

# Borough of Poole Gambling Act 2005 Statement of Principles

## **GAMBLING ACT 2005 BOROUGH OF POOLE STATEMENT OF PRINCIPLES**

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## Part A – General Principles

### 1 Licensing Objectives

1.1 When dealing with licensing matters the Borough of Poole is the Licensing Authority (“The Licensing Authority”) under the Gambling Act 2005 (“the Act”) and will promote the three licensing objectives set out in 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 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it 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

1.3 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 children and vulnerable people taking part in or being in close proximity to gambling, or advertising gambling in such a way that it makes gambling particularly attractive to such individuals.

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## 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 was approved by the Licensing Authority and will run for the period of three years starting from the 31<sup>st</sup> January 2010.
- 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. The Licensing Authority will publish any such revision for consultation before approval.
- 2.1.4 Should you have any comments as regards this policy statement please send them via e-mail or letter with your contact details to the following contact:
- Name: The Head of Environmental and Consumer Protection Services  
Address: Unit 1, New Fields Business Park, Stinsford Road, Poole, BH17 0NF.  
E-mail: [environment@poole.gov.uk](mailto:environment@poole.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 Act.

### 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 Licenses
- Adult gaming centres
  - Bingo premises
  - Betting offices, including tracks
  - Casinos and
  - Licensed family entertainment centres
- Permits
- Club gaming

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- Club gaming machines
- Gaming machines on alcohol licensed premises
- Prize gaming and
- Unlicensed family entertainment centres

### Notices

- Temporary use and Occasional use.

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, and local library's during normal working hours.

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

## 2.3 Geographical Application of Statement

2.3.1 The Borough of Poole is a unitary authority situated on Poole Bay, just off the eastern end of the East Devon and Dorset World Heritage Site, with one of the largest harbours in Europe and fine blue flag beaches. It borders Bournemouth to the east, East Dorset District Council to the north and Purbeck District Council to the west.

2.3.2 Poole has a population of 138,288 (2001 census) making it the second largest settlement in Dorset. It is predominantly urban in character covering an area of 29 square miles with a buoyant and diverse economy. Demographically Poole has an age structure in line with the national average.

2.3.3 A map showing the extent of the Borough is produced at Appendix A

## 2.4 Consultation Process

2.4.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcement agencies, all of which have views and concerns that require consideration as part of the licensing function.

2.4.2 Before publishing this Statement of Principles, the Licensing Authority has consulted with and taken into account comments received from the following organisations and others, not listed, but who have made individual requests to be consulted: -

- The Chief Officer of Police in Dorset

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- 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 British Greyhound Racing Board
  - The British Casino Association
  - The Bingo Association
- GamCare
- Gamblers Anonymous
- Dorset Fire and Rescue Service
- The Licensed Victuallers Association & Local Pubwatch Groups
- Licensing Justices
- Borough of Poole Children & Young Peoples Services
- Borough of Poole Adult Social Care and Wellbeing
- Poole Forum
- Poole Safe Together Partnership
- Dorset Chamber of Small Businesses (Wessex Region)
- Trade bodies within the Borough
- Citizens Advice Bureau and
- Local Community Groups

2.4.3 Our consultation took place between 10<sup>th</sup> August and 30<sup>th</sup> October 2009 and we followed the HM Government Code of Practice on Consultation (published July 2008), which is available at:

[http://www.berr.gov.uk/whatwedo/bre/consultation\\_guidance/page44420.html](http://www.berr.gov.uk/whatwedo/bre/consultation_guidance/page44420.html)

2.4.4 A full list of consultees are attached as Appendix B and can be found along with the full list of comments made on the councils website [www.boroughofpoole.com](http://www.boroughofpoole.com), or will be made available by request to:

Name: The Head of Environmental and Consumer Protection Services  
Address: Unit 1, New Fields Business Park, Stinsford Road, Poole,  
BH17 0NF.

