



# Statement of Gambling Policy

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This Statement of Gambling Licensing Policy was approved by Council on 26 September 2023

All references to the "Guidance" refers to the Gambling Commission's Guidance to Local Authorities published on 1 April 2021 and updated 11 April 2023.

# Preface

The Gambling Act 2005 ('the act') contains the regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread Betting. It came into force in late 2007. The vast majority of commercial gambling was brought together into a single regulatory framework.

The Gambling Commission (the Commission) is the unified regulator for gambling in Great Britain. In recognition of the potential local impact and importance of gambling the act designated Licensing Authorities to manage gambling locally.

The Commission does not regulate spread betting, which remains the responsibility of the Financial Services Authority. On 1<sup>st</sup> October 2013 the Commission took over the responsibilities of the National Lottery Commission to regulate the National Lottery etc. Act 1993.

The Commission has responsibility for granting operating and personal licences for commercial gambling operators and personnel working in the industry. It also regulates certain lottery managers and promoters. The Act sets out different types of operating licence that cover the full range of commercial gambling activities conducted in Great Britain. It also makes provision for the Commission to have powers of entry and inspection to regulate gambling, with safeguards for those subject to the powers.

Cumberland Council is required under S.349 of the Gambling Act 2005 to prepare and publish their statement of policy on its approach to premises used for gambling every 3 years.

Cumberland Council has responsibility for licensing gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines in club and miner's welfare institutes. The Act also provides a system of temporary and occasional use notices. These enable authorisations of premises that are not licensed generally for gambling purposes, to be used for certain types of gambling for limited periods.

This document endeavours to carefully balance the interests of those who provide facilities for gambling and people who live, work in and visit Cumberland. It sets out the approach that Cumberland Council propose to apply in exercising its functions under the Gambling Act 2005, in particular for managing the expectations in relation to operators with premises in the locality.

## Part A

1. Introduction
- 1.1 Welcome to Cumberland Council's Statement of Gambling Licensing Policy. 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. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.
- 1.2 Cumberland Council is a unitary council in the north west of England. Cumberland covers an area of 3,012 square km and with a population of 273,300 people. Cumberland is a large and geographically diverse area covering coastal, rural and urban spaces.
- 1.3 The City of Carlisle lies at the northern end of Cumberland and a series of small towns and villages are dispersed across the rest of the largely rural district. With an average population density of 91 people per square km it is much more sparsely populated than the national average (395 people per square km).
- 1.4 The local economy is dominated by small businesses, but Cumberland also hosts the largest nuclear site in Europe. The manufacturing sector accounts for the greatest proportion of jobs in Cumberland, but the local economy also contains strong agricultural and tourism sectors. Cumberland boasts two world heritage sites, an area of outstanding natural beauty and world class attractions that draw in millions of visitors.
- 1.5 The hospitality, entertainment and events sectors play a significant and positive role in Cumberland, both in terms of local community life and in terms of the visitor economy.
- 1.6 More information about Cumberland is available on the [Cumbria Observatory](#).
- 1.7 A map of the Council's area is included at Appendix 5.
- 1.8 Cumberland Council consulted widely upon this statement before finalising and publishing. A list of those persons this authority consulted is provided at Appendix 1.
- 1.9 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
  - The Chief Officer of Police;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 1.10 The consultation took place between 16 May 2023 and 11 July 2023 and best practice set out by the Department for Business, Energy and Industrial Strategy was followed.

- 1.11 The full list of comments made and the consideration by the Council of those comments is available by request to the department named below.
- 1.12 The policy was presented to Council on 26 September 2023 and published as in accordance with legislation on 2 October 2023.
- 1.13 Should you have any queries regarding this policy statement please send them via e-mail or letter to the following contact:

Name: Licensing Department

Address: Allerdale House, Workington. Cumbria CA14 3YJ

E-mail: [licensing1@cumberland.gov.uk](mailto:licensing1@cumberland.gov.uk)

Tel: 0300 373 3730

- 1.14 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

## **2. Scope**

### **2.1 Public Health and Gambling**

- 2.2 Cumberland Council's aim is to improve the health and wellbeing of our residents.

