



Statement of Gambling ~~Licensing~~  
~~Policy~~Licensing Policy 2021 – 20242024  
- 2027

Gambling Act 2005

1 February 2024

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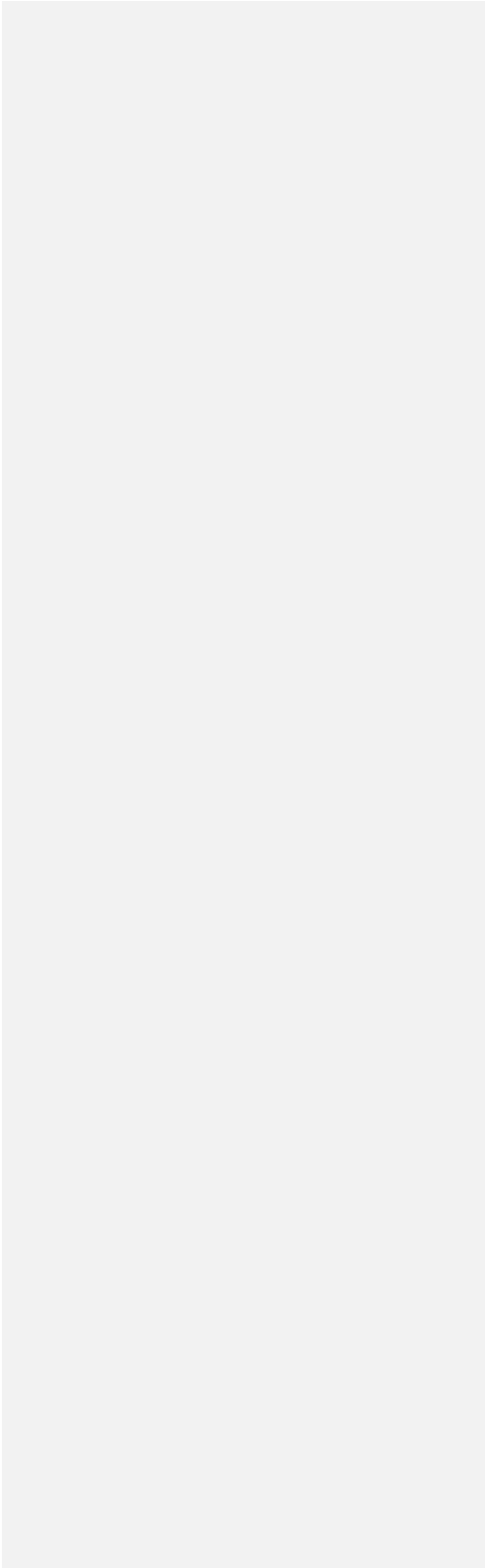
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Web: <https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/gambling-licences-1https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/alcohol-and-entertainment-licences/alcohol-licensing.aspx>

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## Executive Summary

The Gambling Act 2005 obtained Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31 January 2007.

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

The purpose of the Statement of [Licensing Policy](#) [Gambling Licensing Policy](#) is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the Council in regard to the determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives, which 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
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

Enforcement of the legislation is a requirement of the Act that is undertaken by the council in conjunction with the Gambling Commission. The policy describes the council's enforcement principles and the principles underpinning the right of review.

The policy has three appendices, describing the stakes and prizes which determine the category of a gaming machine, a glossary of terms and exempt gaming in pubs and clubs.

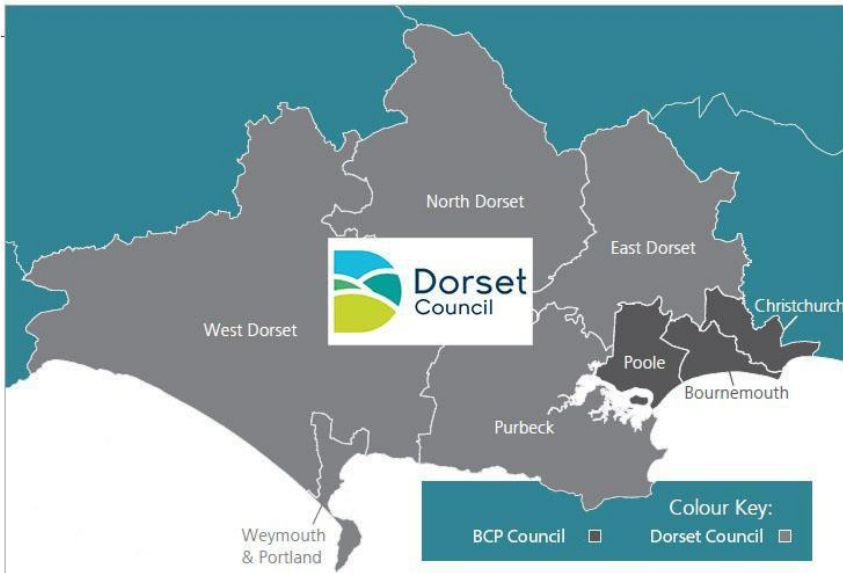
## Part A - The Gambling Act 2005

### 1. The licensing objectives

- 1.1 Under the Gambling Act 2005 (the Act) Dorset Council is the licensing authority for the Dorset district and licences premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the council are to the Dorset Licensing Authority.
- 1.2 The council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling, in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The 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
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 More information can be found about how the council will achieve this in Part B and C of this document.
- 1.4 The council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.
- 1.5 The council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is;
  - in accordance with any relevant code of practice issued by the Gambling Commission
  - in accordance with any relevant guidance issued by the Gambling Commission
  - reasonably consistent with the licensing objectives and
  - in accordance with this document.
- 1.6 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about risk assessments is provided in this policy at Section 14.



## 2. Dorset Council area



2.1 Dorset Council was formed on 1<sup>st</sup> April 2019 following a restructure of the previous local government arrangements. The Council is one of two unitary authorities formed from the predecessor district, borough and county councils and consists of the former authorities of West Dorset, Weymouth & Portland, Purbeck, East Dorset and North Dorset as well as the former Dorset County Council. The plan above shows the geographic boundary of the new Dorset Council area, along with the locations of the former district and borough councils.

2.2 In Dorset, the population size has increased by 4.0%, from around 365,200 in 2011 to 379,600 in 2021. This is lower than the overall increase for England (6.6%). Nearby areas like East Devon and Wiltshire have seen their populations increase by around 13.8% and 8.4%, respectively, while others such as Bournemouth, Christchurch and Poole saw a smaller increase (5.7%) and New Forest saw a decrease of 0.4%. The largest population increases in the South West have been seen in Tewkesbury and East Devon, where the populations have grown by 15.8% and 13.8%, respectively. At 4.0%, Dorset's population increase is lower than the increase for the South West (7.8%). There has been an increase of 24.8% in people aged 65 years and over, a decrease of 2.8% in people aged 15 to 64 years, and a decrease of 3.2% in children aged under 15 years. <https://www.ons.gov.uk/visualisations/censuspopulationchange/E06000059/> Dorset (Council area) has a population of 375,000 residents, 28% of whom are aged 65 and older (compared to 18% in England and Wales).