E-mail: [environment@poole.gov.uk](mailto:environment@poole.gov.uk)

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## **2.5 Declaration**

- 2.5.1 In producing this statement of principles, the Licensing Authority 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 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 and that licensing applications will be viewed independently of planning applications.
- 2.6.5 The Licensing Authority will, in particular when considering its functions in relation to applications and enforcement, have regard to the Human Rights Act 1998.
- 2.6.6 The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 obliges the Licensing Authority to do all it can to eliminate unlawful discrimination, and to promote equality of opportunity. The Licensing Authority has adopted a Race Equality Scheme and due regard shall be given to that policy whilst undertaking its licensing function.

## **2.7 The Licensing Process**

- 2.7.1 The Licensing Authorities Licensing Functions under the Act will be carried out by the Licensing Committee, supported by a number of Sub-Committees and by officers acting under the delegated authority of the committee.
- 2.7.2 Where there is no area of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness officers will for the most part carry out these functions.
- 2.7.3 Where there is relevant representation in respect of an application the matter will be determined by the Licensing Committee or one of its sub-

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committees, as will any application for the review of a licence. The sub-committee will consist of 3 members of the Licensing Committee.

2.7.4 Each case will be decided upon its merit but decision making by the Licensing Authority will be transparent and consistent.

2.7.5 This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

2.7.6 A full list of the delegated functions can be seen in Appendix C.

## 3 Responsible Authorities

### 3.1 Responsible Authorities – General

3.1.1 The Act specifies various bodies as Responsible Authorities (“Responsible Authorities”). These are public bodies that must be notified of all applications and who are entitled to make representations to the Licensing Authority, if they are relevant to the licensing objectives. Section 157 of the Act defines those authorities as: -

- The Gambling Commission
  - Dorset Police
  - Dorset Fire & Rescue Service
  - The Local Planning Authority
  - Environmental Health
  - HM Revenue and Customs
  - Maritime and Coastguard Agency and
  - The Licensing Authority in whose area the premises is situated
- The contact details of the Responsible Authorities for the area of the Licensing Authority can be found on the Council’s website at [www.boroughofpoole.com](http://www.boroughofpoole.com)

3.1.2 The Responsible Authorities must be notified of applications in relation to Premises Licenses and are entitled to make representations in relation to them.

3.1.3 Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the Licensing Objectives. In this regard the Licensing Authority will not generally take into account representations, which were deemed to be irrelevant e.g.

- The number of gambling premises in the locality
- The fire risks within the premises

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- The traffic congestion resulting from the premises location and
- Each representation will, however, be considered on its own individual merits.

## **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 the Borough of Poole Children and Young Peoples Services for the purpose of providing advice about protection of children from harm.

3.2.3 The contact details for the Children and Young Peoples Services can be found on the Borough of Poole website at [www.boroughofpoole.com](http://www.boroughofpoole.com).

## **4 Interested Parties**

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

4.1.1 The Act identifies various categories of person who may be 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:

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

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## 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 and will generally require written evidence that a person or body represents someone who complies with 4.1.1 above.
- 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 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 in particular considers that the following may fall within this category:
- Members of Parliament or Elected Councillors
  - Residents’ and tenants’ associations and
  - Trade unions and trade associations

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- 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 regards to the representation.
- 4.2.7 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Borough of Poole Legal and Democratic Services for advice.

## **5 Disclosure/Exchange of Information**

### **5.1 Responsible Authorities and Interested Parties – Representations**

- 5.1.1 A representation made by a Responsible Authority or Interested Party that is not withdrawn will normally result in a hearing.
- 5.1.2 In certain circumstances however, a hearing need not take place. For example, where the Licensing Authority consider that the representation:
- is vexatious
  - is frivolous
  - will certainly not influence the authority's determination of the application and
  - where all parties consent to the review being conducted without a hearing.

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## **6 Responsible Authorities & Interested Parties**

### **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 that is available to it.
- 6.1.2 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 Exchange / Disclosure of Information – Principles**

- 6.2.1 The Licensing Authority will comply with all statutory duties imposed upon it that require it to disclose information, subject always to any legislative restrictions that impact upon any such requirement. This will include the Gambling Commission and any other persons as required by sections 29, 30, 350 and schedule 6 of the Act. Should any protocols be established as regards information exchange with other bodies then they will be made available.
- 6.2.2 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.
- 6.2.3 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:
- 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.
- 6.2.4 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

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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

- 6.2.5 Certain data held by the Licensing Authority may be requested in accordance with the legislation mentioned in 6.1.2 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 in writing to:

Name: The Head of Environmental and Consumer Protection Services  
Address: Unit 1, New Fields Business Park, Stinsford Road, Poole, BH17 0NF.  
E-mail: [environment@poole.gov.uk](mailto:environment@poole.gov.uk)

## 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 capacity to instigate criminal proceedings for various offences that are specified within the Act.

