



# **PURBECK DISTRICT COUNCIL**

## **STATEMENT OF GAMBLING POLICY**

**3<sup>rd</sup> January 2007**

## **GAMBLING ACT 2005**

### **STATEMENT OF LICENSING POLICY**

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# **PART A – GENERAL PRINCIPLES**

## **1. Licensing Objectives**

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

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

1.2 For the purposes of interpreting these objectives:

- the term “disorder” is interpreted as meaning an activity that is more serious and disruptive than mere nuisance;
- 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
- the phrase “harmed or exploited by gambling” 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**

### **2.1 Duration of Statement**

2.1.1 This statement of principles is the Licensing Authority’s published policy for the purposes of the Act. It will run for a period of 3 years approved at a meeting of the Council’s Licensing Board on 20<sup>th</sup> October 2006 and full Council on 21<sup>st</sup> November 2006. It will commence on 3<sup>rd</sup> January 2007.

2.1.2 This policy will be applied in the exercise of the Licensing Authority’s functions under the Act during that period.

2.1.3 The policy may be reviewed from time to time, and in the light of any such review, it may be revised. Any such revision will be subject to consultation and publication before it takes effect.

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

Licensing Officer

Legal & Democratic Services, Purbeck District Council, Westport House,  
Worgret Road, Wareham BH20 4PP

Email: [licensing@purbeck-dc.gov.uk](mailto:licensing@purbeck-dc.gov.uk)

- 2.1.5 It should be noted that this policy 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, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

## 2.2 Content of Statement

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

- 2.2.2 The licensable activities covered by this statement are:

### Premises Licences

- Adult gaming centres
- Licensed family entertainment centres;
- Casinos;
- Bingo;
- Betting premises;
- Tracks;
- Travelling fairs;
- Provisional statements.

### Permits and Temporary / Occasional Use Notices

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

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

- 2.2.4 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.

- 2.2.5 The address of the Licensing Authority's web-site is [www.purbeck.gov.uk](http://www.purbeck.gov.uk)

## 2.3 Geographical application of Statement

- 2.3.1 Purbeck District Council is situated in the County of Dorset. The district is mostly rural in nature, with large areas being designated either as Sites of Special Scientific Interest, or as Areas of Outstanding Natural Beauty. It is bounded on its east side by Poole Harbour, whilst on the southern edge is to be found the World Heritage Coastline, with the 450 mile long South West Coastal Path starting at Studland. Running through the area parallel with the coast are the Purbeck Hills, from which the district takes its name.

Throughout the year well known local beauty spots such as Corfe Castle, Lulworth Cove, Durdle Door, Studland Beach and many more attractions receive large numbers of visitors to the area.

2.3.2 The population of Purbeck district is 44,150 with the main centres being at Swanage, Wareham, Wool, Lytchett Matravers and Upton. The area relies heavily upon tourism and farming, although many people commute to the conurbations of Poole and Bournemouth for employment. The Army has a large presence to the west of the district, with a tank gunnery school at Lulworth and a fighting vehicle training establishment at Bovington.

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

## 2.4 Consultation Process

2.4.1 Before publishing this policy statement the Licensing Authority has consulted with and taken into account, comments received from the following organisations and others, not listed, but who have made unsolicited comments:

- the chief officer of Police in Dorset;
- various persons / bodies who appeared to the Licensing Authority to represent the gambling businesses in the district, namely:  
Association of British Bookmakers;  
British Holiday and Home Parks Association;  
The Bingo Association;  
The British Casino Association.
- Licensing Justices (Betting and Gaming)
- Crime and Disorder Reduction Partnership
- Dorset Education Services
- Dorset Chamber of Small Businesses
- Dorset Social care and Health
- Citizens Advice Bureau
- GamCare
- Gamblers Anonymous;
- The Licensed Victuallers Association and Local Pubwatch Groups;
- Local Community Groups;
- BACTA.

2.4.2 Consultation also took place with 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
- Dorset Fire and Rescue Service
- Town and Parish Councils within the district; and
- Trade bodies within the District, eg Chambers of Commerce

2.4.3 A full list of comments made is available by request to :  
Licensing Officer  
Legal & Democratic Services, Purbeck District Council.

## 2.5 Declaration

- 2.5.1 In producing this licensing policy statement, 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 any responses received from those consulted on the policy statement.