2.22.3 In Dorset, the estimated dementia diagnosis rate (56.8%) is worse than that of England (67.4%). This indicator is estimating that just over half of the predicted number of people with dementia have a recorded diagnosis. Reference is here: <https://modern.gov.dorsetcouncil.gov.uk/documents/s26049/Dorset%20JNSNA%20Summary%20Narrative%20Update%202021.pdf>

2.32.4 Dorset is an attractive place for people to settle in their retirement – it has a large population of older people, and relatively low birth rates. Currently there are over 7,000 people in Dorset living with dementia, and the number is increasing. Younger people often move away from the area. The

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population continues to grow slowly, driven by people moving into the county and longer life expectancy. The greatest part of population growth is among over 65s. Dorset's working age population is expected to see a marginal decline over the next 25 years.

2.5 The Dorset rural idyll can conceal hidden deprivation: there are pockets of deprivation, mostly in urban areas (mainly Weymouth and Portland). But there is also some rural deprivation due to isolation and difficulty accessing housing, transport and essential services. Crime is generally low in Dorset.

2.42.6 Deprivation is strongly linked with many health outcomes and we see inequalities in life expectancy across the Dorset area – There is just over 11 years difference in life expectancy for males between Colehill & Wimborne Minster East (84.9 years) and Melcombe Regis (73.4 years) Some groups in our communities are more at risk of disadvantage or exploitation. Particular issues include county lines, child sexual exploitation and practices such as Cuckooing. Dorset also has connections to armed forces and a population of veterans who can experience health and wellbeing issues. National research estimates that over a quarter of veterans live in the South West and South East. <https://moderngov.dorsetcouncil.gov.uk/documents/s26049/Dorset%20JSNA%20Summary%20Narrative%20Update%202021.pdf>

2.5 Inclusive growth in Dorset should help reverse the worsening socio-economic position in many neighbourhoods, by focusing not just on quantity of growth but also quality; actions should reflect

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2.7 people's experience of opportunities, barriers, skills and employment and living standards.

~~Our Economic Growth Strategy aims to achieve clean, sustainable, and high-quality economic growth throughout the council area, improving the standard of living, health, and well-being of all Dorset's residents. This strategy, which is aligned with national and local policies, complements other strategies such as the Modern Industrial Strategy and the Dorset Local Industrial Strategy. <https://www.dorsetcouncil.gov.uk/-/what-is-the-economic-growth-strategy#:~:text=This%20Economic%20Growth%20Strategy%20sets,for%20all%20of%20Dorset's%20residents>~~

~~2.8 The population is predominantly white British, with 4.4% of our residents black and minority ethnic. According to recent statistics, only 4.4% of people living in Dorset belong to an ethnic minority group, which is significantly lower than the national average of 19.5%. It's worth noting that 41% of Dorset's ethnic minority population falls under the 'White Other' category. This group includes individuals who identify as white but don't hold UK nationality (such as Polish or Irish). <https://mapping.dorsetcouncil.gov.uk/statistics-and-insights/Topics/Topic/Diversity>~~

~~2.6~~

~~2.72.9~~ Dorset's natural environment is a great asset. 95 miles of coast in Dorset and Devon are classified as a UNESCO Natural World Heritage Site – the only one in England. Over half of Dorset is covered by the Area of Outstanding Natural Beauty designation; 7% of Dorset is protected as a Site of Special Scientific Interest; and Dorset has one of the largest areas of protected lowland heath in Europe. These designations together mark Dorset as a special place but also present challenges in terms of available land for delivering housing and employment development.

~~2.82.10~~ Dorset also has a rich historic environment, with one in twenty of all the protected ancient monuments in England, a well preserved pre-historic landscape and around 10,000 listed buildings.

~~2.92.11~~ Employment in Dorset is high but, like the UK, our economy has a productivity gap. Manufacturing, health, retail, education and hospitality are all big employers in Dorset. 20,000 businesses are based in Dorset: 86% are micro firms and fewer than 1% are large firms. Dorset's economy is worth around £7.1 billion and provides 143,000 jobs. Dorset has an above average number of advanced engineering and manufacturing businesses. But there is also a continuing seasonal, low skill, low wage economy with tourism and agriculture significant industries. The area is rich in valuable minerals, including stone, sand/gravel and oil.

~~2.102.12~~ Earnings are below average and house prices are high with affordability issues for many young people and keyworkers. In 2017, lower end house prices were more than ten times higher than lower end earnings in Dorset. [ONS data from 2021 shows that homes in Dorset are now even less affordable as wages decreased by 3% in 2021, while house prices rose by 12%. The average house price is £330,000, while the average salary is £30,000, requiring 11.0 times the annual salary to buy a home. This ratio is the highest since 2003.](#)

~~2.112.13~~ Dorset has no motorway but over 2,500 miles of roads. 95.1% of premises in the Dorset Council area have access to superfast broadband. 3.1% of premises in the Dorset Council area have access to full- fibre broadband.

~~2.122.14~~ Each area of the district has its own character and challenges. The council has provided general advice in this policy to assist applicants in preparing applications. Applicants are also expected to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. To assist them the council has provided links to data sources where information specific to localities in Dorset in which there is concern relating to impact of licensed premises on the three licensing objectives can be found. Applicants may also consult with the Licensing Team to ensure they have as much information as possible before making their application.

~~2.132.15~~ A worrying trend of an increasing number of suicides among men has been identified across

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the UK, with problem gamblers up to 15 times more likely to take their own life. Although we are unable to establish to what extent gambling addiction has contributed to the actual numbers of suicides in Dorset, there is evidence that the majority of problem gamblers have contemplated suicide. Furthermore people with poor mental health are at significantly high risk of problem gambling. (<https://www.theguardian.com/society/2019/mar/13/problem-gamblers-at-15-times-higher-risk-of-suicide-study-finds>) There is however, debate ongoing around the actual link that exists and limited data to support either argument. (<https://www.samaritans.org/news/samaritans-challenges-gambling-chiefs-use-of-suicide-guidance/>)

2.16 Problem gambling appears to be associated with suicide attempts in both young men and young women. This association persisted after adjusting for anxiety, impulsivity, life satisfaction, and other factors, which suggests that other mechanisms, such as the severity and multiplicity of harms experienced, or gambling to cope with life stressors, might underpin this relationship. Young people with problem-gambling behaviours should be considered at risk for suicidality.  
Citation: Suicidality and gambling among young adults in Great Britain: results from a cross-sectional online survey Wardle, Heather et al. The Lancet Public Health, Volume 6, Issue 1, e39 - e49

2.142.17 For further health and deprivation information about the local area visit <https://apps.geowessex.com/insights>

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## Cultural Activities in Dorset

[2.152.18](#) Dorset has strong artistic and sporting traditions and has some of the best attended outdoor events in the country. The district also boasts a wealth of community based sports heritage and recreational facilities. There is a vibrant voluntary sector including hundreds of groups and societies.

