



Building a Better Bournemouth

Statement of Gambling Policy

Final Version

Document published 31st January 2019
Document due to be reviewed January 2022

Gambling Act 2005

Statement of Policy

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PART A – GENERAL PRINCIPLES

1. Licensing Objectives

1.1 When dealing with licensing matters Bournemouth Borough 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” includes preventing children, young persons and other vulnerable people from taking part in or being in close proximity to gambling and controlling advertising so that gambling products are not aimed at children and 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 the period of three years.

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 about this policy statement please send them via email or letter to the following contact:

Regulatory Services, Town Hall Annexe, St Stephen’s Road, Bournemouth, BH2 6LL
Email: licensing@bournemouth.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; and
- Provisional statements.

Permits and Temporary and Occasional Use Notices

- unlicensed family entertainment centres;
- gaming machines on alcohol licensed premises;
- prize gaming;
- club gaming and club machine permits.
- temporary use notices; and
- 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 website and is available at the offices of the Licensing Authority during normal working hours.

2.2.5 The address of the Licensing Authority's website is www.bournemouth.gov.uk

2.3 Geographical Application of Statement

2.3.1 Bournemouth Borough Council is situated in the County of Dorset and forms part of a larger conurbation with Poole, Christchurch and Wimborne with a population of nearly half a million people.

2.3.2 As an internationally renowned tourist resort and conference centre, Bournemouth attracts over 5 million visitors each year, with a well deserved

reputation as the 'South Coast's leading tourist resort'. The town centre is vibrant and cosmopolitan with diverse shopping, street entertainment and award winning gardens and beaches. In time Bournemouth will look to work with councillors from Christchurch and Poole to develop a common Statement of Gambling Policy for the new BCP Unitary Authority.

Students attending the local university and colleges increase the resident population throughout the year.

2.3.4 The Borough provides a range of attractions and activities for both residents and visitors to suit all tastes. These attractions and activities include theatres, concert halls, cinemas, nightclubs, casinos and a variety of restaurants and take-away facilities.

2.3.5 A map showing the extent of the Borough is produced at Appendix 1.

2.3.6 Bournemouth Borough Council also owns and operates amusement arcades including gaming facilities.

2.4 Consultation Process

2.4.1 Before publishing this policy statement the Licensing Authority has consulted with and given appropriate weight to the views and comments received from the following organisations and others, not listed, but who have made unsolicited comments:

- The Chief Officer of Police for the Licensing Authority's area
- Police and Crime Commissioner in Dorset;

One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses and persons who are likely to be affected by the exercise of the authority's functions under the Act, 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
- Education Services
- Bournemouth Area Hospitality Association
- Bournemouth Chamber of Trade and Commerce
- Social Services
- The Chamber of Commerce and Industry
- Citizens Advice Bureau
- GambleAware
- Gamblers Anonymous
- The Licensed Victuallers Association
- Town and Pub Watch Groups

- Local Community Groups e.g. Citizens Panel, Residents Association
- British Amusement, Catering and Trades Association
- Places of Worship
- Bournemouth Borough Council - Planning Authority
- Bournemouth Borough Council - Leisure and Tourism
- Education Establishments
- Town Centre BID
- Salvation Army
- Samaritans
- Adult Safeguarding Board
- Young People Safeguarding Board
- Youth Services
- Public Health
- Health, Child Services and Community Scrutiny Panels
- Women's Institute
- NatCen Social Research
- Libraries within the Borough
- Home Office (Immigration)
- HMRC Revenue and Customs (National Registration Unit)
- Bournemouth Borough Council – Environmental Health (pollution to the environment or harm to human health)
- Bournemouth Borough Council – Trading Standards (protection of children from harm)
- National Casino Forum
- Wiltshire and Dorset Fire and Rescue Service
- Trade bodies within the Borough

2.4.4 A full list of comments made is available by request to The Licensing Team, Regulatory Services, Town Hall Annexe, St Stephen's Road, Bournemouth, BH2 6LL