## 2.6 Fundamental principles

- 2.6.1 In carrying out its functions the Licensing Authority will regulate gambling in the public interest.
- 2.6.2 Any application received will be considered on its merits and in accordance with the requirements of the Act.
- 2.6.3 The Licensing Authority will seek to avoid any duplication with other regulatory regimes so far as possible.
- 2.6.4 The Licensing Authority recognises that there is a clear separation between the licensing legislation and planning legislation. Licensing applications will be viewed independently of planning applications.
- 2.6.5 When considering its functions in relation to applications and enforcement, the Licensing Authority will in particular have regard to the Human Rights Act 1998.

## **3. Responsible Authorities**

### 3.1 Responsible Authorities - General

- 3.1.1 The Act specifies various bodies as responsible authorities. (“Responsible Authorities”). The contact details of all the Responsible Authorities for the area of the Licensing Authority can be found on the Council’s website at [www.purbeck.gov.uk](http://www.purbeck.gov.uk)
- 3.1.2 The responsible authorities must be notified of applications in relation to Premises Licences and are entitled to make representations in relation to those applications.

### 3.2 Responsible Authority - Protection of Children from harm

- 3.2.1 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:
- the need for the body to be responsible for an area covering the whole of the licensing authority’s area;
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and
  - whether the body has experience in relation to protection of children issues.
- 3.2.2 The Licensing Authority designates Dorset County Council Children’s Services for the purpose of providing advice about the protection of children from harm.

## **4. Interested parties**

### **4.1 Interested Parties – General**

4.1.1 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:

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

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

4.1.2 Interested parties may make representations about licence applications and may apply for a review of an existing licence.

### **4.2 Interested Parties – Principles relating to determination**

4.2.1 The Licensing Authority will apply various principles to determine whether a person is an interested party.

4.2.2 The Licensing Authority will consider each situation on its merits.

4.2.3 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:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- 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);
- 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
- such other factors as it considers are relevant.



4.2.4 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:

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

4.2.5 In determining whether a person is regarded as representing a person in either of the other two interested party categories, the Licensing Authority will in particular consider that the following may fall within this category:

- Members of Parliament or Elected Councillors;
- Town and Parish Councils;
- Residents’ and tenants’ associations; and
- Trade unions and trade associations

4.2.6 The Licensing Authority will not necessarily consider a person as representing one of the other categories of interested party unless the person 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; and / or
- that, in the case of a body, it represents a significant number of persons that have made submission with regard to the representation.

Interested parties may also be represented by other persons such as Councillors, MPs etc. However, care should be taken when approaching Councillors to ascertain that they are not part of the Licensing Board dealing with the licence application. If there are any doubts then please contact the Licensing Officer on (01929) 557220 for advice.

## **5. Responsible Authorities and Interested Parties**

### **5.1 Responsible Authorities and Interested Parties - representations**

5.1.1 Representation made by a responsible authority or interested party which is not withdrawn will normally result in a hearing taking place. However, in certain circumstances, a hearing need not take place. For example, where the the Licensing Authority considers that the representation:

- is vexatious;
- is frivolous; or
- will certainly not influence the authority’s determination of the application.

## **6. Disclosure / Exchange of Information**

### **6.1 Exchange of Information – General**

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

### **6.2 Exchange / Disclosure of Information – principles**

- 6.2.1 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. The Licensing Authority acknowledges that it has a duty to exchange information with the Gambling Commission, H.M. Customs and Excise, the police and all enforcement and regulatory bodies listed in Schedule 6 to the Act.

- 6.2.2 Where the Licensing Authority has discretion as to whether or not information may be disclosed / exchanged it will in particular normally have regard to the following principles:

- 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;
- 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
- 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.

- 6.2.3 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.

- 6.2.4 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.

- 6.2.5 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.
- 6.2.6 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, plus 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 in writing addressed to the Legal and Democratic Services section of the Licensing Authority.

## **7. Enforcement**

### **7.1 Enforcement – General**

- 7.1.1 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 authority to instigate criminal proceedings for various offences that are specified within the Act.

### **7.2 Inspections and institution of criminal proceedings – principles**

- 7.2.1 In considering whether to undertake an inspection of a premises, the Licensing Authority will in particular have regard to the following principles:
- when considering whether to undertake any inspection each situation will be considered on its merits;
  - the Licensing Authority will not usually undertake an inspection unless it is considered relevant for the purposes of an application or an actual or potential enforcement issue;
  - in the case of enforcement action generally, will act having given due consideration to any enforcement policy adopted by Purbeck District Council (as may be amended from time to time) and the Regulatory Compliance Code that is current at that time (if any); and
  - that it will exercise its responsibilities in relation to inspections, having regard to the further principles set out below.
- 7.2.2 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:
- each case will be considered on merits;
  - in so far as it may be relevant to the assessment, whether or not the Licensing Authority has acted in accordance with any enforcement policy of Purbeck District Council and the Regulatory Compliance Code referred to above;

- whether the instigation of criminal proceedings accords with the Code for Crown Prosecutors current at that time (if any); and
- in so far as it may be relevant to the assessment, that it will undertake proceedings in accordance with the principles set out below.