[2.162.19](#) Sport is a passion for people in Dorset. There are a large number of sports clubs across the district, including football clubs, cricket clubs and rugby clubs.

[2.172.20](#) Dorset Council is a major provider of facilities for public recreation. The Council has a tradition of promoting a wide range of cultural activity for the benefit of residents and visitors alike.

[2.182.21](#) Commercially promoted events take place in a variety of locations throughout the district.

[2.192.22](#) Within local communities, groups and associations use church and village halls and community centres for social and fund raising activities. Within the district there are a large number of church halls, village halls and schools licensed for regulated entertainment and/or the sale or supply of alcohol.

[2.202.23](#) Dorset has a long established reputation for the encouragement of community and diverse cultural events and public entertainment, as an essential aid to community involvement and an increasing sense of common identity.

[2.212.24](#) Weymouth has a particularly vibrant leisure economy and the council is keen to support businesses who operate responsibly. The council is proud to support the Purple Flag achievements of Weymouth and keen to acknowledge the benefits that a well-run leisure economy can bring to an area in terms of economic, cultural and community benefits.

[2.222.25](#) Over recent years Dorset has experienced significant levels of growth in entertainment use within the district coupled with a significant increase in residential development. The close proximity of a range of land uses and the creation of mixed-use schemes has many benefits including the creation of a vibrant entertainment economy area. Dorset Council has a policy promoting mixed use development including residential and evening uses throughout the district.

### 3. Integration with other guidance, policies, objectives and strategies

3.1 In preparing this [licensing policy](#)[gambling licensing policy](#) the council has had regard to, and sought to integrate the [licensing policy](#)[gambling licensing policy](#) with, the following strategies:

- Dorset Council's Plan
- Dorset Council Community Safety Plan
- Dorset Council's Local Plan and Development Framework
- Dorset Council's Economic Growth Strategy
- Dorset Council's Enforcement Policy
- Dorset Council's Strategy for children and young people

3.2 The council (through its Licensing Committee) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in this policy and the overriding need to promote the three licensing objectives it may have regard to them when making licensing decisions.

3.3 The Committee may, after receiving such reports, make recommendations to the council or other bodies about the impact of the [licensing policygambling licensing policy](#) on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the [licensing policygambling licensing policy](#). This may include recommendations to amend the [licensing policygambling licensing policy](#) itself.

### Vision for Dorset

3.4 Dorset Council's vision for Dorset sets out 56 overarching priorities:

- [Driving economic prosperity](#)
- [Creating stronger healthier communities](#)
- [Creating sustainable development and housing](#)
- [Protecting our natural environment, climate and ecology](#)
- 3.4• [Becoming a more responsive, customer focused council](#)
  - ◆ [Economic Growth](#)
  - ◆ [Unique Environment](#)
  - ◆ [Suitable Housing](#)
  - ◆ [Strong, Healthy Communities](#)
  - ◆ [Staying Safe and Well](#)
  - ◆ [Action on the Climate and Ecological Emergency](#)

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3.5 Dorset, like other national and international geographic areas, is faced with a number of key challenges. The district's ageing population is set to rise 31% over the next 10 years, its economy is still recovering from the effects of global recession and the consequences of a changing climate have become all too apparent. 12,900 Households are without work and by 2029 150,000 people will retire and 20,000 jobs will be created, leaving 173,000 jobs to be filled.

3.53.6 COVID-19's economic impact is evident. The tourism, leisure, aviation and marine industries shutdown will have a short-term impact on Dorset. However, Dorset's balanced and resilient economy with high employment levels is unlikely to be among the worst-affected areas in the UK. The coastal towns and younger people/BAME groups may be affected more. <https://www.dorsetcouncil.gov.uk/-/covid-19-climate-and-ecological-emergency>

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3.63.7 In addressing these challenges, Dorset must continue to be forward-looking and have a clear plan for the future, and this is why the Council's Plan is important.

3.73.8 This [licensing policygambling licensing policy](#) seeks to promote the licensing objectives within the overall context of the priorities and aims set out in the Council's Plan 2020-24.

### Dorset Council's Health and Wellbeing Strategy

3.83.9 Dorset Council's Health and Wellbeing 20-23 Strategy focuses on three key priorities:

- ◆ [Reducing inequalities](#)
- ◆ [Promoting healthy lifestyles and preventing ill health](#)
- ◆ [Working better together to deliver prevention and early intervention at scale, high quality care and better value](#)
- [Empowering communities](#)
- [Promoting healthy lives](#)
- [Support and challenge](#)

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3.10 Whilst public Health is not one of the licensing objectives within the Licensing Act 2003, unlike in Scotland, the council does consider it important that alcohol dependency and alcohol abuse are

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considered within the context of the existing regulatory regime. Alcohol dependency and abuse can lead to crime and disorder and anti-social behaviour and can impact on community wellbeing. It is therefore important that the council considers the impact of licensed premises and the availability of alcohol on the community as a whole.

~~3.93.11~~ There is a growing consensus that gambling-related harm should be viewed as a public health issue. To effectively tackle the negative consequences of gambling, it is important to adopt a public health approach that involves analysing the impact of such harm and determining the necessary measures to mitigate it.

In carrying out our regulatory duties, we will take into account the effects of gambling on young and vulnerable residents, individuals who are struggling with gambling addiction, their family members and associates, as well as the community as a whole.

#### **Dorset Council's Economic Growth Strategy**

~~3.103.12~~ Dorset Council's Economic Growth Strategy seeks to enhance Dorset as a place to do business and attract inward investment and sets out the Council's priorities for the district:

- Transportation Infrastructure
- Digital Infrastructure
- People – aspirations, skills, education and training

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- Place – sustainable economic development and growth, vibrant towns and investment in coastal resorts / tourism
- Business environment – through business support services, attracting inward investment, delivering ‘business friendly’ services, developing visit Dorset
- Ideas – development of Dorset Innovation park, collaboration with partners and innovation

3.143.13 The council will encourage investment and growth within the leisure and retail industry within Dorset, and will seek to minimise any potentially negative impacts from existing and new licensed premises operating in the district.

### Strategy for children and young people

~~3.12~~ Dorset council and its' partners aim to create a bright future for our children. We will work together with families and communities to ensure that Dorset becomes a place where every child thrives. Empowering families and communities is the key to unlocking potential and aspirations. The council is committed to ensuring that the experience of childhood and early adulthood in Dorset is a good one. The council and its partners want every child to have the opportunity to be confident in their relationships, achieving personal success as they grow into adulthood. We believe that by working together as organisations and with families and communities we will achieve this.