### 7.2 Inspections and instituting criminal proceedings – Principles

- 7.2.1 In considering whether to undertake an inspection of a premises, the Licensing Authority will be guided by the Gambling Commission's Guidance and will endeavour to be:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
  - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny
  - Consistent: rules and standards must be joined up and implemented fairly
  - Transparent: regulators should be open, and keep regulations simple and user friendly and
  - Targeted: regulation should be focused on the problem, and minimise side effects.

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- 7.2.2 This licensing authority has adopted and implemented a risk-based inspection programme, based on:
- The licensing objectives
  - Relevant codes of practice
  - Guidance issued by the Gambling Commission, current at the time in particular at Part 36 and
  - The principles set out in this statement of licensing policy
- 7.2.3 As per the current Gambling Commission's Guidance to Licensing Authorities it will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.2.4 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions, which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 7.2.5 In considering whether to exercise its powers in relation to the institution of criminal proceedings in the Act, the Licensing Authority will in particular 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 the Licensing Authority has acted in accordance with the enforcement policy of the Borough of Poole (as may be amended from time to time) and the Regulatory Code of Conduct that is current at that time (if any)
  - whether the instigation of criminal proceedings accords with the Code for Crown Prosecution Service 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 in 7.2.1 above.

### **7.3 Carrying out enforcement responsibilities – Risk**

- 7.3.1 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
  - the history of the premises
  - information submitted from relevant persons or bodies and

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

## **PART B – SPECIFIC FUNCTIONS**

### **8 Premises Licenses**

#### **8.1 Fundamental principles applying to Premises Licences**

- 8.1.1 Premises Licences will be subject to the requirements set out in the Act and associated 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.
- 8.1.2 In considering an application for a Premises Licence no regard will be given 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 any place and will include both vessels and vehicles.
- 8.2.2 The Act provides that different premises licences cannot apply in respect of single premises at different times e.g. premises could not be licensed as a bingo hall on weekdays and a betting shop at weekends.
- 8.2.3 Whilst premises are defined in the Act as “any place” it is for the Licensing Authority to decide whether different parts of a building can

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be properly regarded as being separate premises. The Licensing Authority in line with the gambling commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises

8.2.4 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 and
- Customers should be able to participate in the activities named on the premises licence

8.2.5 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case, including Part 7 of the Gambling Commission guidance current at the time and may include:

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

### 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. Therefore issues relating to whether planning permission or building regulations may or may not be complied with are not relevant to the determination.

8.3.2 Section 210 of the 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. Equally the grant of a gambling Premises Licence by the

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Licensing Authority does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

- 8.3.3 The Licensing Authority will avoid any duplication with other statutory/regulatory systems and will listen to, and consider carefully, any concerns that an applicant may have about any conditions, which the authority may wish to attach to a premises licence, which the applicant may not be able to meet due to restrictions, which may exist under other statutory regimes.
- 8.3.4 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.
- 8.3.5 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 children and 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.
- 8.3.6 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.
- 8.3.7 The licensing authority will only issue a licence to use premises for gambling that the licensing authority can be satisfied:
- the premises ought to be permitted to be used for gambling
  - are going to be ready to be used for gambling in the reasonably near future,
  - are consistent with the scale of building or alterations required before the premises are brought into use and
  - appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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- 8.3.8 If the construction of premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 8.3.9 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 8.3.10 This licensing authority is aware that demand issues relating to locations cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.
- 8.3.11 The Licensing Authority will have due regard to the prevention of gambling being a source of crime and disorder when dealing with applications for Premises Licences in locations with known high levels of organised crime.