7.2.3 The principles referred to in the above paragraphs are that the Licensing Authority will, in so far as it is appropriate, be:

- proportionate;
- accountable;
- consistent;
- transparent; and
- targeted.

### 7.3 Carrying out enforcement responsibilities – risk

7.3.1 In carrying out its enforcement responsibilities, the Licensing Authority will normally adopt a risk based approach.

7.3.2 Criteria that may normally contribute to an assessment to determine the level of risk that applies to a premises are:

- the size of the premises;
- the proximity of the premises to identified vulnerable persons;
- whether any complaints are received in relation to the premises and, if so, the nature and number of complaints that are considered relevant;
- information submitted from relevant persons or bodies; and
- such other factors as the particular circumstances of the individual situation warrant.

## **PART B – SPECIFIC FUNCTIONS**

### **8. Premises Licences**

#### 8.1 Fundamental principles applying to Premises Licences

8.1.1 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 or vary default conditions and also attach others, where it is believed to be appropriate, having regard to the Gambling Commission Guidance Notes for Licensing Authorities.

8.1.2 In considering an application for a premises licence no regard will be had as to whether there is unfulfilled demand for the facilities for the premises licence that is sought.

8.1.3 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.

8.1.4 In exercising its functions in relation to Premises Licences, the Licensing Authority will aim to permit the use of premises for gambling in so far as the Licensing Authority think it:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives (subject to the two sub-paragraphs above); and
- in accordance with this Statement (subject to the three sub-paragraphs above).

## 8.2 Premises Licence – General

8.2.1 For the purposes of the Act, the term “premises” is defined as including any place and in particular a vessel or vehicle.

8.2.2 The Act provides that different premises licences cannot apply in respect of single premises at different times. eg. A premises could not be licensed as a bingo hall on weekdays and a betting shop at weekends.

8.2.3 Whilst 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 will take particular note of the following:

- 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
- 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.

## 8.3 Premises Licence - Decision Making

8.3.1 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. Issues relating to the grant of planning permission or building regulations are not relevant to the determination. Section 210 of the Act prevents licensing authorities taking into

account the likelihood of an applicant obtaining planning or building consent, when considering a premises licence application. Equally 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.

8.3.2 The Licensing Authority will seek to avoid duplication with other statutory/regulatory systems where possible. However, it will listen to and consider carefully, any concerns about conditions which are not able to be met by licensees owing to planning restrictions, should such a situation arise.

8.3.3 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:

- proximity of gambling premises to properties regularly frequented by vulnerable persons;
- the suitability of the premises for gambling in the context of the licensing objectives;
- the type of gambling that is proposed at the premises;
- any information provided by the applicant showing how it is proposed to overcome any licensing objective concerns; and
- whether any relevant objections to an application could be addressed by the use of one or more conditions.

8.3.4 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.

#### 8.4 Premises Licence – Conditions

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

8.4.2 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 or vary any of them.

8.4.3 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 in relation to a specified part of the premises only. However, the Licensing Authority acknowledges the contents of Part 9 of the Gambling Commission Guidance, that it is considered extremely unlikely that the Authority will need to apply conditions imposing a more restrictive regime in relation to matters already dealt with by mandatory conditions.

8.4.4 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.

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

8.4.6 It is noted that there are conditions the Licensing Authority cannot attach to premises licences which are:

- any condition on the premises licence which make it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

## 8.5 Premises Licence – reviews

8.5.1 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 or not a review takes place. This decision will be based on whether the request for the review is frivolous, vexatious or is substantially the same as previous representations or requests for review, plus whether the request is:

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

8.5.2 Whilst the Licensing Authority recognises 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. Unless exceptional and compelling circumstances existed, the Authority would not hold a repeat hearing within 12 months.

8.5.3 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 Licences**

### **8.6 Adult Gaming Centres - General**

- 8.6.1 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.