3.143.14 The council’s partner alliance works to the following priorities:

- Information & knowledge
- Early action & help
- Priorities that matter
- New models to deliver services
- Whole family workingest start in life
- Young and thriving
- Good care provision
- Best education for all
- Best place to live
- Local family help
- Safe at home and in the community

~~XXX~~<https://www.dorsetcouncil.gov.uk/children-young-people-and-families-plan-2023-to-33#introduction>

3.143.15 This policy contributes to all these outcomes and also a number of the priorities within strategy for Children and Young People, including:

- Ensuring that the most vulnerable are protected
- Improving social, emotional, and mental health and wellbeing
- Supporting young people to make good choices and minimise risk-taking behaviours

## 4. The purpose of the Gambling Act 2005 – Statement of ~~Licensing Policy~~ Gambling Licensing Policy

4.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from “time to time” and any amendments must be consulted upon. The statement must then be re-published.

4.2 Dorset Council consulted widely upon this policy statement before finalising and publishing it. The policy

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was presented for public consultation on the website, and by email and post to solicitors, licensees, support organisations, responsible authorities, ward members, MPs, trade associations, and parish councils. The consultation was also advertised via a press release.

~~4.3~~—The consultation took place between ~~XXXX and XXXX~~ ~~6 July and 27 September 2020~~ and followed the Cabinet Office’s Code of Practice on Consultation. ~~The consultation elicited seven responses which are available on request. The policy was approved at a meeting of the Full Council on 10 December 2020. The policy came into force on 1 February 2021.~~

## 5. The licensing framework

5.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.

5.2 ~~Licensing Authorities have the power to regulate gambling in their respective areas. This includes setting expectations about how gambling will be regulated in the area through issuing a statement of licensing policy. They also have the authority to grant, refuse, and attach conditions to premises licences. Additionally, they can review premises licences and attach or revoke conditions as necessary. The Commission has wider functions under the Act, and the Council works with the Commission as dual regulators. However, this document only discusses the role and responsibilities of the Council. The Commission is responsible for issuing operating and personal licences, which are necessary before the Council can determine an application for a premises licence. The Commission also issues Codes of Practice and guidance to licensing authorities regarding the manner in which they are to exercise their functions. This Statement of Gambling Policy endorses the principles set out in the Commission's Guidance and key licensing objectives and confirms that the Council will take account of all such guidance.~~

~~5.1~~

~~5.25.3~~ The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operator licence before they can approach the council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The council also issues various permits and notices to regulate ~~smaller-scale~~ smaller-scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.

~~5.35.4~~ The council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and is regulated by the Gambling Commission under the National Lottery Act 1993.

## 6. Declaration

6.1 This statement of ~~licensing policy~~ gambling licensing policy 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.

6.2 In producing this document, the council 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 from those consulted on the policy statement.

## 7. Responsible authorities

7.1 The Act empowers certain agencies to act as responsible authorities so that they can utilise their expertise in a particular area to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications or apply for a review of an existing licence. Responsible authorities may also offer advice and guidance to applicants.

7.2 The council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are;

- the need for the body to be responsible for an area covering the whole of the licensing authority's area

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- the need for the body to be answerable to democratically elected people, rather than any particular vested interest group etc.

7.3 In accordance with the regulations the council designates the Pan-Dorset Safeguarding Children Partnership for this purpose. Pan-Dorset Safeguarding Children Partnership can provide advice and training for operators and partners in children's safeguarding which can be found at <https://pdscp.co.uk/>. Applicants may find this resource useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.

7.4 The contact details of all the responsible authorities under the Gambling Act 2005 are available on the council's website within the guidance documents at <https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/gambling-licences/gambling-licences.aspx>

## **8. Interested parties**

8.1 Interested parties are people or organisations that have the right to make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

8.2 The council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.
- Within this framework the council will accept representations made on behalf of residents and tenants associations.
- In order to determine if an interested party lives or has business interests, sufficiently close to the premises to be likely to be affected by the gambling activities, the council will consider factors such as the size of the premises and the nature of the activities taking place.

8.3 The council will provide more detailed information on the making of representations in a separate guidance note. The guidance note has been prepared in accordance with relevant Statutory Instruments and Gambling Commission guidance.

## **9. Exchange of information**

9.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other parties listed in Schedule 6 to the Act.

9.2 The principle that the council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that applicable data protection legislation will not be contravened. The council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **10. Licensing authority functions**

10.1 Licensing authorities are responsible under the Act for:

- licensing premises where gambling activities are to take place by issuing premises licences

- issuing provisional statements
- regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issuing Club Machine Permits to commercial clubs
- granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres
- receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- registering small society lotteries below prescribed thresholds
- issuing Prize Gaming Permits
- receiving and endorsing Temporary Use Notices
- receiving Occasional Use Notices (for tracks)
- providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')
- maintaining registers of the permits and licences that are issued under these functions.

~~10.2—The Gambling Commission is responsible for issuing licences to provide facilities for remote gambling (as defined in Part 1, Section 4 of the Gambling Act 2005) to consumers in Great Britain. The council will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operator licences.~~

## Part B – Promotion of the licensing objectives

### 11. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

11.1 The Gambling Commission will take a lead role in keeping gambling crime free through its vetting process for applicants for personal and operator licences. The council's main role is to try and promote this area with regard actual premises. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there (see paragraph 14.8 and 14.9) and whether conditions may be required such as the provision of door supervision (see paragraph 14.31).

11.2 There is a distinction between disorder, anti-social behaviour and nuisance. In order to make the distinction, when incidents of this nature occur, the council will consider a number of factors such as whether police assistance was required and how threatening the behaviour was.

11.3 Issues of nuisance cannot always be specifically addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.

11.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

### 12. Ensuring that gambling is conducted in a fair and open way

12.1 The council is aware that except in the case of tracks (see section 18) generally, the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

12.2 However, the council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising, or any absence of required game rules or other matters as set out in the Gambling Commission’s Licence Conditions and Code of Practice.

12.3 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

### 13. Protecting children and other vulnerable persons from being harmed or exploited by gambling

#### Protection of children

13.1 This licensing objective means preventing children from taking part in most types of gambling. The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas or other conditions as appropriate.

13.2 The Act provides the following definition for a child and young adult in Section 45: Meaning of “child” and “young person”

- (1) In this Act “child” means an individual who is less than 16 years old.
- (2) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

13.3 The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.

13.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

#### Protection of vulnerable people

13.5 The council is aware of the difficulty in defining the term “vulnerable person”. ~~Since the production of the previous Statement of Gambling Policy, there has been a gradual acceptance that a definition of vulnerability could extend to specific life events or changes to personal circumstances. In most recent literature it is not a term that is used, with the term “adults at risk of abuse or neglect” or “adults at risk” being the preferred terms.~~

13.6 The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term “vulnerable people” but will, for regulatory purposes assume that this group includes people:

“...who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”

~~The Gambling Commission have identified five main factors that can contribute to an individual's vulnerability. These include personal and demographic factors such as poor physical or mental health, physical or cognitive impairment, side effects from a brain injury or medication, or addiction. Situational factors such as financial difficulties, homelessness, domestic or financial abuse, caring responsibilities, life changes, or sudden change in circumstances~~

can also make a person vulnerable. Behavioural factors such as high levels of trust or a high appetite for risk can also contribute to vulnerability. Market-related factors such as engaging in highly complex activities with a lack of knowledge and experience of the market can increase vulnerability. Lastly, access factors such as poor literacy or numeracy skills, lack of knowledge, or dyslexia can make it difficult for individuals to access information.

