

**Christchurch Borough Council**

**DRAFT**

**Statement of  
Licensing Policy**

**2016-2019**

**Gambling Act 2005**

## CONTENTS

### **PART A GENERAL PRINCIPLES**

1. Licensing Objectives
2. Introduction
  - 2.1 Duration of Statement
  - 2.2 Content of Statement
  - 2.3 Geographical Application of Statement
  - 2.4 Consultation Process
  - 2.5 Declaration
  - 2.6 Fundamental Principles
3. Responsible Authorities
4. Interested Parties
  - 4.1 General
  - 4.2 Principles Relating to Determination
5. Representations
6. Disclosure/Exchange of Information
  - 6.1 Exchange of information – General
  - 6.2 Exchange/Disclosure of information - Principles
7. Enforcement
  - 7.1 General
  - 7.2 Inspections and Instituting of Criminal Proceedings
  - 7.3 Enforcement Responsibilities

### **PART B SPECIFIC FUNCTIONS**

8. Premises Licences
  - 8.1 Fundamental Principles
  - 8.2 General
  - 8.3 Adult Gaming Centre Premises Licence
  - 8.4 Licensed Family Entertainment Centres
  - 8.5 Bingo Premises Licence
  - 8.6 Betting Premises
  - 8.7 Tracks
  - 8.8 Decision making
  - 8.9 Conditions
  - 8.10 Reviews
  - 8.11 Casino Resolution
9. Permits
  - 9.1 Club Gaming Machine
  - 9.2 Club Gaming Permits
  - 9.3 Club Gaming Permits/Club Gaming Machines – Decision Making

- 9.4 Alcohol Licensed Premises – Gaming Machine Permits
- 9.5 Prize Gaming Permits
- 9.6 Unlicensed Family Entertainment Centre Gaming Machine Permits
  
- 10. Notices
  - 10.1 Temporary Use Notices
  - 10.2 Occasional Use Notices
  
- 11 Miscellaneous
  - 11.1 Travelling Fair
  
- 12 Registrations
  - 12.1 Small Society Lotteries
  - 12.2 Enforcement Principles

## PART A - GENERAL PRINCIPALS

### 1. Licensing Objectives

- 1.1 When dealing with licensing matters Christchurch 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;
- The phrase *“harmed or exploited by gambling”* can mean preventing children and vulnerable people from taking part in or being in close proximity to gambling, and controlling advertising so that gambling products are not aimed at vulnerable people or advertised in such a way that makes them particularly attractive to such people.
- 1.3 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- 1.3.1 If the Licensing Authority considers an application for a premises licence in an area that is noted for particular problems with organised crime, it shall first consider what controls might prevent the premises from becoming a source of crime. This could include conditions being put on the licence, such as a requirement for door supervisors.
- 1.4 **Ensuring that Gambling is Conducted in a Fair and Open Way**
- 1.4.1 Generally, the Gambling Commission addresses this Objective.
- 1.4.2 However, Licensing Authorities’ role in this respect will differ when considering the licensing of tracks, in that track owners will not necessarily have an operating licence from the Gambling Commission.
- 1.4.3 On receipt of an application for a track betting premises licence, the Licensing Authority would therefore seek advice from the Gambling Commission in respect of the likelihood of compliance with this Objective.
- 1.5 **Protecting Children and Other Vulnerable Persons from Being Harmed or Exploited by Gambling**
- 1.5.1 The general principle applied in respect of this Objective is to ensure that children are prevented from taking part in gambling in licensed premises.
- 1.5.2 The Licensing Authority will therefore take steps to ensure that any advertising of the gambling activities within its control are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 1.5.3 The Licensing Authority will balance it’s duties to protect vulnerable persons against the fundamental principle to allow the use of premises for gambling.
- 1.5.4 However, regulatory action would be taken against licensees of premises that were considered to purposely exploit persons who are under the influence of substance misuse, have learning disabilities, or mental health illnesses, for example.

## 2. Introduction

### 2.1 Duration of Statement

- 2.1.1 This statement of principles is the Licensing Authority's published policy for the purposes of the Act. It will run for a period of three years commencing 31st January 2016.
- 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 will be reviewed from time to time, and in the light of any such review, it may be revised. Any such revision will be published before it takes effect.

### 2.2 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
- Bingo premises;
- Betting offices, including tracks;
- Casinos; and
- Licensed family entertainment centres;

#### Permits

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

#### Notices

- Temporary use; and
- Occasional use.