### **8.4 Premises Licence – Conditions**

- 8.4.1 The Act and associated provisions enables 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 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 only in relation to a specified part of the premises.
- 8.4.4 Where 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. In exercising a discretion as to whether to impose any further condition, the Licensing Authority will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
  - directly related to the premises and the type of licence applied for

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- fairly and reasonably related to the scale and type of premises and
  - reasonable in all other respects.
- 8.4.5 The Licensing Authority cannot attach conditions to premises licences:
- where it makes it impossible to comply with an operating licence condition
  - relating to gaming machine categories, numbers, or method of operation
  - which provide that membership of a club or body be required, as the Act specifically removes the membership requirement for casino and bingo clubs and
  - in relation to stakes, fees, winning or prizes.
- 8.4.6 If this Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.
- 8.4.7 Where it is decided that supervision of entrances and or machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the part 33, of the current Gambling Commission Guidance).
- 8.4.8 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
  - only adults are admitted to the area where these machines are located
  - access to the area where the machines are located is supervised
  - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder and
  - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 8.4.9 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 8.4.10 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of measures this licensing authority will consider utilising should they perceive it necessary. There

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are specific comments made in this regard under some of the licence types below.

### **8.5 Casinos**

#### 8.5.1 Casino resolution

8.5.2 The Licensing Authority has not passed a resolution preventing the issue of casino premise licences in line with Section 166 of the Act. Should the Licensing Authority decide in the future to pass such a resolution, it will update this statement with details of that resolution and the reasons for the decision.

8.5.3 The Licensing Authority may in line with Section 181 of the Act attach conditions to the Casino Premise Licence restricting the number of betting machines, their nature and circumstances in which they are made available. When considering such conditions the Licensing Authority will take into account the following:

- The size of the premises
- Number of counter positions available for person to person transactions
- Number of staff present and their ability to monitor the use of machines by children, young persons and vulnerable persons
- Any other such conditions the Local Authority deems reasonable and acceptable.

### **8.6 Bingo Premises Licence**

8.6.1 Bingo does not have a statutory definition.

8.6.2 The holder of a Bingo Premises Licence will be able to offer any type of bingo game, whether cash or prize, and may make available the category and number of gaming machines as set out by the Act and associated regulations.

8.6.3 The Licensing Authority notes paragraph 18.4 of the current Gambling Commission Guidance for local authorities and that it must be satisfied that bingo can be played in any bingo premises for which they issue a premises licence. This will be consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

8.6.4 This Authority also notes paragraph 18.5 of the current Gambling Commission Guidance for local authorities regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted. In particular it is not permissible to locate eight category B3 gaming machines in one of the resulting

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premises as the gaming machine entitlement for that premises would be exceeded.

- 8.6.5 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on non-adult category gaming machines. If category B or C machines are made available for use these must be separated from areas where children and young people are allowed.
- 8.6.6 In issuing bingo premises licences each application will be looked at on its own merits. When considering an application and issues relating to the attachment of conditions, the Licensing Authority will take into account the following:
- The Gambling Act 2005
  - The Licensing Objectives
  - Any relevant code of practice issued by the Gambling Commission
  - Any relevant guidance issued by the Gambling Commission
  - The Borough of Poole Gambling Statement of Principles
  - Suitability of the premises and
  - Layout of the premises
- 8.6.7 While there is no ban on children or young persons having access to a licensed bingo premises 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.
- 8.6.8 The Licensing Authority will expect the operators to take such precautions to prevent children and young persons from:
- using adult only gaming machines
  - gambling and
  - on application submit in writing how they intend to implement such measures.
- 8.6.9 The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives. Appropriate measures and licensing conditions may cover issues such as:
- Provision of CCTV
  - A plan of the premises with the location and type of gaming machines placed within the premises
  - Supervision of entrances and gaming machine areas
  - Physical separation of different areas within the premises
  - Location of entry and exit to the premises
  - Numbers, location and wording of signage, notices and rules
  - Self barring schemes
  - Specific opening hours
  - The location of adult gaming machines

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- Provision of information leaflets and helpline numbers for organizations such as GamCare and
- Proof of age schemes.