- 13.7 The Care Act 2014 imposes a requirement on a local authority to “make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it”.
- 13.8 The local authority must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult’s case (whether under this Part or otherwise) and, if so, what and by whom. “Abuse” includes financial abuse; and for that purpose “financial abuse” includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.
- 13.9 Department of Health document “No Secrets” from 2000 offers a definition of a vulnerable adult as a person:
- “who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”
- 13.10 In 2016 Beckett University published research into Problem Gambling (*Kenyon, Ormerod, Parsons and Wardle, 2016*). This research looked specifically at identifying groups of the society that could be considered vulnerable to problem gambling:
- 13.11 **Young people** – rates of problem gambling among young people who gamble are higher than older adults and youth gambling behaviours are consistent with the harm paradox, whereby these age groups are less likely to gamble generally but those that do are more likely to experience difficulties with their behaviour (Wardle, 2015).
- 13.12 **Minority ethnic groups** – There is consistent evidence that those from Asian or Black backgrounds are more vulnerable to gambling problems and there is clear evidence of the harm paradox (Wardle, 2015).
- 13.13 **Unemployed and constrained economic circumstance** – generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This is highlighted as a concern given the lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011).
- 13.14 There is evidence that those in debt and those using money lenders and/or pawnbrokers are more likely to be problem or at risk gamblers (Meltzer et al, 2012). The relationship between constrained economic circumstances and gambling problems is likely to be complex and multi-faceted. It may be mediated by other economic opportunities and personal feelings about how well off you are compared with others. Despite this complexity, there is a consistent body of evidence showing that, for whatever reason, those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.
- 13.15 **Area deprivation** – There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling behaviour. This was despite having roughly the similar levels of past year gambling participation to those who live in less deprived areas.

13.16 Wardle (2015) looked at the distribution of machines and licensed betting offices and argues that there was clear and consistent evidence of a spatial skew, whereby high density machine zones or areas with licensed betting offices are more deprived than others. Recent research has shown that among gamblers who held loyalty cards, rates of problem gambling (28%) were higher among those who lived within 400 metres of a concentration of betting offices than those who did not (22%) (Astbury & Wardle, 2016).

13.17 Homeless – Homeless people in the UK are more vulnerable to gambling problems than the general population. According to a study by Sharman et al (2014), 11.6% of the homeless population in London had a gambling problem compared to only 0.7% in the general population. The study found that engagement with gambling tends to be problematic among the homeless population, and more research is needed to understand the complex relationship between gambling and homelessness. The rates of problem gambling are higher among those who are homeless than those who are not. Although studies are small, they show that there is a significant relationship with gambling preceding homelessness. Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group. Sharman, S., Dreyer, J., Aitken, M., Clark, L., & Bowden-Jones, H. (2014). Rates of problematic gambling in a British homeless study: A preliminary study. *Journal of Gambling Studies*, 31, 43-47 (2), pp. 525-532.

13.18 **Mental ill health** – There is a strong association between mental ill health and problem gambling. Associations were found between problem gambling and general anxiety disorder, phobia, obsessive compulsive disorder, panic disorders, eating disorders, probably psychosis, attention deficit hyperactivity disorder, post-traumatic stress disorder, harmful and hazardous levels of alcohol consumption and drug addiction. Overall three quarters of problems gamblers seeking treatment also experience co-morbid mental health disorders.

13.19 Being a problem or at risk gambler is associated with latter onset of major depressive disorder, alcohol use and dependence, drug use and experience of any mental disorder. Illegal drug use and experience of any mental disorder is also associated with the subsequent onset of at risk and problem gambling. These findings seem to confirm the conclusion that the relationship between problem gambling and mental ill health may be cyclical.

13.20 **Substance abuse/misuse** – The evidence base relating to the relationship between substance abuse/misuse and experience of problem gambling broadly measures that of mental ill health. Evidence from British based surveys has shown that rates of problem gambling were higher among those with alcohol dependence (3.4%) or drug dependence (4.4%) than the general population (0.74%) (Wardle, 2015). A systemic review of those seeking treatment for gambling problems showed that 15% also experience alcohol dependence and 7% have other substance abuse disorders (Dowling et al, 2015). There is strong evidence that alcohol and substance misuse are associated with problem gambling. As with other mental health conditions, these conditions can occur at the same time.

13.21 **Personality traits/cognitive distortions** – There is a strong body of evidence highlighting the relationship between various personality traits, such as cognitive distortions or impulsivity, with problem gambling. Cognitive distortions, such as erroneous perceptions of gambling and illusion of control are well established risk factors for problem gambling (Johansson et al, 2009). However little research has been conducted to explore the complex interaction of personality traits with other factors and their combined influence on the experience of broader gambling harms. Certain personality traits and/or cognitive distortions are just one potential aspect of vulnerability which is likely to be affected by a range of other factors.

13.22 **Problem gamblers seeking treatment** – Because this group is in the process of attempting to recover from gambling problems they should be treated as a vulnerable group in their own right (Wardle, 2015).

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13.23 Problem gambling can affect anyone at any time. Whilst rates of problem gambling among all adults in Britain tend to be less than 1% (1.4% in large metropolitan areas), there are some groups that are more likely to experience problems. These groups could all be considered vulnerable to gambling problems. Dorset Council already works with many of these groups however operators should consider these groups in their Local Risk Assessments, especially in relation to identifying the people in these groups, and mitigating harm experienced by them.

13.24 In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commission's Code of Practice regarding social responsibility. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young people
- Information on how to gamble responsibly and help for problem gamblers
- Customer interaction
- Self-exclusion
- Employment of children and young people

13.25 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.

13.26 Applicants may also like to make reference to documentation published by Dorset Safeguarding Adults Board which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This guidance can be accessed via <https://www.dorsetcouncil.gov.uk/care-and-support-for-adults/information-for-professionals/dorset-safeguarding-adults-board.aspx>

13.27 Applicants should consider the following proposed measures for protecting and supporting vulnerable people, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect people who may be vulnerable ~~(see 12.4.1)~~
- Ensuring that all customer facing staff interact with customers in a way which minimises the risk of customers experiencing harms associated with gambling. This includes identifying and interacting with those who may be at risk of gambling harm.
- Gaining an understanding of the impact and effectiveness of customer interactions undertaken.
- training personnel for the purpose of to identify potential gambling related harming and providing support to those who are potentially vulnerable such training could also include awareness of the potential impact of parental gambling on children, including financial, emotional or abusive harms as well as young persons with special educational needs and/or mental health vulnerabilities. people
- self-exclusion schemes and procedures for ensuring that self-excluded individuals are not sent marketing materials and cannot access gambling for the duration of their exclusion.
- Participation in multi-operator self-exclusion schemes

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- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare Helpline and website in prominent locations
- windows, entrances and advertisements **not** to be positioned or designed to entice children or vulnerable people.