#### Miscellaneous

- Travelling fairs

#### Registrations

- Small society lottery registrations

- 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 Licensing Authority's website is **[www.dorsetforyou.com](http://www.dorsetforyou.com)**

### 2.3 Geographical Application of Statement

- 2.3.1 The Borough of Christchurch is situated on the south coast of England in the south-east region of the County of Dorset. It abuts the Unitary Borough of Bournemouth to the west, the District of East Dorset to the north and the New Forest District of Hampshire to the east. Christchurch has a population of nearly 45,000, the ninth smallest District in England. The Borough covers an area of 50 square kilometres and has a population density of 891 people per square kilometre, four times higher than the south-west regional average and over twice the density for England.

**2.4 Consultation Process**

2.4.1 In developing this statement, the Licensing Authority consulted with:

- Police & Crime Commissioner
- The chief officer of Police in Dorset;
- Bookmaking Businesses
- The British Casino Association
- Dorset Fire and Rescue
- Parish Councils
- Chambers of Commerce within the Borough
- Dorset Chamber of Commerce and Industry
- Federation of Small Businesses (Wessex Region)
- Citizens Advice Bureau
- Dorset County Council
- Representatives of local residents

**2.5 Declaration**

2.5.1 In producing this licensing policy statement, 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 will, in particular when considering its functions in relation to applications and enforcement, have regard to the Human Rights Act 1998.

### **3. Responsible Authorities**

#### **3.1 Responsible Authorities - General**

3.1.1 The Act specifies various bodies as Responsible Authorities. A list of the Responsible Authorities for the area of the Licensing Authority can be found on the Council's website at **[www.dorsetforyou.com](http://www.dorsetforyou.com)**

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

#### **3.2 Responsible Authority - Protection of Children from Harm**

3.2.1 When exercising the Licensing Authority's powers under section 157(h) of the Act in designating 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 Taking the above matters into account, the Licensing Authority designates Dorset County Council Child Services 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 persons 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.

4.1.3 All interested parties (which may include representations from within the trade) must ensure that their comments are directly linked to one of the Licensing Objectives.

### 4.2 Interested Parties - Principles Relating to Determination

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

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

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

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

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

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

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

- Parish Councils;
- Residents' and tenants' associations; and
- Trade unions and trade associations

4.2.6 However, the Licensing Authority will not necessarily consider a person as



representing one of the other categories of Interested Party unless the body can demonstrate:

- that they have specifically been requested in writing to represent that person and/or business in relation to the submission of the representation; and / or
- that, in the case of a body, it represents at least ten persons.

4.2.7 Interested parties can also be represented by other persons such as Councillors, MPs etc. Care should be taken when approaching Councillors that they are not part of the Licensing Committee dealing with the licence. If there are any doubts then please contact the Licensing Department.

## **5. Representations**

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

5.1.1 A 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 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. In this context, specific reference has been made to Sections 29,30 and 350 of the Gambling Act 2005, and the required exchange of information with the Gambling Commission

### **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 to exercise discretion as to whether or not information may be disclosed / exchanged it will in particular normally have regard to the following principles:

- any request that is received for the disclosure of information will be considered on its merits having regard to any general statutory principles that might apply;
- upon receipt of a request for any exchange or disclosure, information will not normally be withheld where it is considered by the Licensing Authority that this may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors which the Licensing Authority considers as being of relevance to it; and
- the Licensing Authority may also provide information available to it, whether a request has been received or not, if it considers it may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors as identified above.

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

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

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

6.2.6 Where the law allows, a data subject for the purposes of the above legislation may require and be entitled to information that is held by the Licensing Authority. Some 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 Section of the Licensing Authority.

## 7. Enforcement

### 7.1 Enforcement - General

7.1.1 The Act provides various bodies, including the Licensing Authority, with power to authorise persons to undertake inspections for a variety of purposes. Furthermore, the Licensing Authority has the 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 in particular normally 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 not usually undertake an inspection unless it is considered relevant for the purposes of an application or actual or potential enforcement issue;
- in the case of enforcement action generally, will act having given due consideration to the enforcement policy adopted by East Dorset District Council (as may be amended from time to time) and the Regulatory Compliance Code that is current at that time (if any); and
- that it will exercise its responsibilities in relation to inspections having regard to the further principles set out below.

