement – General

7.1 The Act provides various bodies including the Licensing Authority with power to authorise persons to undertake inspections for a variety of purposes. Furthermore the Licensing Authority has the capacity to instigate criminal proceedings for various offences that are specified within the Act.

Section - Inspections and instigating criminal proceedings – principles

7.2 In considering whether to undertake an inspection of a premises, the Licensing Authority will in particular normally have regard to the following principles:

- 7.2.1 When considering whether to undertake any inspection each situation will be considered on its merits;
 - 7.2.2 that the Licensing Authority will not usually undertake an inspection unless it is considered relevant for the purposes of an application or actual or potential enforcement issue;
 - 7.2.3 in the case of enforcement action generally, will act having given due consideration to the enforcement policy adopted by North Dorset District Council (as may be amended from time to time) and the Regulatory Compliance Code that is current at that time (if any); and
 - 7.2.4 that it will exercise its responsibilities in relation to inspections having regard to the further principles set out below.
- 7.3 In considering whether to exercise its powers in relation to the institution of criminal proceedings in the Act, the Licensing Authority will in particular normally have regard to the following principles:
- 7.3.1 each case will be considered on merits;
 - 7.3.2 in so far as it may be relevant to the assessment, whether the Licensing Authority has acted in accordance with the enforcement policy of North Dorset District Council and the Regulatory Compliance Code referred to above;
 - 7.3.3 whether the instigation of criminal proceedings accords with the Code for Crown Prosecutors current at that time (if any); and
 - 7.3.4 in so far as it may be relevant to the assessment, that it will undertake proceedings having regard to the principles set out below.
- 7.4 The principles referred to in the paragraphs above in relation to the exercise of powers concerning inspections and court proceedings are that the Licensing Authority will, in so far as it is appropriate, be:
- 7.4.1 proportionate;
 - 7.4.2 accountable;
 - 7.4.3 consistent;
 - 7.4.4 transparent; and
 - 7.4.5 targeted.

Section - Carrying out enforcement responsibilities – risk

- 7.5 In carrying out its enforcement responsibilities, the Licensing Authority will normally adopt a risk based approach.
- 7.6 Criteria that may normally contribute to an assessment to determine the level of risk that applies to a premises are:
- 7.6.1 the size of the premises;
 - 7.6.2 the proximity of the premises to identified vulnerable persons;
 - 7.6.3 whether any complaints are received in relation to the premises and, if so, the nature and number of complaints that are considered relevant; and

- 7.6.4 such other factors as the particular circumstances of the individual situation warrant.

PART B – SPECIFIC FUNCTIONS

8. Premises Licenses

Section - Fundamental principles applying to Premises Licences

- 8.1 Gambling Premises licences will be subject to the requirements set out in the Gambling Act 2005 and Regulations as well as specific mandatory and default conditions which will be detailed in Regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others where it is believed to be appropriate.
- 8.2 In considering an application for a Premises License no regard will be had as to whether there is unfulfilled demand for the facilities of the Premises Licence that is sought.
- 8.3 As it does not relate to a licensing objective, moral objections to gambling will not be regarded as a valid reason to reject an application for a Premises Licence.
- 8.4 In exercising its functions in relation to Premises Licenses, the Licensing Authority will aim to permit the use of premises for gambling in so far as the Licensing Authority think it:
- 8.4.1 in accordance with any relevant Code of Practice issued by the Gambling Commission;
 - 8.4.2 in accordance with any relevant guidance issued by the Gambling Commission;
 - 8.4.3 reasonably consistent with the Licensing Objectives (subject to the two sub-paragraphs above); and
 - 8.4.4 in accordance with this Statement (subject to the three sub-paragraphs above).

Section - Premises Licence – General

- 8.5 For the purposes of the Act, the term “premises” is defined as including any place and in particular a vessel and a vehicle.
- 8.6 The Act provides that different Premises Licences cannot apply in respect of single premises at different times, e.g. A premises could not be licensed as a bingo hall on weekdays and a betting shop at weekends.

8.7 Whilst a premises is defined in the Act as “any place” “. it is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises. In considering applications for multiple licences for a building, or those for a specific part of the building to be licensed, the Licensing Authority may normally take particular note of the following:

- 8.7.1 The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also that they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling; and
- 8.7.2 entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

Section - Premises Licence - Decision Making

8.8 In making a determination in respect of a Premises Licence, the Licensing Authority cannot have regard to irrelevant matters i.e. those that do not relate to gambling and the Licensing Objectives. Therefore issues relating to whether a planning permission or building regulations may or may not be granted are not relevant to the determination. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a Premises Licence application.