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

### 8.7 Betting Premises Licence

8.7.1 A betting premises licence is required for betting that takes place on premises, other than at a track (for which see 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.

8.7.2 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.

8.7.3 In issuing a betting premises licence each application will be looked at on its own merits. When considering an application and issues relating to the attachment of conditions the Licensing Authority will take into account the following:

- The Gambling Act 2005
- The Licensing Objectives
- Any relevant code of practice issued by the Gambling Commission
- Any relevant guidance issued by the Gambling Commission
- The Borough of Poole Gambling Statement of Principles
- Suitability of the premises and
- Layout of the premises

8.7.4 The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives. However appropriate measures and or licensing conditions may cover issues such as:

- Provision of CCTV
- A plan of the premises with the location and type of gaming machines placed within the premises
- Supervision of entrances / gaming machine areas
- Physical separation of different areas within the premises
- Location of entry and exit to the premises
- Numbers, location and wording of signage, notices and rules
- Self barring schemes
- Specific opening hours
- The location of adult gaming machines
- Provision of information leaflets and helpline numbers for organizations such as GamCare and
- Proof of age schemes.

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

- 8.7.5 The Licensing Authority may in line with Section 181 of the Act attach conditions restricting the number of betting machines, their nature and circumstances in which they are made available. When considering such conditions the Licensing Authority will take into account:
- The size of the premises
  - The number of counter positions available for person to person transactions
  - Number of staff present and their ability to monitor the use of machines by children and young persons
  - Any such other condition the Licensing Authority deems reasonable and acceptable to prevent the risk of harm to children and young persons.

## 8.8 Betting Premises Licence – Tracks

- 8.8.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place.
- 8.8.2 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.
- 8.8.3 Tracks may be subject to more than one Premises Licence, provided each area relates to a specified area of the track.
- 8.8.4 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 still be prevented from entering areas where gaming machines (other than non-adult category machines) are provided.
- 8.8.5 Betting track operators do not need an operating licence from the Commission, therefore the Licensing Authority may, in certain circumstances require conditions of licence to ensure that the environment in which betting takes place is suitable.
- 8.8.6 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:
- A plan of the racetrack including the betting ring
  - Location of any on-course betting facilities
  - Location of any off-course betting facilities
  - Location of gaming machines
  - Location of betting machines

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- Location of any area subject to an additional Premises Licence application
- Proof of age schemes
- Provision of CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes and
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

8.8.7 The track operator must ensure that all betting track operators hold the appropriate operating licence. The Licensing Authority will require the track operator to keep a list of the names of the operators for betting at the track and make the list available to the Licensing Authority and Police on request.

8.8.8 The Licensing Authority notes the Commission's Guidance and will consider the location of gaming machines at tracks.

8.8.9 The Licensing Authority may in line with Section 181 of the Act attach conditions restricting the number of betting machines, their nature and the circumstances in which they are made available. When considering such conditions the Licensing Authority will take into account:

- The size of the premises
- The number of counter positions available for person to person transactions
- Number of staff present and their ability to monitor the use of machines by children and young persons
- Any such other condition the Licensing Authority deems reasonable and acceptable which may include the restriction on the number and location of betting machines.

8.8.10 Applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, adult only gaming machines are located in areas from which children are excluded. The Licensing Authority will expect the operators to:

- Take such precautions to prevent children and young persons from using adult only gaming machines and
- Submit in writing how they intend to implement such measures.

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8.8.11 Where off-betting is carried out at a track the Licensing Authority will require the operator to display the rules governing betting in prominent positions or in a manner acceptable to the Licensing Authority.

### **8.9 Adult Gaming Centre Premises Licence**

8.9.1 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.

8.9.2 On receipt each application will be looked at on its own merits. When considering an application and issues relating to the attachment of conditions, the Licensing Authority will take into account the following:

- The Gambling Act 2005
- The Licensing Objectives
- Any relevant code of practice issued by the Gambling Commission
- Any relevant guidance issued by the Gambling Commission
- The Borough of Poole Gambling Statement of Principles
- Suitability of the premises and
- Layout of the premises.