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 individual 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 Gambling Act, the Licensing Act 2003 and planning legislation and that licensing applications will be viewed independently of applications under the Licensing Act 2003 and planning.
- 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 Licensing Authority recognises the statutory limitations relating to fixed odds betting terminals. (FOBT); these are electronic machines sited in betting shops. These contain a variety of games including roulette. Each machine accepts bets and then pays out to fixed odds on the simulated outcome of the game. The FOBT statutory limitations are an automatic entitlement for up to 4 machines being allowed on a premises within categories B, C and D. We note that there are current proposals from Government to cut the maximum FOBT stake to address issues of problem gaming and addiction.
- 2.6.7 The Licensing Authority is well aware of online gambling but accepts that it has no direct enforcement powers for this.

3. Responsible Authorities

3.1 Responsible Authorities - General

- 3.1.1 The Act specifies various bodies as Responsible Authorities (RA). The contact details of all the RA for the area of the Licensing Authority can be found on the Council's website at www.bournemouth.gov.uk
- 3.1.2 The RA must be notified of applications in relation to Premises Licences and is entitled to make representations in relation to them.

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 Child Care and Family Support Unit of Bournemouth Borough Council for the purpose of providing advice about 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.

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

4.2 Interested Parties – Principles Relating to Determination

4.2.1 The Licensing Authority will apply its powers under S.158 of the Act to determine whether a person is an Interested Party in relation to a premises licence, or an application for or in respect of a premises licence.

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;
- the presence of FOBTs on the premises;
- 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 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

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.

Other persons, such as Councillors, MPs etc, may also represent interested parties. However, care should be taken when approaching Councillors to ensure that they are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team on 01202 451180 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.

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; 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 Licensing Authority will apply its functions under S.29 and S.30 of the Act with respect to exchanges of information between it and the Commission, and the functions under S.350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 of the Act.

6.1.2 The Act, and other legislation such as the Data Protection Act 2018, the Freedom of Information Act 2000 and General Data Protection Regulations (GDPR), place various statutory duties and responsibilities upon operators and the Licensing Authority in relation to the exchange and disclosure of information that is available to it.

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.

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 2018, the Freedom of Information Act 2000 and General Data Protection Regulations (GDPR).

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 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 addressed to the Licensing Team of the Licensing Authority.

7. Enforcement

7.1 Enforcement – General

7.1.1 The Licensing Authority will apply its functions under Part 15 of the Act with respect to the inspection of premises and the power under S.346 of the Act to instigate criminal proceedings in respect of the offences that are specified in that Section.

7.1.2 To undertake random and routine inspections of premises for a variety of reasons.

7.2 Inspections and instituting criminal proceedings – Principles

7.2.1 In considering whether to undertake an inspection of 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;
- that the Licensing Authority will undertake inspections when it is considered relevant for the purposes of an application or actual or potential enforcement issue as well as for routine and random inspections as necessary;
- in the case of enforcement action generally, the Licensing Authority will act having given due consideration to any enforcement policy adopted by Bournemouth Borough 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 The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Licensing Authority a single point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.

7.2.3 In considering whether to exercise its powers in relation to the institution of criminal proceedings under 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 the Licensing Authority has acted in accordance with any enforcement policy of Bournemouth Borough 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.

7.2.4 The principles referred to in the 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 children and/or 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 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 had as to whether there is unfulfilled demand for the facilities for the premises licence that is sought.

8.1.3 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 thinks 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).

8.1.14 It is appreciated that as per the Gambling Commission's Guidance for local authorities 'moral and ethical' objections to gambling are not a valid reason to reject applications for premises licenses (except as regards to any 'no casino' resolution') and also that unmet demand is not a criterion of a licensing authority.

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 and a vehicle.

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 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 or hear gambling activities; 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. Therefore issues relating to whether a planning permission or building regulations may or may not be granted are not relevant to the determination. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. 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 regulations.