### **8.7 Adult Gaming Centre Premises Licence – Miscellaneous**

- 8.7.2 An Adult Gaming Centre Premises Licence can authorise the holder:

- to make up to four category B3/B4 gaming machines available for use;
- to make any number category C gaming machines available for use; and
- to make any number of category D gaming machines available for use.

### **8.8 Adult Gaming Centre Premise Licence – decision making**

- 8.8.1 The Licensing Authority will in particular have regard to the need to protect persons under 18 and other vulnerable persons from harm or from being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that persons under 18 years of age do not have access to the premises.

- 8.8.2 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However appropriate measures/licence conditions may cover issues such as:

- provision of CCTV;
- supervision of entrances / gaming machine areas;
- physical separation of different areas within the premises;
- numbers, locations and wording of signage / notices / rules;
- self barring schemes;
- specific opening hours;
- the location of adult gaming machines;
- provision of information leaflets / help line numbers for organisations such as GamCare; and
- proof of age schemes.

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



## **Licensed Family Entertainment Centres**

### **8.9 Licensed Family Entertainment Centres – General**

- 8.9.1 A Licensed Family Entertainment Centre is a premises for which a Premises Licence is granted to provide gaming machines, subject to certain restrictions. Persons under eighteen years of age 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

### **8.10 Licensed Family Entertainment Centres – Decision Making**

- 8.10.1 The Licensing Authority will 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 expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that persons under 18 years of age do not have access to the adult only gaming machine areas.

- 8.10.2 The Licensing Authority will expect the applicant to offer their own measures / licence conditions which may cover issues such as:

- provision of CCTV;
- supervision of entrances / gaming machine areas;
- physical separation of different areas within the premises;
- numbers, locations and wording of signage / notices / rules;
- self barring schemes;
- specific opening hours;
- the location of adult gaming machines;
- provision of information leaflets / help line numbers for organisations such as GamCare; and
- proof of age schemes.

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

## **Casino Premises Licence**

### **8.11 Casino Resolution**

- 8.11.1 At the date of adoption of this Statement, the Licensing Authority has not passed a resolution preventing the grant of Casino Premises Licences in line with 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 details of that resolution.

## **Bingo Premises Licence**

### **8.12 Bingo Premises Licence - General**

8.12.1 Bingo does not have a statutory definition.

8.12.2 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 licence may make available for use:

- up to four category B gaming machines (B3 or B4);
- any number of category C machines; and
- any number of category D machines.

### **8.13 Bingo Premises Licence – Decision Making**

8.13.1 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.

8.13.2 The Licensing Authority will particularly have regard to the need to protect children, young persons and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that persons under 18 years of age do not have access to adult only gaming machines.

8.13.3 The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- provision of CCTV;
- supervision of entrances / gaming machine areas;
- physical separation of different areas within the premises;
- location of entry to premises;
- numbers, locations and wording of signage / notices / rules;
- self barring schemes;
- specific opening hours;
- the location of adult gaming machines;
- provision of information leaflets / help line numbers for organisations such as GamCare; and
- proof of age schemes.

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

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

- 8.13.6 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**

### **8.14 Betting Premises - General**

- 8.14.1 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.

### **8.15 Betting Premises - Miscellaneous**

- 8.15.1 By virtue of a Betting Premises License the holder may, subject to certain restrictions, make available for use up to four gaming machines.
- 8.15.2 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.

### **8.16 Betting Premises – Decision Making**

- 8.16.1 The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- provision of CCTV;
  - supervision of entrances / gaming machine areas;
  - location of entry to premises;
  - numbers, locations and wording of signage / notices / rules;
  - self barring schemes;
  - specific opening hours;
  - provision of information leaflets / help line numbers for organisations such as GamCare;
  - the number and location of gaming and betting machines; and
  - proof of age schemes.
- 8.16.2 It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures
- 8.16.3 In addition to the above and 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.

- 8.16.4 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**

### **8.17 Tracks - General**

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

### **8.18 Tracks - Miscellaneous**

- 8.18.1 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.
- 8.18.2 Tracks may be subject to more than one Premises Licence, provided each area relates to a specified area of the track without overlap.
- 8.18.3 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. However, having regard to the need to protect persons under 18 of age from harm they should still be prevented from entering areas where gaming machines (other than category D machines) are provided.