8.9 Furthermore, when dealing with Premises Licences for finished buildings, the Licensing Authority will not take account of whether those buildings have or comply with the necessary planning or buildings consents.

8.10 The grant of a gambling Premises Licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

8.11 Whilst each application will be considered on its merits, factors to which the Licensing Authority may in particular have regard when determining an application include:

- 8.11.1 proximity of gambling premises to properties regularly frequented by persons under the age of eighteen and other vulnerable persons;

- 8.11.2 the suitability of the premises for gambling in the context of the licensing objectives;

- 8.11.3 the type of gambling that is proposed at the premises;
- 8.11.4 the primary gambling activity of the premises should be as that type described with any gaming machines as an ancillary offer on the premises.
- 8.11.5 any information provided by the applicant showing how it is proposed to overcome any licensing objective concerns; and
- 8.11.6 whether any relevant objections to an application could be addressed by the use of one or more conditions.

8.12 In circumstances where the Licensing Authority proposes to attach or reject conditions as part of a decision it will give reasons as required by the Act. Reasons will also be given if the Licensing Authority determines to reject an application.

Section - Premises Licence – Conditions

8.13 The Act and associated provisions enables mandatory conditions to be attached to such Premises Licences as may be specified.

8.14 Furthermore, the Act also provides the power for default conditions to be attached to such Premises Licences as may be specified in regulations unless the Licensing Authority exclude any of them.

8.15 Subject to certain legislative exceptions, power is also available to a Licensing Authority to attach further conditions in addition to those identified above. Such conditions may apply in relation to a premises generally or only in relation to a specified part of the premises.

8.16 Where a discretion exists, the Licensing Authority will not impose its own condition on a Premises Licence unless it relates to an issue arising in respect of the gambling proposal.

8.17 The Act does however specify certain matters for which the Licensing Authority cannot impose a condition.

8.18 In exercising a discretion as to whether to impose any further condition, the Licensing Authority will be proportionate to the circumstances being considered.

Section - Premises Licence – reviews

8.19 Requests for a review of a Premises Licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will normally be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious will certainly not cause this authority to wish to alter / revoke / suspend the licence, whether it is substantially the same as previous representations or requests for review and any other matter identified as relevant to the assessment.

The matters referred to above are whether the request for a review raises an issue relevant to the principles to be applied in accordance with section 153 of the Act i.e. in exercising its functions under Part 8 of the Act, the Licensing Authority shall aim to permit the use of premises for gambling in so far as the Licensing Authority think it:

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

8.20 Whilst the Licensing Authority recognizes the importance of the right of 'responsible authorities' and 'interested parties' to request reviews of Premises Licences, the Licensing Authority would expect a reasonable interval between hearings for the same premises, and unless exceptional circumstances existed, would not hold a repeat hearing within 12 calendar months beginning with the month following the date of the first hearing.

8.21 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Adult Gaming Centre Premises Licence

Section - Adult Gaming Centre Premises Licence– General

8.22 An Adult Gaming Centre is a premises for which a Premises Licence is granted to make certain prescribed gaming machines available only to persons aged eighteen years and over.

Section – Adult Gaming Centre Premises Licence – Miscellaneous

8.23 An Adult Gaming Centre Premises Licence granted on or after 13 July 2011 can authorize the holder to make available either

- 8.23.1 a number of category B machines not exceeding 20% of the total number of machines available for use on the premises or
- 8.23.2 offer four category B machines whichever is the greater.

8.24 After 1 April 2014 the premises must comply with the 20% entitlement only.

Section – Adult Gaming Centre Premises Licence – decision making

8.25 The Licensing Authority will particularly have regard to the need to protect persons under 18 and other vulnerable persons from harm or being exploited by gambling and usually will expect the applicant to satisfy the authority, for example, that there will be sufficient

measures to ensure that under 18 years old do not have access to the premises.

8.26 This Licensing Authority will normally expect the applicant to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions for Adult Gaming Centre Premises Licence applications may cover issues such as:

- 8.26.1.1 provision of CCTV;
- 8.26.1.2 supervision of entrances / gaming machine areas;
- 8.26.1.3 physical separation of different areas within the premises;
- 8.26.1.4 location of entry to premises;
- 8.26.1.5 numbers, locations and wording of signage / notices / rules;
- 8.26.1.6 self barring schemes;
- 8.26.1.7 specific opening hours;
- 8.26.1.8 provision of information leaflets / help line numbers for organizations such as GamCare; and
- 8.26.1.9 proof of age schemes.