13.28 It should be noted that ~~manysome~~ of these measures ~~form part of the mandatory conditions are regulatory requirements for non-remote operators, as set out within the Social Responsibility Codes issues by the Gambling Commission, placed on premises licences.~~

~~13.29 The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.~~

## Part C – Premises licences

### 14. General Requirements

14.1 Premises licences are subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

14.2 The council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.

~~14.3 Premises licences are subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.~~

~~14.4~~14.3 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each operational area for which they must have regard. The council will also have regard to these Codes of Practice.

#### Definition of “premises”

~~14.5~~14.4 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

~~14.6~~14.5 The council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable, so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

~~14.7~~14.6 The council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the council will

consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

14.814.7 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

#### Location

14.914.8 The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations, in terms of the licensing objectives, can. The council will pay particular attention to the protection of children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder.

14.1014.9 With regards to these objectives, it is the council's policy, upon receipt of any relevant representations, to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, for example a school, or vulnerable adult centres in the area
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place
- levels of organised crime in the area.

14.1114.10 In order for a specific location to be considered as inappropriate for a premises licence to be issued, the council will need to be satisfied that there is sufficient evidence that the granting of a premises licence at the proposed location would be detrimental to the licensing objectives.

14.1214.11 Although the council cannot consider if there is a need or demand for the gambling facilities applied for, applicants should consider the proximity of other gambling premises in the Local Risk Assessment and the cumulative impact this will have on residents, including children and other vulnerable groups.

#### Local Risk Assessments

14.1314.12 From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees (except for those which hold betting licences for tracks) to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

14.1414.13 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

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

14.1514.14 The council will expect the local risk assessment to consider the urban setting:

- The proximity of the premises to schools.
- The commercial environment.
- Factors affecting the footfall.
- Whether the premises is in an area of deprivation.
- Whether the premises is in an area subject to high levels of crime and/or disorder.
- The ethnic profile of residents in the area.
- 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.
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship.

14.1614.15 The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected:

- The training of staff in intervention when customers show signs of excessive gambling, the ability of staff to offer intervention and how the manning of premises affects this.
- Information held by the licensee regarding self-exclusion schemes and incidences of underage gambling.
- Arrangements in place for local exchange of anonymised information regarding self-exclusion and gambling trends.
- Gambling trends that may mirror financial payments such as pay days, pay day loans or benefit payments.
- Arrangements for monitoring and dealing with underage people and vulnerable people, which may include:
  - dedicated and trained personnel,
  - leaflets and posters,
  - self-exclusion schemes,
  - window displays and advertisements designed to not entice children and vulnerable people.
- The provision of signage and documents relating to game rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council community hubs, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

14.1714.16 The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of place where children congregate such as bus stops, cafes, shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including

activities such as graffiti, tagging, underage drinking etc.

~~14.18~~14.17 Other matters that the assessment may include:

- Details as to the 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 people using the premises and in particular the gaming machines and fixed odds betting terminals.
- 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 people using the premises.
- 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.
- Provisions to ensure the health and welfare of staff engaged in lone working.

~~14.19~~14.18 Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

~~14.20~~14.19 This policy does not preclude any application being made and each application will be decided on its own merits, with the onus being upon the applicant to show how the concerns can be mitigated.

#### Local Area Profile

~~14.21~~14.20 Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the council may publish a local area profile. This profile, compiled in conjunction with key partners and approved by the Licensing Committee, can be obtained from the Licensing Team.

~~14.22~~14.21 The local area profiles should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profiles will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.

~~14.23~~14.22 The council recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However an applicant who decides to disregard the profiles may face additional representations and the expense of a hearing as a result.

#### Duplication with other regulatory regimes

~~14.24~~14.23 The council will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The council will not consider whether a premises is likely to be awarded planning permission or building regulation approval, in its deliberations. It will though, listen to, and consider carefully, any concerns about proposed conditions which are not able to be met by the applicant due to planning restrictions, should such a situation arise.

#### Conditions

~~14.25~~14.24 The council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will

need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.

14.2614.25 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the council will attach specific conditions to address this.

14.2714.26 Any conditions attached to a licence issued by the council will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based;
- fairly and reasonably related to the scale, type and location of premises;
- consistent with the licensing objectives, and;
- reasonable in all other respects.

14.2814.27 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively

14.2914.28 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover issues such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances.
- Supervision of machine areas.
- A reduction in the number of betting machines (betting premises).
- The manning of premises.
- Physical separation of areas.
- Location of entrance points.
- Notices/signage.
- Specific opening hours.
- A requirement that children must be accompanied by an adult (in premises where children are allowed).
- Enhanced DBS checks of the applicant and/or staff.
- Staff training in brief intervention, conflict resolution, basic knowledge of mental health, learning disabilities and addiction, including substance misuse.
- Support to people with gambling addiction, including brief intervention.
- Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays.
- Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble.
- Obscuring windows where appropriate and labelling premises so it's clear that they are gambling premises.

14.3014.29 The list provided above is not mandatory or exhaustive and is merely indicative of examples of certain

measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

~~14.31~~14.30 There are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible for the applicant 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, winnings or prizes.

#### Door supervision

~~14.32~~14.31 The council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises the operator should ensure that any people employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (DBS) check on potential staff and for such personnel to have attended industry recognised training.

#### 15. Adult gaming centres

- 15.1 Adult gaming centres are a category of premises introduced by the Act that are most closely related to adult only amusement arcades.
- 15.2 Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises.
- 15.3 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.
- 15.4 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice or by the applicant, the council may consider licence conditions to address such issues.

#### 16. Licensed family entertainment centres (FECs)

- 16.1 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located (see Appendix 1).
- 16.2 Where category C or above machines are available in premises to which children are admitted then the council will ensure that;

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high
- only adults are admitted to the area where the machines (category C) are located
- access to the area where the machines are located is supervised at all times
- the area where the machines are located is arranged so that it can be observed by staff; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18.

16.3 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

16.4 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

16.5 The efficiency of such policies and procedures will each be considered on their merits, however, they may include;

- appropriate measures and training for staff as regards suspected truant children on the premises
- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises
- the arrangements for the supervision of the premises either by staff or the use of a suitable CCTV system. Advice regarding the suitability of a CCTV system can be obtained from Dorset Police.

16.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.

16.7 The council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

## **17. Casinos**

17.1 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.

17.2 The Dorset Council area does not have any casinos which were licensed under the Gaming Act 1968, which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences.



#### Licence considerations / conditions

- 17.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for converted casino licences.
- 17.4 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.
- 17.5 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Licence Conditions and Codes of Practice or by the applicant, the council may consider licence conditions to cover certain issues.
- 17.6 Detailed information on the Large Casino Application Process can be found in Appendix 4.