7.2.2 In considering whether to exercise its powers in relation to the institution of criminal proceedings in the Act, the Licensing Authority will in particular normally have regard to the following principles:

- each case will be considered on its 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 Christchurch 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.

7.2.3 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 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; and
- such other factors as the particular individual circumstances warrant

## **PART B - SPECIFIC FUNCTIONS**

### **8. Premises Licences**

#### **8.1 Fundamental Principles Applying to Premises Licences**

- 8.1.1 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.
- 8.1.2 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.
- 8.1.3 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 think it:
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
  - in accordance with any relevant Guidance issued by the Gambling Commission;
  - reasonably consistent with the Licensing Objectives (subject to the two sub-paragraphs above); and
  - in accordance with this Statement (*subject to the three sub-paragraphs above*).

#### **8.2 Premises Licence - General**

- 8.2.1 For the purposes of the Act, the term “premises” is defined as including any place and in particular a vessel and a vehicle.
- 8.2.2 The Act provides that different premises licences cannot apply in respect of single premises at different times. eg. A premises could not be licensed as a bingo hall on weekdays and a betting shop at weekends.
- 8.2.3 Whilst premises is defined in the Act as “any place” it is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
- 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.

#### **8.3 Adult Gaming Centre Premises Licence**

- 8.3.1 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.
- 8.3.2 An Adult Gaming Centre Premises Licence can authorise the holder:
- to make up to four category B gaming machines;
  - to make any number category C gaming machines; and
  - to make any number of category D gaming machines.

8.3.3 The licensing authority will particularly have regard to the need to protect persons under 18 and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

#### 8.4 **Licensed Family Entertainment Centres**

8.4.1 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 might authorise and there will need to be segregation between the different gaming machine types.

8.4.2 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 18 year olds do not have access to the adult only gaming machine areas.

#### 8.5 **Bingo Premises Licence**

8.5.1 Bingo does not have a statutory definition

8.5.2 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 also make available for use:

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

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

8.5.4 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 18 year olds do not have access to adult only gaming machines.

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

#### 8.6 **Betting Premises**

8.6.1 A Betting Premises Licence is usually required to enable betting to take place on premises, (mostly known as bookies). However, 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.

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

8.6.3 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.

8.6.4 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 use of machines.

8.6.5 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. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives.

- 8.6.6 This authority will give sympathetic consideration to re-sites within the same locality and extensions in order to enhance the qualities of the betting premises.
- 8.7 **Tracks**
- 8.7.1 Tracks are sited (including racecourses and dog tracks) where races or other sporting events take place.
- 8.7.2 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
- 8.7.3 Tracks may be subject to more than one Premises Licence, provided each Licence relates to a specific area of the track without overlap.
- 8.7.4 Children and young persons are permitted to enter track area 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 years of age from harm they should be prevented from entering areas where gaming machines (other than category D machines) are provided.
- 8.7.5 In recognition of the extant guidance on this matter, the Licensing Authority will normally require detailed plans of the premises showing the following information:
- location of gaming machines;
  - location of betting machines;
  - location of any racetrack;
  - location of any on-course betting facilities;
  - location of any off-course betting facilities;
  - location of any areas to be the subject of additional Premises Licence application
- 8.8 **Premises Licence - Decision Making**
- 8.8.1 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.
- 8.8.2 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.
- 8.8.3 Whilst each application will be considered on its own merits, factors to which the Licensing Authority may in particular have regard when determining an application include:
- proximity of gambling premises to properties regularly frequented by vulnerable persons;
  - the suitability of the premises for gambling in the context of the licensing objectives;
  - the type of gambling that is proposed at the premises;
  - any information provided by the applicant showing how it is proposed to overcome any licensing objective concerns; and
  - whether any relevant objections to an application could be addressed by the use of one or more conditions.
- 8.8.4 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.
- 8.9 **Premises Licence - Conditions**
- 8.9.1 The Act and associated provisions enables mandatory conditions to be attached to