8.9.3 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect when having regard to an application that:

- There will be sufficient measures to prevent under 18 year olds from having access to the premises and
- on application to offer in writing how they intend to implement such measures.

8.9.4 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives and will give regard to any measures proposed that may cover issues such as:

- Proof of age schemes
- Provision of CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry and exits
- Notices / signage
- Specific opening hours
- Self-barring schemes and
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

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## 8.10 Licensed Family Entertainment Centres

8.10.1 A licensed family entertainment centre is a premise 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 authorises and there will need to be segregation between the different gaming machine types.

8.10.2 In issuing a licence for a family entertainment centre each application will be looked at on its own merits. When considering an application and issues relating to the attachment of conditions, the Licensing Authority will take into account the following:

- The Gambling Act 2005
- The Licensing Objectives
- Any relevant code of practice issued by the Gambling Commission
- Any relevant guidance issued by the Gambling Commission
- The Borough of Poole Gambling Statement of Principles
- Suitability of the premises and
- Layout of the premises.

8.10.3 While there is no ban on children or young persons having access to a Licensed Family Entertainment Centre the Licensing Authority when having regard to an application will expect the operators to:

- Take such precautions to prevent under 18 year olds from accessing adult only gaming machines
- Using adult only gaming machines and
- On application offer in writing how they intend to implement such measures.

8.10.4 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives and will give regard to any measures proposed that may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of different areas within the premises
- Location of adult gaming machines
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures

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## 8.11 Travelling Fairs

8.11.1 A travelling fair is a fair that wholly or principally provides amusements and does not require a permit to provide gaming machines, but must comply with legal requirements about the way the machines operate.

8.11.2 The Licensing Authority will decide the following:

- Whether category D machines and / or equal chance prize gaming without a permit are to be made available for use at travelling fairs
- Where category D machines and / or equal chance prize gaming without a permit are to be made available for use at travelling fairs
- The statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

8.11.3 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

8.11.4 A Travelling Fair can only take place on a site that has not been used for fairs for more than 27 days per calendar year. The Licensing Authority will monitor this.

## 8.12 Provisional Statement

8.12.1 An application for a provisional statement can be applied for in respect of premises that expect to be constructed, altered, or expect to acquire a right to occupy

8.12.2 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

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

8.12.4 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;

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- 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 the following matters:
- which could not have been raised by objectors at the provisional licence stage or
- which is in the Authority's opinion reflects a change in the operator's circumstances.

### **8.13 Premises Licence – reviews**

8.13.1 Requests for a review of a Premises Licence can be made by interested parties or responsible authorities. It is for the Licensing Authority to decide whether a review is carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- 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 Principles

8.13.2 The Licensing Authority will not consider a review where the request is frivolous or vexatious, or where it will not cause the Licensing Authority to alter; revoke; suspend the licence, or where it is substantially the same as previous representations or requests for review.

8.13.3 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, and unless exceptional and compelling circumstances existed, would not hold a repeat hearing within 12 months.

8.13.4 The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason it thinks appropriate, especially where this will prevent speculative applications with no intent of use.

8.13.5 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

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## **9 Permits**

### **9.1 Club Gaming Permits and Club Gaming Machines**

#### **9.1.1 Club Gaming Permits – General**

9.1.2 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.

9.1.3 No child can play an adult only category machine on the premises and the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.

#### **9.1.4 Club Gaming Permits – Miscellaneous**

9.1.5 Before granting the permit the applicant must satisfy the Licensing Authority that the premises meet the requirements of a member's club or miner's welfare institute. This does not include commercial clubs.

9.1.6 Member's clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate Regulations. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. A 48 hour membership rule applies.

9.1.7 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 member's club as referred to in paragraph 9.1.2 above.

#### **9.1.8 Club Gaming Permits and Club Gaming Machines – Decision Making**

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

9.1.10 The Licensing Authority may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- the applicant's premises are used wholly or mainly by children and/or young persons

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- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous ten years or
- an objection has been lodged by the Gambling Commission or the Police.

9.1.11 Premises holding a club premises certificate under the Licensing Act 2003 on the grounds that:

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

There is no opportunity for objections to be made by the Gambling Commission or the police.