#### 18. Bingo premises

- 18.1 There is no official definition for bingo in the Gambling Act 2005 however there is a category of premises licence specifically for bingo premises, which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act (see Appendix 1).
- 18.2 The council is aware that 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. Where category C or above machines are available in premises to which children are admitted then the council will expect that;
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one meter high
  - only adults are admitted to the area where the machines are located
  - access to the area where the machines are located is supervised at all times
  - the area where the machines are located is arranged so that it can be observed by staff
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18
  - children will not be admitted to bingo premises unless accompanied by an adult.
- 18.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.
- 18.4 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

#### 19. Betting premises

- 19.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class

there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self-contained facilities at race courses as well as the general betting premises licences that track operators will require.

- 19.2 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the premises.

#### Betting machines and Gaming Machines

- 19.3 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other factors, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.
- 19.4 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable people, highlighted in section 13.
- 19.5 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

## 20. Tracks

- 20.1 Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totaliser" or "tote"), and also general betting, often known as "fixed-odds" betting. Multiple betting outlets are usually located on tracks such as 'on-course' betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be 'off-course' betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.
- 20.2 All tracks will require a primary 'general betting premises licence' that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.
- 20.3 Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where possible the council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.
- 20.4 If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.

- 20.5 Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence. If you require further guidance on this provision please contact the Licensing Team.
- 20.6 Children and young people will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.
- 20.7 The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

#### Betting machines

- 20.8 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, in order to ensure they are in a properly segregated area where children are not permitted.
- 20.9 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission's Licence Conditions and Code of Practice or the applicant, the council may consider licence conditions to address such issues.

#### 21. Travelling fairs

- 21.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the 2005 Act.
- 21.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair (see Appendix 1).
- 21.3 The council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 21.4 The council is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

#### 22. Provisional statements

- 22.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which they expect to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence under the Act. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can

judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).

- 22.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible 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 they reflect a change in the applicant's circumstances. In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters;
- a) which could not have been raised by objectors at the provisional licence stage; or
  - b) which in the authority's opinion reflect a change in the operator's circumstances.
- 22.3 When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

## Part D – Permits, notices and lottery registrations

### 23. Unlicensed family entertainment centre gaming machine permits (UFECs)

- 23.1 The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.
- 23.2 The Gambling Act 2005 contains provision for local authorities to prepare a "Statement of Principles" that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states "In preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.
- 23.3 In line with the above provision the council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:

#### Statement of Principles

- 23.4 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 23.5 The efficiency of such policies and procedures will each be considered on their merits, however, they may include;
- appropriate measures and training for staff as regards suspected truant children on the premises
  - measures and training covering how staff would deal with unsupervised young children being on the premises
  - measures and training covering how staff would deal with children causing perceived

problems on or around the premises.

- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Dorset Police and the licensing authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and licensing authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

23.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.

23.7 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
- That the applicant has no relevant conviction (those that are set out in Schedule 7 of the Act), and
- That staff are trained to have a full understanding of the maximum stakes and prizes.

23.8 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the "Statement of Principles" have been addressed through the application.

23.9 Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time.

#### **24 Gaming machine permits in premises licensed for the sale of alcohol**

24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the council. The council can remove the automatic authorisation in respect of any particular premises if;

- provision of the machines is not reasonably consistent with the promotion of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee 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.

24.2 If a premises wishes to have more than two machines, an application for a permit will be required and the licensing authority must consider the application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*" The council considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable people from harm or being exploited by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.

24.3 All alcohol licensed premises with gaming machines must have regard to the need to protect children

and vulnerable people from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.

- 24.4 Measures which may satisfy the council that people under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable people, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare.
- 24.5 The council can decide to grant the permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 24.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s), [access to gambling by young people, and complaints and disputes: https://www.gamblingcommission.gov.uk/authorities/codes-of-practice/guide/page/section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence](https://www.gamblingcommission.gov.uk/authorities/codes-of-practice/guide/page/section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence). Responsibility for compliance with this Code of Practice should be responsibility of the designated premises supervisor (as required under the Licensing Act 2003).
- 24.7 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.
- 24.8 Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix 3 of this document.

## 25. Prize gaming permits

- 25.1 Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.
- 25.2 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.
- 25.3 The Gambling Act 2005 contains provision for local authorities to prepare a "Statement of Principles" that they propose to consider in determining the suitability of an applicant for a permit. Schedule 14, Para 8 of the Act states, "in preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.

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25.4 In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows:

#### Statement of Principles

25.5 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

25.6 The efficiency of such policies and procedures will each be considered on their merits, however, they may include;

- appropriate measures and training for staff as regards suspected truant children on the premises
- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises.
- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of Dorset Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation. <https://assets.publishing.service.gov.uk/media/5a7ee8dced915d74e62273b7/09-05-UK-Police-Requireme22835.pdf>

25.7 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.

25.8 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible
- That the gaming offered is within the law.

25.9 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the "Statement of Principles" have been addressed through the application.

25.10 Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time.

25.11 There are conditions in the Gambling Act 2005 by which the permit holder must comply. The conditions in the Act are;

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises

- on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

## 26. Club gaming and club machine permits

26.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming. i.e. poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D).

26.2 Commercial clubs may apply for a 'club machine permit' only.

26.3 To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

26.4 Clubs must have regard to the protection of children and vulnerable people from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include;

- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
- notices and signage
- the provision of information leaflets / helpline numbers for organisations such as GamCare.

26.5 Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.

26.6 The council may only refuse an application on the grounds that;

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young people;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

26.7 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the council can refuse a permit is reduced. The grounds on which an application under the process may be refused are;

- (a) that the club is established primarily for gaming,
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming;



or

- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

## **27. Temporary use notices**

- 27.1 Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 27.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.
- 27.3 Only people or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.
- 27.4 A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.
- 27.5 The Act makes a special reference, in the context of temporary use notices, to a “set of premises” to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises”, the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

## **28. Occasional use notices (for tracks)**

- 28.1 There is a special provision in the Act which provides that 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 full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the council by the person responsible for the administration of the events on a track or by an occupier of the track.
- 28.2 The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will however consider the definition of a ‘track’ and whether the applicant is entitled to benefit from such notice.

## **29. Small society lottery registrations**

- 29.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.
- 29.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be

regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

- 29.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Dorset and want to run such lottery.
- 29.4 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.
- 29.5 To be 'non-commercial' a society must be established and conducted;
- for charitable purposes,
  - for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
  - for any other non-commercial purpose other than that of private gain.
- 29.6 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries please contact the council.
- 29.7 The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

## Part E - Enforcement

### 30. Enforcement principles

- 30.1 The council will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation. Specifically the council is subject to the Regulators' Code which provides the following six provisions which the Council should follow in its enforcement activities, unless it concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or outweighed by another relevant consideration.
1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
  2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
  3. Regulators should base their regulatory activities on risk
  4. Regulators should share information about compliance and risk
  5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
  6. Regulators should ensure that their approach to their regulatory activities is transparent
- 30.2 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:

- Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent:** rules and standards must be joined up and implemented fairly;
- Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- Targeted:** regulation should be focused on the problem, and minimise side effects.