- such Premises Licences as may be specified.
- 8.9.2 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.
- 8.9.3 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.
- 8.9.4 Where a discretion exists, the Licensing Authority will not impose its own Condition on a Premises Licence unless it relates to an issue arising in respect of the gambling proposal.
- 8.9.5 In exercising a discretion as to whether to impose any further condition, the Licensing Authority will be proportionate to the circumstances being considered.
- 8.9.6 The Licensing Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 8.9.7 The Licensing Authority will consider limiting the number of betting machines in betting offices only where there is clear evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter as part of its deliberations.
- 8.9.8 When considering the need for conditions, 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 18 year olds do not have access to adult only gaming machines.
- 8.9.9 This Licensing Authority will expect applicants/licensees to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- provision of CCTV;
  - supervisions 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;
  - provision of information leaflets / helpline numbers for organisations, such as GamCare;
  - proof of age schemes.
- 8.9.10 It should be noted that this list is not mandatory, nor exhaustive and is merely indicative of example measures
- 8.10 **Premises Licence - Reviews**
- 8.10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the licensing authority to decide whether the review is to be carried out. This 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 frivolous, vexatious or will certainly not cause this authority to wish to alter/revoke/suspend the licence, 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.
- 8.10.2 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.
- 8.10.3 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.
- 8.11 **Casino Resolution**
- 8.11.1 This Licensing Authority has passed a resolution not to issue Casino Premise Licences under section 166 of the Gambling Act 2005. The reasons being that:
- the scale and use of a casino would be out of character with the Borough of Christchurch; and,
  - that a casino might be located in a neighbouring authority therefore it would not be appropriate to have another casino in such close proximity.

## 9. Permits

### 9.1 Club Gaming

9.1.1 A Club Gaming Permit authorises establishments to provide gaming machines, equal chance gaming and games of chance as prescribed in regulations. A 48 hour rule of membership applies in respect of all three types of gaming.

9.1.2 Before granting the permit the Licensing Authority must be satisfied that the premises meet the requirements of a members club and that the majority of members are over 18.

### 9.2 Club Gaming Machine Permits

9.2.1 A Club Gaming Machine Permit authorises establishments to provide gaming machines where the establishment is a members club as referred to in paragraph 9.1.2 above.

### 9.3 Club Gaming Permits/Club Gaming Machines – decision making

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

9.3.2 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 members 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.

9.3.3 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.

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

### 9.4 Alcohol Licensed Premises Gaming Machine Permits

9.4.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines of categories C and/or D. The premises merely need to notify the licensing authority.

9.4.2 However, the licensing authority may 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 Gambling Act (ie 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 Gambling Act has been committed on the premises

9.4.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit. The issue of such a permit replaces the automatic entitlement.

9.4.4 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.

9.4.5 The Licensing Authority may decide to grant an application with a smaller number of machines and/or a different category of machine, taking into account the factors referred to in the paragraph above, but cannot attach any other conditions.

## 9.5 **Prize Gaming Permits**

Prize gaming is defined under section 288 of the Act as gaming in which a prize exists that is not influenced by the number of players or the amount paid to participants.

9.5.1 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

9.5.2 The Licensing Authority does not need to have regard to the licensing objectives when considering applications for such permits, but will take into account the Guidance of the Gambling Commission.

9.5.3 It will give particular weight to child protection issues when considering such applications, given that the premises will particularly appeal to children and young persons.

9.5.4 The Licensing Authority cannot attach any additional conditions to those mandatory conditions contained in the Act.

9.5.5 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 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/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 protection of harm to persons under the age of eighteen and measures for implementing the same.

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

9.6.1 Such a permit authorises the provision of the category D gaming machines where no premises licence exists.

9.6.2 The Licensing Authority does not need to have to have regard to the licensing objectives when considering applications for such permits, but will take into account Guidance of the Gambling Commission. It will give particular weight to child protection issues when considering applications given that the premises will

particularly appeal to children and young persons.

- 9.6.3 The Licensing Authority cannot attach any additional conditions to those mandatory conditions contained in the Act.
- 9.6.4 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.
- 9.6.5 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 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 protection of harm to persons under the age of eighteen and measures for implementing the same.
- 9.6.6 Applications for this permit cannot be made if a Premises License has been granted under this Act.