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

#### **9.2.1 Alcohol Licensed Premises Gaming Machine Permits – General**

9.2.2 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of categories C and/or D. These premises merely have to notify the licensing authority.

9.2.3 Under section 284 the Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Act (i.e. that written notice has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with).
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises

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- 9.2.4 If a premises wishes to have more than two machines, then the applicant must apply for a permit. The Licensing Authority must consider that application based on the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “such matters they think relevant”.
- 9.2.5 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 old from using any C category gaming machine being sought and how it would be implemented.
- 9.2.6 Compliance with any relevant industry Code of Practice for gaming machines relating to the prevention persons under eighteen or compliance with the Code of Practice issued by the Gambling Commission may be taken by the Licensing Authority as evidence that the applicant has met the criteria for the prevention of persons under eighteen using category C machines if sought.

### **9.2.7 Alcohol Licensed Premises Gaming Machine Permits – Decision Making**

- 9.2.8 The Licensing Authority will consider applications taking into account the Licensing Objectives, Guidance issued by the Gambling Commission and such matters, as it considers relevant on a case-by-case basis.
- 9.2.9 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Such an application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence.
- 9.2.10 This Licensing Authority will consider each application on its merits but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling.
- 9.2.11 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

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- 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.
- details of any proposed provision of information for the protection of vulnerable persons.

9.2.12 The Licensing Authority can grant or refuse an application but cannot include conditions. In granting an application the Licensing Authority may however decide vary the number and category of gaming machines authorised by the permit, taking into account the factors referred to in the paragraph above.

9.2.13 Notifications and applications for up to four machines will generally be dealt with by licensing authority officers. Those for five to eight machines will be determined by officers in consultation with the Chair of the Licensing (Licensing Act 2003) Committee, and applications for nine or more machines will be referred to a Licensing sub-Committee of Councillors. Officers can if they see fit refer any application to a Licensing sub-Committee.

### **9.3 Prize Gaming Permits**

9.3.1 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.

#### **9.3.2 Prize Gaming Permits - Statement of Principles**

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

- 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.

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### **9.3.4 Prize Gaming Permits – Decision Making**

9.3.5 The Act imposes mandatory conditions on a prize gaming permit and the Licensing Authority cannot impose any other conditions.

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

9.4.1 Unlicensed Family Entertainment Centre Gaming Machine Permits – General

9.4.2 Such a permit authorises the provision of specified low category gaming machines only where no premises licence exists.

9.4.3 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:

- details of any convictions the applicant may have that has a bearing on the suitability of the applicant to hold a permit
- 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 protection of harm to persons under the age of eighteen and measures for implementing the same.

9.4.4 Applications for this permit cannot be made if a Premises Licence has been granted under this Act.

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

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

- each case will be considered on its merits
- any information received as part of the application process

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- 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.

### **9.4.7 Unlicensed Family Entertainment Centre Gaming Machine Permits – Decision Making**

9.4.8 The Act imposes mandatory conditions on an unlicensed family entertainment centre gaming machine permit and the Licensing Authority cannot impose any other conditions.

9.4.9 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.

### **9.5 Unlicensed Family Entertainment Centre Gaming Machine Permits – Renewals**

- 9.5.1 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.

## **10 Notices**

### **10.1 Temporary Use Notices**

10.1.1 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.

#### **10.1.2 Temporary Use Notices – Miscellaneous**

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

10.1.4 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

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exceed twenty-one days. It is for the Licensing Authority to determine in each case as to what constitutes a set of premises.

10.1.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities

### **10.1.6 Temporary Use Notices – Decision Making**

10.1.7 Where an objection has been received in relation to a Temporary Use Notice, and 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.

10.1.8 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.

10.1.9 The counter-notice can prevent the Temporary Use Notice from having effect or may limit the Notice in other various prescribed ways.

10.1.10 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.

## **10.2 Occasional Use Notices**

### **10.2.1 Occasional Use Notices - General**

10.2.2 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.

### **10.2.3 Occasional Use Notices – Miscellaneous**

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

10.2.5 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.