### **8.19 Tracks – Decision Making**

- 8.19.1 In recognition of the extant guidance on this matter, the Licensing Authority will normally require detailed plans of the premises showing the following information:
- location of gaming machines;
  - location of betting machines;
  - location of any race track;
  - the location of any on-course betting facilities;
  - the location of any off-course betting facilities; and
  - the location of any areas to be the subject of additional Premises Licence applications.
- 8.19.2 The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- provision of CCTV;
  - supervision of entrances / gaming machine areas;
  - physical separation of different areas;

- location of entry to premises;
- numbers, locations and wording of signage / notices / rules;
- self barring schemes;
- specific opening hours;
- provision of information leaflets / help line numbers for organisations such as GamCare;
- the number and location of gaming and betting machines; and
- proof of age schemes.

8.19.3 In addition to the above and 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.

### **Travelling Fairs**

#### **8.20 Travelling Fairs - General**

8.20.1 A Travelling Fair “wholly or principally” provides amusements.

#### **8.21 Travelling Fairs - Miscellaneous**

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

8.21.2 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.

### **Provisional statements**

#### **8.22 Provisional statements**

8.22.1 The Licensing Authority will consider the issue of a premises licence for buildings completed to the satisfaction of the Licensing Authority will take into account the guidance from the Commission when deciding if a premises is finished.

8.22.2 A provisional statement may be applied for where the Licensing Authority has deemed the premises has not been completed to the satisfaction of the Licensing Authority.

- 8.22.3 Following the grant of a provisional statement and on application for a premises licence, no further representations from relevant authorities or interested parties can be taken into account:
- unless they concern matters which could not have been addressed at the provisional statement stage; or
  - in the authority's opinion, they reflect a change in the applicant's circumstances.
- 8.22.4 The Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage; or
  - which in the authority's opinion reflect a change in the operator's circumstances.

## **9. Permits/Temporary and Occasional Use Notices**

### **Unlicensed Family Entertainment Centre Gaming Machine Permits**

#### **9.1 Unlicensed Family Entertainment Centre Gaming Machine Permits – General**

- 9.1.1 This permit authorises the provision of specified low category gaming machines only.

#### **9.2 Unlicensed Family Entertainment Centre Gaming Machine Permits – Miscellaneous**

- 9.2.1 In addition to the statutory requirements, as part of any application for an Unlicensed Family Entertainment Centre Gaming Machine Permit, the Licensing Authority will require the following in order to ensure that adequate information is provided to enable a proper assessment to be made:
- an up to date enhanced Criminal Record Bureau check;
  - details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited;
  - details of any other permit held by the applicant in respect of other premises;
  - the nature of the prizes;
  - the proposed frequency of prize gaming at the premises;
  - details of any training and training programme on the limits of stakes, prizes and permissible gambling relating to such permits; and
  - details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same.
- 9.2.2 Applications for this permit cannot be made if a Premises licence has been granted under this Act.

### 9.3 Unlicensed Family Entertainment Centre Gaming Machine Permits – Statement of Principles

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

- each case will be considered on its merits
- any information received as part of the application process;
- the licensing objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons; and
- such other factors as the Licensing Authority considers relevant.

### 9.4 Unlicensed Family Entertainment Centre Gaming Machine Permits – Decision Making

9.4.1 The Act imposes mandatory conditions on an Unlicensed Family Entertainment Centre Gaming Machine Permit. The Licensing Authority cannot impose any other conditions.

9.4.2 The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an Authorised Officer has been refused access to the premises without reasonable cause; or that the renewal would not be reasonably consistent with pursuit of the licensing objectives.

## **Alcohol Licensed Premises Gaming Machine Permits**

### 9.5 Alcohol Licensed Premises Gaming Machine Permits - General

9.5.1 On notifying the Licensing Authority, a premises licensed to sell alcohol for consumption on the premises may have 2 gaming machines. This right may however be reviewed in the event of a breach of conditions under section 282 of the Act.

9.5.2 In certain circumstances the Licensing Authority has the power to remove this right.

9.5.3 An Alcohol Licensed Premises Gaming Machine Permit is required if more than 2 gaming machines are sought.

### 9.6 Alcohol Licensed Premises Gaming Machine Permits - Miscellaneous

9.6.1 In addition to the statutory requirements, as part of any application for an Alcohol Licensed Premises Gaming Machine Permit, the Licensing Authority will require the following in order to ensure that adequate information is provided to enable a proper assessment to be made:

- a plan showing the location and category of gaming machine being sought; and
- details of any proposed precaution for preventing persons under 18 years of age from using any category of gaming machine being sought and how it would be implemented.