30.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

30.4 Where there is a Primary Authority scheme in place, the council will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy there were three Primary Authority arrangements with host local authorities:

[Milton Keynes – Ladbrokes/Corals](#)

[Milton Keynes – Welcome Break](#)

[Reading – Paddy Power](#)

[Reading – BACTA](#)

[Reading – MOTO](#)

[Reading – William Hill](#)

<a href="#">William Hill</a>	<a href="#">City of Westminster</a>
<a href="#">Ladbrokes/Coral</a>	<a href="#">Milton Keynes</a>
<a href="#">Paddy Power</a>	<a href="#">Reading</a>

~~30.5~~ Further information, including an index of all Primary Authority arrangements can be found at <https://www.gamblingcommission.gov.uk/authorities/guide/page/list-of-primary-authority-gambling-agreements> <https://primaryauthorityregister.info/par/index.php/home>

~~30.6~~

~~30.7~~~~30.5~~ The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review ([Reducing administrative burdens: effective inspection and enforcement, Philip Hampton, 2005](#)) [Such enforcement activities will be intelligence led and proportionate.](#)

~~30.8~~~~30.6~~ The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.

~~30.9~~~~30.7~~ The council will also keep itself informed of developments as regards the work of the Better

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Regulation Executive in its consideration of the regulatory functions of local authorities.

~~30.10~~30.8 The council's enforcement/compliance protocols/written agreements will be available upon request.

### **31. Reviews**

- 31.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may amended or new conditions added.
- 31.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is;

- i) in accordance with any relevant code of practice issued by the Gambling Commission
- ii) in accordance with any relevant guidance issued by the Gambling Commission
- iii) reasonably consistent with the licensing objectives and
- iv) in accordance with this authority's Gambling Act 2005 – Statement of [Licensing Policy](#) [Gambling licensing policy](#).

31.3 In addition the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.

31.4 The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## Appendix 1 – Gaming Machines

This appendix describes the categories of gaming machine as set out in the Act (and in regulations) and the number of such machines that may be permitted in each type of gambling premises.

- Table 1 below sets out the current ~~proposals for the different~~ categories with the maximum stakes and prizes that will apply ~~for each type of machine. This table will be updated as soon as the proposals are confirmed.~~
- Table 2 overleaf shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

Table 1

Category of machine	Maximum Stake	Maximum Prize
<del>A (no category A gaming machines are currently permitted)</del>	Unlimited	Unlimited
B1	£5	£10,000  (with the option of a max £20,000 linked progressive jackpot on a premises basis only)
<sup>1</sup> B2	<del>£100</del> £2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize	10p	£5
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8  (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£15  (of which no more than £8 may be a money prize)

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<sup>1</sup> The category B2 ~~is not actually a traditional slot machine. It~~ refers to a type of gaming machine known as a fixed odds betting terminal (FOBTs). These are a ~~new~~ type of gaming machine which generally appear in licensed bookmakers. ~~FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.~~ The Government ~~has brought in~~ announced a reduction in the stakes of B2 machines ~~from £100 to £2, in April 2018. In April 2019.~~

Table 2

Premises Type	Machine category							
	A	B1	B2	B3	B4	C	D	
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
Betting premises and tracks operated by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo Premises <sup>1</sup>					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*	No limit C or D machines		
Adult gaming centre <sup>2</sup>					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*	No limit C or D machines		
Licensed family entertainment centre <sup>3</sup>							No limit C or D machines	
Family entertainment centre (with permit)							No limit on category D machines	
Clubs or miners' welfare institutes with permits <sup>4</sup>					Maximum of 3 machines in categories B3A or B4 to D*			
Qualifying alcohol licensed premises							1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with licensed premises gaming machine permit						Number of category C-D machines as specified on permit		
Travelling fair						No limit on category D machines		
	A	B1	B2	B3	B4	C	D	

1. Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

2. Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

3. Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

4. Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

5. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

[6. The UK government has proposed that a modification of the current machine ratios \(as described in sections 1 and 2 of this list\) should form part of the amendments to be considered as part of the White Paper reforms being consulted on at the time of drafting this report.](#)

[7. Following on from section 6 above, the White Paper proposals also include consideration of an increase in the number of machines allowed in casino premises.](#)

[8. The White Paper consultations may also bring about changes to the categorisation of those Category D machines which look similar to higher category gaming machines, but which are currently subject to a voluntary gambling industry agreement which sees them restricted to those over the age of 18.](#)

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## Appendix 2 – Glossary of terms

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.

Term	Description
Licensing Objectives	<p>The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are:</p> <ul style="list-style-type: none"> <li>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>• Ensuring that gambling is conducted in a fair and open way.</li> <li>• Protecting children and other vulnerable people from being harmed or exploited by gambling.</li> </ul>
Lottery	<p>A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where people are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where people are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).</p>
Mandatory condition	<p>A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The council will have no discretion to alter or remove these conditions.</p>
Money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a money prize.</p>
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <ol style="list-style-type: none"> <li>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</li> <li>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</li> </ol>
Odds	<p>The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.</p>
Off-course betting operator	<p>Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.</p>
On-course betting operator	<p>The on-course betting operator is one who comes onto a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).</p>

<b>Term</b>	<b>Description</b>
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the people betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific people or things. However, regulations are not made by Parliament. Rather, they are made by people or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed. For Dorset the RAs include Dorset Police, The local Safeguarding Children Board, Dorset Council's Planning Department as well as several others.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

### Appendix 3 – Summary of gaming entitlements for clubs and pubs

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit	Pubs and other alcohol-licensed premises
<b>Equal chance gaming</b>	Yes	Bridge and/or whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game  <u>Other gaming</u> No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game  <u>Other gaming</u> No limit	<u>Cribbage &amp; dominoes</u> No limit  <u>Poker</u> £100 per premises per day  <u>Other gaming</u> £5 per person per game
<b>Limits on prizes</b>	No limit	No limit	<u>Poker</u> £250 per game  <u>Other gaming</u> No limit	<u>Poker</u> £250 per game  <u>Other gaming</u> No limit	<u>Poker</u> £100 per game  <u>Other gaming</u> No limit
<b>Maximum participation fees – per person per day</b>	<u>Bridge and/or whist*</u> £20  <u>Other gaming</u> £3	£18 (without club gaming permit)  £20 (with club gaming permit)	<u>Bridge and/or whist*</u> £18  <u>Other gaming</u> £3 (commercial club) £1 (members club)	<u>Bridge and/or whist*</u> £18  <u>Other gaming</u> £1	None permitted
<b>Bankers or unequal chance gaming</b>	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo</b>	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

\* On a day when no other facilities for gaming are provided



**Further copies of this document can be obtained from:**

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