## 10. Notices

### 10.1 Temporary Use Notices

- 10.1.1 These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises for providing facilities for gambling.
- 10.1.2 Premises that might be suitable for a temporary use notice may include hotels, conference centres and sporting venues etc.
- 10.1.3 A temporary use notice may only be granted to a person or company holding an operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a sporting event.
- 10.1.4 The same set of premises may not be subject of a temporary use notice for more than 21 days in any 12 month period, but may be the subject of several notices provided that the total does not exceed 21 days.
- 10.1.5 When considering what may be deemed to be a '*set of premises*' the Licensing Authority will consider the management and occupation of such premises.
- 10.1.6 A large exhibition, for example, would be likely to come within the definition of a '*set of premises*' and should not be granted a temporary use notice in respect of each of its separate exhibition halls.
- 10.1.7 However, a shopping centre with a number of different units, occupied and controlled by different persons would most likely be granted separate temporary use notices.
- 10.1.8 If, after proper notice has been given to the Licensing Authority, objections are received within the prescribed timescales, the Licensing Authority will hold a hearing to listen to representations from all parties.
- 10.1.9 Before holding a hearing, the Licensing Section shall mediate between all concerned parties to see if steps could be taken to alleviate the concerns of those making representations.
- 10.1.10 The Licensing Authority will complete all required proceedings on a temporary use notice within 6 weeks. This includes whether to give a notice of objection, holding a hearing, and giving a counter notice or notice dismissing the objections.

### 10.2 Occasional Use Notices

- 10.2.1 These allow betting on a track on eight days or less in a calendar year, without the need for a full premises licence.
- 10.2.2 A '*track*' covers not just a horse racecourse or dog track, but also any other premises on which a race or other sporting event takes place.
- 10.2.3 This means that land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.
- 10.2.4 There shall be no more than 8 occasional notices used on the same premises in any calendar year.
- 10.2.5 Such Notices will be accepted by the Licensing Authority from persons who are responsible for the administration of events on the track or by an occupier of the track.
- 10.2.6 Provided that the track is not used for more than 8 occasions in a calendar year, there are no provisions for counter notices or objections to be submitted.

## **11. Miscellaneous**

### **11.1 Travelling Fairs**

- 11.1.1 A travelling fair “wholly or principally” provides amusements.
- 11.1.2 A travelling fair must take place on a site that has been used for fairs for no more than 27 days per calendar year.
- 11.1.3 Travelling fairs do not require a permit or a licence to provide gaming machines provided that these are only category D gaming machines.
- 11.1.4 There is no limit to the number of such category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair.

## 12. Registrations

### 12.1 Small Society Lotteries

- 12.1.1 Small society lotteries are lotteries of a non-commercial society which is established and conducted:
- for charitable purposes;
  - for the purpose of enabling participation in, or of supporting sport athletics, or a cultural activity; or
  - for any other non-commercial purpose other than that of private gain.
- 12.1.2 A lottery is 'small' if the total value of tickets put on sale in a single lottery is £20,000 or less, and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. When these amounts are exceeded the lottery is a 'large lottery' and should be licensed by the Gambling Commission.
- 12.1.3 The Licensing Authority shall keep the details of every such lottery on a register. Whilst the register is not statutorily public, the Licensing Authority will make the register available to the public on request.
- 12.1.4 As soon as the society is registered with the Licensing Authority it will notify both the applicant and Gambling Commission of the registration.
- 12.1.5 The Licensing Authority with which a Small Society Lottery is required to register must be in the area where the principle office is located
- 12.1.6 The Licensing Authority **shall** refuse applications for registration if:
- An operating licence held by the applicant for registration has been revoked; or
  - An application for an operating licence made by the applicant for registration has been refused.
- 12.1.7 The Licensing Authority **may** refuse an application if it is considered:
- The applicant is not a non-commercial society;
  - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
  - Information provided in or with the application for registration is false or misleading.
- 12.1.8 The Licensing Authority **may** revoke a registration if it thinks they would have to, or would be entitled to, refuse an application for registration if it were being made at the time.
- 12.1.9 Before an applicant is refused registration, or their registration is revoked, they shall be afforded the opportunity to make representations to the Licensing Authority after they have informed the society of the reasons why they are minded to refuse the registration.
- ### 12.2 Enforcement Principles Specific to Small Society Lotteries
- 12.2.1 In line with the Gambling Commission's Guidance relating to Small Society Lotteries, the Licensing Authority will generally adopt a light touch to the enforcement of these lotteries..
- 12.2.2 However, targeted enforcement procedures may include the following:
- Making a late return of a statement or making no returns within a year of registration;
  - Failure to pay fees as they become due;
  - Reports of sales of the lottery tickets to children;
  - Reports of society lotteries being held without registration;
  - Indications that the society has breached the lottery limits; and
  - Reports of misappropriation of funds

**For further information of advice please contact:-**

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