8.3.2 The Licensing Authority will seek to avoid duplication with other statutory/regulatory systems where possible.

8.3.3 Whilst each application will be considered on its merits, factors to which the Licensing Authority may, in particular, have regard to 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;
- any information provided by the applicant showing how industry best practice as set out in Social Responsibility(SR) mandatory code of practice issued by the Gambling Commission is being met. This will include the provision of the SR to require operators of premises based businesses to conduct a local risk assessment, 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, associated regulations and guidance 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 excludes 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 conditions on a Premises Licence unless it relates to an issue arising in respect of the gambling proposal.

8.4.5 In exercising discretion as to whether to impose any further condition, the Licensing Authority will act proportionately 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 Interested parties or responsible authorities can make requests for a review of a premises licence. However, it is for the Licensing Authority to decide whether the review is to be carried out. The review will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is-

- i. frivolous
- ii. vexatious
- iii. will certainly not cause this authority to wish to alter / revoke / suspend the licence, or
- iv. whether it is substantially the same as previous representations or requests for review:

- whether the request for the review is relevant to the matters listed below, and/or
- consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, and/or
- whether it is substantially the same as previous representations or requests for review:
 - 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, and unless exceptional and compelling circumstances existed, 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

8.7.1 An Adult Gaming Centre Premises Licence can authorise the holder to offer an unlimited number of category C and D gaming machines and up to 20% of the total number of machines can be of category B3 or B4.

8.8 Adult Gaming Centre Premise Licence – decision making

8.8.1 The Licensing Authority will particularly have regard to the need to protect persons under eighteen and other vulnerable persons from harm or being exploited by gambling. The Licensing Authority will expect the applicant to satisfy them, for example, that there will be sufficient measures to ensure that those under eighteen years old do not have access to the premises and that there will be sufficient measures in place to protect vulnerable persons from harm as far as is possible including details of sources of advice and support such as GambleAware.

8.8.2 This 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 organizations such as GambleAware and the manner in which such information should be displayed / distributed;
- 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, subject to certain restrictions, gaming machines. Persons under eighteen years old will not be permitted to use a certain category of gaming machine that the Premises Licence may authorise and there will be need for 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 under eighteen year olds do not have access, whether physical or visual, 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 organizations such as GambleAware and the manner in which such information should be displayed / distributed;
- 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 Policy, 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:

- Category B gaming machines (B3 or B4) not exceeding 20% of the total number of gaming machines which are available for use on the premises ;
- 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 licenced 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 under eighteen years olds 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 organizations such as GambleAware and the manner in which such information should be displayed / distributed;
- proof of age schemes.

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

8.13.5 The Licensing Authority normally expects 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 also Tracks. 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 Licence 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.

8.15.3 There is an expectation that licence holders will keep a record of any damage caused to FOBTs by patrons; this report shall be made available to Council officers or the police on request. In cases of damage which result in the police being called to the premises, we expect this to be reported to the appropriate authority within 48 hours; notwithstanding the premises obligations of data collection for the annual regulatory return to the Gambling Commission.

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;
- the number and location of gaming and betting machines; and
- provision of information leaflets / help line numbers for organizations such as GambleAware and the manner in which such information should be displayed / distributed;
- 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, young persons and other vulnerable persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horseracing takes place. But having regard to the need to protect persons under eighteen 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 current 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;
- the location of any areas to be the subject of additional Premises Licence applications.
- provision of information leaflets / help line numbers for organizations such as GambleAware and the manner in which such information should be displayed / distributed;

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 organizations such as GambleAware and the manner in which such information should be displayed and distributed;
- 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 can only take place on a site that has not been used for fairs for 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.

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 who will take into account the guidance from the Commission when deciding if premises are finished.

8.22.2 A provisional statement may be applied for where the Licensing Authority has deemed the premises incomplete or, it 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 can subject to certain restrictions have two gaming machines.
- 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 two gaming machines are sought.
- 9.5.4 The issue of such a permit replaces the automatic entitlement identified above.