8.27 It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Licensed Family Entertainment Centres

Section – Licensed Family Entertainment Centres - General

8.28 A Licensed Family Entertainment Centre is a premises for which a Premises Licence is granted to provide, subject to certain restrictions, gaming machines. Persons under eighteen years old will not be permitted to use certain gaming machine categories that the Premises License might authorise and there will need to be segregation between the different gaming machine types.

Section – Licensed Family Entertainment Centres – decision making

8.29 The Licensing Authority will normally particularly have regard to the need to protect children and young persons and other vulnerable persons from harm or being exploited by gambling and will usually expect the applicant to satisfy the Licensing Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to any adult only gaming machine areas.

8.30 The Licensing Authority will normally expect the applicant to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions for Licensed Family Entertainment Centres applications may cover issues such as:

- 8.30.1.1 provision of CCTV;

- 8.30.1.2 supervision of entrances / gaming machine areas;
- 8.30.1.3 physical separation of different areas within the premises;
- 8.30.1.4 location of entry to premises;
- 8.30.1.5 numbers, locations and wording of signage / notices / rules;
- 8.30.1.6 self barring schemes;
- 8.30.1.7 specific opening hours;
- 8.30.1.8 the location of adult gaming machines;
- 8.30.1.9 provision of information leaflets / help line numbers for organizations such as GamCare; and
- 8.30.1.10 proof of age schemes.

8.31 It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Bingo Premises Licence

Section – Bingo Premises Licence – General

8.32 Bingo does not have a statutory definition.

8.33 The holder of a Bingo Premises Licence will be able to offer any type of bingo game, whether cash or prize. Furthermore the holder of the any licence granted on or after 13 July 2011 may also make available for use either :

8.33.1 A number of category B gaming machines not exceeding 20% of the total number of gaming machines available for use on the premises or

8.33.2 Up to eight category B gaming machines whichever is the greater.

8.34 As from 1 April 2014 the premises must comply with the 20% entitlement.

Section – Bingo Premises Licences – decision making

8.35 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines.

8.36 The Licensing Authority will normally particularly have regard to the need to protect children, young persons and other vulnerable persons from harm or being exploited by gambling and where there are to be category C or above machines will expect the applicant to satisfy the Licensing Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to adult only gaming machines.

8.37 The Licensing Authority will normally expect the applicant to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions for Bingo Premises Licence applications may cover issues such as:

- 8.37.1.1 provision of CCTV;
- 8.37.1.2 supervision of entrances / gaming machine areas;
- 8.37.1.3 physical separation of different areas within the premises;
- 8.37.1.4 location of entry to premises;
- 8.37.1.5 numbers, locations and wording of signage / notices / rules;
- 8.37.1.6 self barring schemes;
- 8.37.1.7 specific opening hours;
- 8.37.1.8 the location of adult gaming machines;
- 8.37.1.9 provision of information leaflets / help line numbers for organizations such as GamCare; and
- 8.37.1.10 proof of age schemes.

8.38 It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

8.39 The Licensing Authority will expect the applicant to identify the types of gaming machine that will be placed on the premises.

8.40 Whilst each application will be considered on its merits, factors to which the Licensing Authority may in particular have regard when determining an application of this nature include the suitability and layout of bingo premises.

Betting Premises

Section – Betting Premises – General

8.41 A Betting Premises Licence is usually required to enable betting to take place on premises (see Tracks below). The regional, large and small categories of new casinos permitted under the Act will be entitled to provide facilities for betting without a separate Betting Premises Licence.

Section – Betting Premises – Miscellaneous

8.42 By virtue of a Betting Premises License the holder may, subject to certain restrictions, make available for use up to four gaming machines.

8.43 Other than in the case of tracks, for which special rules apply, children and young persons will not be able to enter premises with a Betting Premises Licence

Section – Betting Premises – Decision Making

8.44 The Licensing Authority will normally expect the applicant to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions for Betting Premises Licence applications may cover issues such as:

- 8.44.1.1 provision of CCTV;
- 8.44.1.2 supervision of entrances / gaming machine areas;
- 8.44.1.3 location of entry to premises;
- 8.44.1.4 numbers, locations and wording of signage / notices / rules;
- 8.44.1.5 self barring schemes;
- 8.44.1.6 specific opening hours;
- 8.44.1.7 provision of information leaflets / help line numbers for organizations such as GamCare;
- 8.44.1.8 the number and location of gaming and betting machines; and
- 8.44.1.9 proof of age schemes.