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## APPENDIX B Consultees

- Age Concern Poole
- Alcohol Concern
- Allport Autos
- Ariel Taxis
- Arrowsmith Road Residents Association
- Association of British Bookmakers
- Advertising Association
- Atlas Private Hire
- Bearwood Community in Action
- BEDA Ltd
- Bingo Association
- Business in Sport & Leisure
- Borough of Poole Education Services & Children and Families
- British Horseracing Board
- British Greyhound Racing Board
- British Amusement Catering Trade Association
- British Casino Association
- Black and White Radio Taxis
- Branksome Park Residents Association
- Branksome Residents Association
- Branksome Towers Residents Association
- British Holiday & Home Parks Association
- British Hospitality and Restaurant Association
- British Institute of Innkeeping
- British Marine Federation
- British Pub and Beer Association
- British Retail Consortium
- British Transport Police Bournemouth
- Broadstone Residents Association
- Broom Hill Residents Association
- Business in Sport and Leisure
- Casino Operators Association
- Canford Heath Residents and Community Association
- Canford Heath Senior Residents Club
- Chamber of Trade and Commerce Broadstone
- Chamber of Trade and Commerce Poole and District
- Chartered Institute of Environmental Health
- Citizens Advice Bureaux
- Come Lucky Cars
- Dial a Cab Poole
- Dorset Fire and Rescue Service
- Dorset Police
- Drake Court Residents Association
- Eldridge Pope
- Enterprise Inns PLC
- Existing Licensees
- Express Cars
- Federation Of Licensed Victuallers
- Federation of Small Businesses - Wessex Region
- GAMCARE
- Greene King Pub Partners
- Gamblers Anonymous
- Hall and Woodhouse Retail

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- Hillside Cars Poole
- HM Customs and Excise
- Holes Bay Residents and Preservation Association
- Lake Residents Association
- Late-night refreshment establishments
- Laurel Pub Company
- Licensed Victuallers Association – Poole
- Licensing Justices
- Lotteries Council
- Merley Community Association
- Mitchells and Butlers
- Moortown Drive Residents Association
- National Association of Kebab Shops
- National Outdoor Events Association
- National Taxi Association
- Oakdale Residents Community Association
- Parkstone Bay Residents Association
- Parkstone Cars
- Poole Addictions Community Team
- Poole Against Retail Crime
- Poole Drug Action Team
- Poole E.D.D.A.A.S
- Poole Harbour Commissioners
- Poole Hospital NHS Trust
- Poole Housing Partnership Ltd
- Poole Old Town Conservation Group
- Poole Police Divisional Headquarters
- Poole Police Station
- Poole Radio Cabs
- Poole Safe Together Partnership
- Poole Town Centre Management
- Poole Town Taxis
- Pubmaster Limited
- Pubwatch Groups
- Racecourse Services Executive
- Restaurateurs Association
- Remote Gambling Association
- Safeway Stores Ltd
- Sainsbury's Supermarket Ltd
- Sandbanks Association
- Scottish and Newcastle Retail
- Society of Poole Men
- Somerfield Stores Ltd
- South Longfleet Residents Association
- Talbot Village Residents Association
- Tarrant's Taxis
- Tesco Stores Ltd
- Texaco Ltd
- The Civic Trust
- The Committee of Registered Clubs Association
- The Poole Forum
- Wadworth and Co Ltd
- Wilts and Dorset Bus Company Ltd
- Wizard Inns
- Woodland Manor Estates - Canford Park Arena
- Yellow Buses
- Youth Parliament

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### APPENDIX C

#### Summary of Licensing Authority delegations permitted under the Gambling Act 2005

<b>Matters To Be Dealt With</b>	<b>Full Council</b>	<b>Licensing Authority Sub-Committee</b>	<b>Officers (As set out in Standing Orders)</b>
Three year Statement of Principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licence		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 representations have been received and not withdrawn	Where no representations received from the Commission.
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 permit		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn.
Cancellation of club gaming/club machine		X	

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permits			
Application for other permits			X
Cancellation 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	

Full details on the different types of licences/notices, application processes, fees, and the requirements with regard to submission of plans are available on the Council's website - [www.boroughofpoole.com](http://www.boroughofpoole.com)