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 eighteen 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 by 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.

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 ten 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 21 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.

10.1 **Gaming Machine Stakes and Prizes**

10.1.1 <http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/Gaming-machine-categories.aspx>

11.1 **Local Risk Assessments (“LRA”)**

11.1.1 The Gambling Commission’s Licence Conditions and Codes of Practice (LCCP) (Social Responsibility Code 10.1.1 require all premises providing gambling facilities to assess the local risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. In undertaking risk assessments licensees will be expected to take into account relevant matters identified in this policy.

11.1.2 The LCCP goes on to say that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstance, including those identified in this Policy;
- when there are significant changes at a licensee’s premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

11.1.3 The Licensing Authority will expect the local risk assessment to consider as a minimum:

- whether the premises are in an area of deprivation;
- whether the premises are in an area subject to high levels of crime and/or disorder;
- the demographics of the area in relation to vulnerable groups;
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather;
- significant presence of young children, both residents and visitors;
- high unemployment areas;
- nearby homeless/rough sleeper areas;
- nearby gambling, alcohol, drug or mental health support facilities;
- other gambling premises in the vicinity.

11.1.4 Information around these groups is available in the Licensing Authority's Local Area Profile (LAP) (see paragraph 2.1 below). In any case, the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

11.1.5 Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer rapid intervention and how the manning of premises affects this.
- Details of location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by, etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

11.1.6 Information provided may be used to inform the decision the Licensing Authority makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

11.1.7 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

12.1 **Local Area Profile ("LAP")**

12.1.1 Each locality has its own character and challenges. To assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Licensing Authority has published a Local Area Profile. Operators will need to consider the types of premises and their operation in the local area surrounding the premises in relation to the local profile that the Licensing Authority considers sensitive, these include:

- Educational facilities
- Community centres

- Vulnerable groups or venues relating to vulnerable groups i.e. homeless or rough sleeper shelters
- Hospitals
- Mental health care providers
- Gambling care providers
- Religious establishments

12.1.2 The LAP provides a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risks, thereby considering possible future emerging risks, rather than reflecting current risks only.

12.1.3 Current information already available on the Council's website www.bournemouth.gov.uk and can be obtained from the following links:-

Index of Multiple Deprivation 2015

<https://www.bournemouth.gov.uk/councildemocratic/Statistics/Documents/IndicesofDeprivation/IMD-2015/IndexofMultipleDeprivation2015.aspx>

Deprivation with particular attention to Crimes

<https://www.bournemouth.gov.uk/councildemocratic/Statistics/Documents/IndicesofDeprivation/Crimedomain.pdf>

Low Income

<https://www.bournemouth.gov.uk/councildemocratic/Statistics/Documents/IndicesofDeprivation/IMD-2015/Income%20Domain%202015.pdf>

Employment Deprivation

<https://www.bournemouth.gov.uk/councildemocratic/Statistics/Documents/IndicesofDeprivation/IMD-2015/Employment%20Domain%202015.pdf>

Affecting Children

<https://www.bournemouth.gov.uk/councildemocratic/Statistics/Documents/IndicesofDeprivation/IMD-2015/IDACI%202015.pdf>