8.45 It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

8.46 In addition to the above and any other relevant factors, the Licensing Authority in having regard to the need to protect children, young persons and other vulnerable persons from harm will normally when making a decision have regard to the size of the premises, the counter positions available for person-to-person transactions and the ability of staff to monitor the use of machines.

8.47 As part of the powers available to the Licensing Authority in relation to the imposition of conditions, the Licensing Authority may attach conditions restricting the number of betting machines, their nature and circumstances in which they are made available.

Tracks

Section – Tracks – General

8.48 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place.

Section – Tracks – Miscellaneous

8.49 For betting to take place on a Track a Betting Premises Licence will be required unless an Occasional Use Notice or Temporary Use Notice is in place.

8.50 Tracks may be subject to more than one Premises Licence, provided each area relates to a specified area of the track without overlap.

8.51 Children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but having regard to the need to protect

persons under 18 from harm they should be prevented from entering areas where gaming machines (other than category D machines) are provided.

Section – Tracks – decision making

8.52 In recognition of the extant guidance on this matter, the Licensing Authority will normally require detailed plans of the premises showing the following information:

- 8.52.1 location of gaming machines;
- 8.52.2 location of betting machines;
- 8.52.3 location of any race track;
- 8.52.4 the location of any on-course betting facilities;
- 8.52.5 the location of any off-course betting facilities; and
- 8.52.6 the location of any areas to be the subject of additional Premises Licence applications.

8.53 The Licensing Authority will normally expect the applicant to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions for applications relating to Tracks may cover issues such as:

- 8.53.1.1 provision of CCTV;
- 8.53.1.2 supervision of entrances / gaming machine areas;
- 8.53.1.3 physical separation of different areas;
- 8.53.1.4 location of entry to premises;
- 8.53.1.5 numbers, locations and wording of signage / notices / rules;
- 8.53.1.6 self barring schemes;
- 8.53.1.7 specific opening hours;
- 8.53.1.8 provision of information leaflets / help line numbers for organizations such as GamCare;
- 8.53.1.9 the number and location of gaming and betting machines; and
- 8.53.1.10 proof of age schemes.

8.54 In addition to the above and any other relevant factors, the Licensing Authority in having regard to the need to protect children, young persons and other vulnerable persons from harm will normally when making a decision have regard to the size of the premises, the counter positions available for person-to-person transactions and the ability of staff to monitor the use of machines.

Casinos

Casino Resolution

8.55 At the date of adoption of this Statement, the Licensing Authority has not passed a resolution preventing the grant of a Casino Premise Licences under section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide

in the future to pass such a resolution, it will update this statement with detail of that resolution.

9. Permits

Club Gaming Permits / Club Machine Permits

Section - Club Gaming Permits – General

- 9.1 A Club Gaming Permit authorizes establishments to provide, subject to certain restrictions, no more than three gaming machines, equal chance gaming and other games of chance as prescribed.

Section - Club Gaming Permits – Miscellaneous

- 9.2 Before granting the permit the Licensing Authority must be satisfied that the premises meet the requirements of a members club and that the majority of members are over 18.
- 9.3 A 48 hour rule applies in respect of all three types of gaming.

Section - Club Machine Permits - General

- 9.4 In circumstances where a club is only able or interested in the provision of gaming machines (as opposed to other forms of gaming), or is a club that is not permitted to provide non-machine gaming a Club Machine Permit can authorize establishments to provide gaming machines where that establishment is a members club as referred to above.

Section - Club Gaming Permits / Club Machine Permits (decision making)

- 9.4 The Licensing Authority cannot attach conditions to either of these permits.
- 9.5 Subject as provided below, the Licensing Authority may only refuse an application on the grounds that:
- 9.5.1 the applicant does not fulfill the requirements of a member's or commercial club;
 - 9.5.2 the applicant's premises are used wholly or mainly by persons under the age of eighteen;
 - 9.5.3 an offence under the Act, or a breach of permit has been committed by the applicant in the course of gaming activities being carried on;
 - 9.5.4 a permit held by the applicant has been cancelled in the last ten years; or

- 9.5.5 an objection to the application has been made by the Gambling Commission or the Police.
- 9.6 In the case of a club which holds a club premises certificate under the Licensing Act 2003, the Licensing Authority may only refuse an application on the grounds that:
- 9.6.1 the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - 9.6.2 that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - 9.6.3 that a Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled.