## 9.7 Alcohol Licensed Premises Gaming Machine Permits – Decision Making

- 9.7.1 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.
- 9.7.2 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**

### 9.8 Prize Gaming Permits – General

- 9.8.1 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

### 9.9 Prize Gaming Permits - Miscellaneous

- 9.9.1 In addition to the statutory requirements, as part of any application for a Prize Gaming Permit, the Licensing Authority will require the following in writing in order to ensure that adequate information is provided to enable a proper assessment to be made:
- an up to date enhanced Criminal Records Bureau check;
  - details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited;
  - details of any other permit held by the applicant in respect of other premises;
  - the nature of the prizes;
  - the proposed frequency of prize gaming at the premises;
  - details of any training and/or training programme on the limits of stakes, prizes and permissible gambling relating to such permits; and
  - details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same.



## 9.10 Prize Gaming Permits – Statement of Principles

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

- each case will be considered on its merits
- any information received as part of the application process;
- the licensing objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons; and
- such other factors as the Licensing Authority considers relevant.

## 9.11 Prize Gaming Permits – Decision Making

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

## **Club Gaming**

### 9.12 Club Gaming Permits – General

9.12.1 A Club Gaming Permit authorises establishments to provide, subject to certain restrictions, no more than three gaming machines, equal chance gaming and other games of chance as prescribed in regulations.

### 9.13 Club Gaming Permits – Miscellaneous

9.13.1 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 years of age.

9.13.2 A 48 hour rule applies in respect of all three types of gaming.

### 9.14 Club Gaming Machines - General

9.14.1 In circumstances where a club is only able or interested in the provision of gaming machines (as opposed to other forms of gaming), a Club Gaming Machine Permit authorises establishments to provide gaming machines where the establishment is a members club as referred to above.

### 9.15 Club Gaming Permits/Club Gaming Machines - Decision Making

9.15.1 The Licensing Authority cannot attach conditions to either of these permits.

9.15.2 Subject as provided below, the Licensing Authority may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements of a member's or commercial club;
- the applicant's premises are used wholly or mainly by persons under the age of eighteen;
- 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
- a permit held by the applicant has been cancelled in the last ten years; or
- an objection to the application has been made by the Gambling Commission or the Police.

9.15.3 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:

- the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last 10 years has been cancelled.

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

### **Temporary Use Notices**

#### **9.16 Temporary Use Notices - General**

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

#### **9.17 Temporary Use Notices - Miscellaneous**

9.17.1 A Temporary Use Notice may only be granted to a person or a company holding a relevant operating licence.

9.17.2 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.

9.17.3 It is for the Licensing Authority to determine in each case what constitutes a set of premises.

## 9.18 Temporary Use Notices – Decision Making

- 9.18.1 Where an objection has been received in relation to a Temporary Use Notice, 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.
- 9.18.2 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.
- 9.18.3 The counter-notice can prevent the Temporary Use Notice from having effect or may limit the Notice in other various prescribed ways.
- 9.18.4 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**

### 9.19 Occasional Use Notices - General

- 9.19.1 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.

### 9.20 Occasional Use Notices - Miscellaneous

- 9.20.1 Occasional Use Notices may not be relied upon for more than eight days in a calendar year.
- 9.20.2 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.

## **Appendix 1 – List of consultees**

- Chief Constable, Dorset Police
- Dorset Police - Licensing Office, Blandford
- Dorset Police - Eastern Division Headquarters
- Dorset Police - Poole Division Headquarters
- D.C.M.S. Gambling Division
- Dorset Licensing Justices
- Dorset County Council Trading Standards
- Wareham Chamber of Trade and Commerce
- Swanage Chamber of Trade and Commerce
- Poole Chamber of Trade and Commerce
- Citizens Advice Bureau (4)
- Association of Licensed Multiple Retailers
- Crime and Disorder Reduction Partnership
- Swanage Tourism and Environmental Committee
- Licensed Victuallers Association
- Royal British Legion Clubs
- Politically affiliated social clubs
- British Institute of Innkeeping
- 'K's Entertainment Centre (Playland Ltd), Swanage
- Frampton Leisure Ltd.
- Weststar Holidays (Sandford Park)
- Lincolnshire Automatics
- Meridian Leisure Services
- The Bingo Association
- British Greyhound Racing Board
- Financial Services Authority
- Ladbrokes Betting Services
- Hall and Woodhouse Ltd.
- Enterprise Inns plc
- Gam-Anon
- British Beer and Pub Association
- British Institute of Innkeeping
- Association of British Bookmakers
- BALPPA