Location of Schools

<https://www.bournemouth.gov.uk/childreducation/Schools/Schools.aspx>

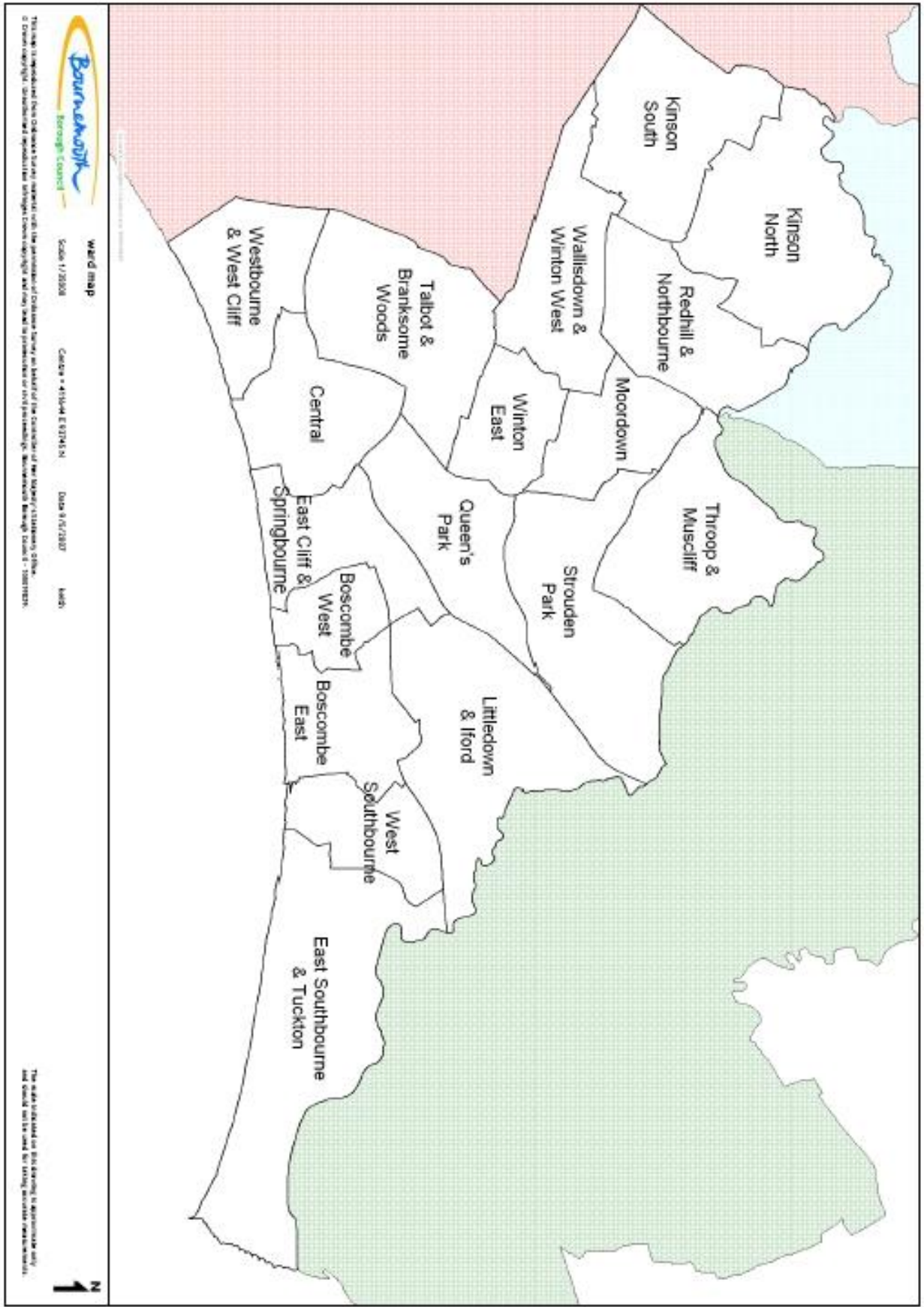
12.1.4 A map showing the location of all current Gambling Act premises and type is attached as Appendix 2 of this Policy.

12.1.5 The Local Area Profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers and representatives of Responsible Authorities to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be

relevant to their application. The Local Area Profile will be presented to any subsequent licensing sub-committee when it determines an application that has received representations.

12.1.6 The Licensing Authority notes that it is not a mandatory requirement to have a LAP but recognise the benefits of having one. The Licensing Authority cannot insist on applicants using the local area profile when completing their risk assessments, however, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

APPENDIX 1



APPENDIX 2 MAP SHOWING GAMBLING ACT PREMISES BY TYPE