Neither the Gambling Commission nor the Police may object to applications in these circumstances

Alcohol Licensed Premises Gaming Machine Permits

Section – Alcohol Licensed Premises Gaming Machine Permits - General

- 9.7 On notifying the Licensing Authority, a premises licensed to sell alcohol for consumption on the premises can subject to certain restrictions have 2 gaming machines.
- 9.8 In certain circumstances the Licensing Authority has the power to remove this right.
- 9.9 An Alcohol Licensed Premises Gaming Machine Permit is required if more than 2 gaming machines are sought.
- 9.10 The issue of such a permit replaces the automatic entitlement identified above.

Section – Alcohol Licensed Premises Gaming Machine Permits - Miscellaneous

- 9.11 In addition to the statutory requirements, as part of any application for an Alcohol Licensed Premises Gaming Machine Permit, the Licensing Authority will normally require the following in order to ensure that adequate information is provided to enable a proper assessment to be made:
- 9.11.1 a plan showing the location and category of gaming machine being sought; and
 - 9.11.2 details of any proposed precaution for preventing persons under eighteen from using any category of gaming machine being sought and how it would be implemented.

Section - Alcohol Licensed Premises Gaming Machine Permits – Decision Making

9.12 The Licensing Authority will consider applications taking into account the Licensing Objectives, Guidance issued by the Gambling Commission and such other matters as it considers relevant on a case by case basis.

9.13 The Licensing Authority may decide to grant an application with a smaller number of machines and / or a different category of machine, but cannot attach any other conditions.

Prize Gaming Permits

Section - Prize Gaming Permits – General

9.14 Prize Gaming Permit is a permit issued by the Licensing Authority to authorize the provision of facilities for gaming with prizes on specified premises.

Section - Prize Gaming Permits – Miscellaneous

9.15 In addition to the statutory requirements, as part of any application for a Prize Gaming Permit, the Licensing Authority will normally require the following in writing in order to ensure that adequate information is provided to enable a proper assessment to be made:

- 9.15.1 an up to date Criminal Record Bureau check;
- 9.15.2 details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited;
- 9.15.3 details of any other permit held by the applicant in respect of other premises;
- 9.15.4 the nature of the prizes;
- 9.15.5 the proposed frequency of prize gaming at the premises;
- 9.15.6 details of any training and/or training programme on the limits of stakes, prizes and permissible gambling relating to such permits; and
- 9.15.7 details of any proposed precaution to secure the protection of harm to persons under the age of eighteen and measures for implementing the same.

Section - Prize Gaming Permits – Statement of Principles

9.16 In considering any application the Licensing Authority will normally have regard to the following principles:

- 9.16.1 each case will be considered on its merits;
- 9.16.2 consideration will be given to any relevant information received as part of the application process;
- 9.16.3 the Licensing Objectives, any Guidance and this Statement, and will give particular weight to the protection of children and young persons; and
- 9.16.4 such other factors as the Licensing Authority considers relevant.

Section - Prize Gaming Permits – decision making

9.17 The Act imposes mandatory conditions on a Prize Gaming Permit.
The Licensing Authority cannot impose any other conditions.

Unlicensed Family Entertainment Centre Gaming Machine Permits

Section – Unlicensed Family Entertainment Centre Gaming Machine Permits - General

9.18 This permit authorizes the provision of specified low category gaming machines only.

Section – Unlicensed Family Entertainment Centre Gaming Machine Permits – Miscellaneous

9.19 In addition to the statutory requirements, as part of any application for an Unlicensed Family Entertainment Centre Gaming Machine Permit, the Licensing Authority will normally require the following in order to ensure that adequate information is provided to enable a proper assessment to be made:

- 9.19.1 an up to date Criminal Record Bureau check;
- 9.19.2 details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited;
- 9.19.3 details of any other permit held by the applicant in respect of other premises;
- 9.19.4 the nature of the prizes;
- 9.19.5 the proposed frequency of prize gaming at the premises;
- 9.19.6 details of any training and training programme on the limits of stakes, prizes and permissible gambling relating to such permits; and
- 9.19.7 details of any proposed precaution to secure the protection of harm to persons under the age of eighteen and measures for implementing the same.

9.20 Applications for this permit cannot be granted if a Premises License has been granted under this Act.

Section – Unlicensed Family Entertainment Centre Gaming Machine Permits – Statement of Principles

9.21 In considering any application the Licensing Authority will normally have regard to the following principles:

- 9.21.1 each case will be considered on its merits;
- 9.21.2 consideration will normally be given to any relevant information received as part of the application process;

- 9.21.3 the Licensing Objectives, any Guidance and this Statement, and will give particular weight to the protection of children and young persons; and
- 9.21.4 such other factors as the Licensing Authority considers relevant.

Section - Unlicensed Family Entertainment Centre Gaming Machine Permits – Decision Making

- 9.22 The Act imposes mandatory conditions on an Unlicensed Family Entertainment Centre Gaming Machine Permit. The Licensing Authority cannot impose any other conditions.
- 9.23 The Licensing Authority may refuse an application for renewal of a permit only on the grounds that:
 - 9.23.1 an authorised officer has been refused access to the premises without reasonable cause; or
 - 9.23.2 that the renewal would not be reasonably consistent with pursuit of the licensing objectives.

10. Notices

Temporary Use Notices

Section – Temporary Use Notices - General

- 10.1 A Temporary Use Notice may be used, where a gambling operator wishes to use premises (as identified in the Act) for which there is no Premises Licence, for temporarily providing facilities for gambling.

Section – Temporary Use Notices – Miscellaneous

- 10.2 A Temporary Use Notice may only be granted to a person or a company holding a relevant operating licence
- 10.3 The same set of premises may not be the subject of a temporary use notice for more than twenty-one days in any twelve month period, but may be the subject of several notices provided the total does not exceed twenty-one days.
- 10.4 It is for the Licensing Authority to determine in each case as to what constitutes a set of premises.

Section – Temporary Use Notices – Decision Making

- 10.5 Where an objection has been received in relation to a Temporary Use Notice, then if the Licensing Authority considers that it should not have effect or should have effect only with modification the Licensing Authority may give a counter-notice.
- 10.6 A counter notice providing that a Temporary Use Notice will not take effect will be given by the Licensing Authority where the notice would contravene the maximum number of days available for a set of premises.
- 10.7 The counter-notice can prevent the Temporary Use Notice from having effect or may limit the Notice in other various prescribed ways.
- 10.8 The principles that the Licensing Authority applies in deciding whether to issue a counter-notice are the same as those in determining Premises Licence applications.

Occasional Use Notices

Section – Occasional Use Notices - General

- 10.9 Where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a Premises Licence.

Section – Occasional Use Notices – Miscellaneous

- 10.10 Occasional Use Notices may not be relied upon for more than eight days in a calendar year.
- 10.11 The Act prescribes the requirements and process for using such Notices; this includes giving Notice to the Licensing Authority and copying it to prescribed parties.

11. Miscellaneous

Travelling Fairs

Section – Travelling Fairs – General

- 11.1 A Travelling Fair “wholly or principally” provides amusements.

Section – Travelling Fairs – Miscellaneous

- 11.2 A Travelling Fair must take place on a site that has been used for fairs for no more than 27 days per calendar year.

- 11.3 Travelling Fairs do not require a permit or licence to provide gaming machines provided that these are only category D gaming machines. There is no limit to the number of such category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair.

12. Registrations

- 12.1 Under the Gambling Act 2005 the Local Authority is responsible for overseeing the registration of societies to regulate the carrying out of small society lotteries for non-commercial purposes that are exempt from licensing with the Gambling Commission.

Small Society Lotteries

- 12.2 Small society lotteries are lotteries of a non commercial society which is established and conducted:
- for charitable purposes;
 - for the purpose of enabling participation in, or supporting sport
 - athletics, or a cultural activity; or
 - for any other non-commercial purpose other than that of private gain.
- 12.3 A lottery is 'small' if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar years is £250,000 or less. When these amounts are exceeded the lottery is a 'large lottery' and should be licensed by the Gambling Commission.
- 12.4 The Licensing Authority has produced guidance for organizations and individuals seeking to operate mall society lotteries which is obtainable from the Council's website at www.dorsetforyou.com.
- 12.5 In line with the Gambling Commission's Guidance relating to Small Society Lotteries, the Licensing Authority will generally adopt a light touch to the enforcement of these lotteries, in line with the general principles detailed in section 7 above.

Summary of licensing authority delegations permitted under the Gambling Act.

Matter to be dealt with	Full Council	Sub-committee of Licensing committee	Officers
Final approval of the Licensing Authority Statement of Policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X (if delegated by full council)	
Application for Premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn.
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn.
Application for a transfer of a licence		Where representation have been received from the Commission or responsible authority	Where no representations received from the Commission or responsible authority
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellations of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X indicates the lowest level to which decisions can be delegated.

APPENDIX A

MAP OF NORTH DORSET