The Gambling Commission have stated that gambling related harm should be considered as a public health issue - Cumberland Council agrees with that view.

In their [Corporate Strategy](#), the Gambling Commission recognise that many people enjoy gambling as a legitimate leisure activity. They also recognise that gambling poses serious risks and can cause serious harm to some people both directly and indirectly.

Gambling related harm is defined as any type of repetitive gambling that harms an individual, but also the wider impact it can have on family life, access to public services and costs to the community and economy. It can impact on an individual's physical and mental health, relationships, housing and finances and affect a wide range of people, such as families, colleagues and wider local communities (for example, where problem gambling is associated with crime or homelessness) and society as a whole (in terms of costs that may be created by problem gambling).

Evidence suggests that certain groups are more vulnerable to problem gambling. A recent [Gambling-related harms evidence review](#) found that the people at elevated risk of problem gambling are typically male and in younger age groups. The findings also show that harmful gambling is associated more with those who are unemployed and those living in more deprived areas. Other research has shown groups such as people with mental health issues, certain minority ethnic groups, homeless people, and people with financially

constrained circumstances are also more at risk. This suggests a link between harmful gambling and health inequalities.

Protecting children and other vulnerable persons from being harmed or exploited by gambling is one of the licensing objectives set out in the Gambling Act 2005 and is reflected in this policy statement. Whilst it is recognised that online gambling has become a significant issue in terms of gambling related harm, this statement of policy relates to the licensing of gambling premises as set out in the Gambling Act 2005.

Gambling Operators must comply with the Gambling Commission's Licence Conditions and Codes of Practice which includes social responsibility codes requiring operators to have and put into effect policies and procedures to promote socially responsible gambling, which should reduce the risk of, and seek to identify problem gambling.

### **3. The Licensing Objectives**

- 3.1 In exercising most of their functions under the Act, licensing authorities must have regard to the licensing objectives as set out in 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
- 3.2 It should be noted that the Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

### **4. Statutory aim to permit gambling**

- 4.1 The Act places a legal duty on the Commission and licensing authorities to aim to permit gambling in so far as it is reasonable consistent with the licensing objectives. The effect of this is that the functions must be approached in a way that seeks to regulate gambling by using their powers rather than to prevent it altogether.

This licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it:

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

This licensing authority has no discretion to grant a premises licence which does not accord with the above. In exercising its functions it must also not take into account the expected demand for facilities or whether the application is likely to be permitted in accordance with the law relating to planning or building (S153 of the act).

In the event that a licensing authority perceives a conflict between a provision of a Commission code of practice or their guidance or this policy statement, the Act makes it clear that the Commission's codes and guidance take precedence.

## **5. Authorised Activities**

5.1 Gambling' is defined in the Act as either gaming, betting or taking part in a lottery:

- 'gaming' means playing a game of chance for a prize;
- 'betting' means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true;
- A 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

5.2 Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

5.3 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's Licensing Team where appropriate.

## **6.0 Declaration**

6.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to the Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

## **7.0 Responsible Authorities**

7.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act 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; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

7.2 In accordance with the suggestion in the Gambling Commission's Guidance to local authorities, this authority has consulted with both the Cumbria Safeguarding Children Board and Cumberland Council Children's Services. This Authority considers that

Cumberland Council's Children's Services is best able to fulfil the role of advising the Authority about the protection of children from harm for the purposes of Section 157(b) of the Act.

7.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: [www.allerdale.gov.uk](http://www.allerdale.gov.uk) and are listed at Appendix 2.

## 8. Interested Parties

8.1 Interested parties can 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 application 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 licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

8.3 In considering whether a person lives sufficiently close to a premises to be considered an interested party the following matters will be taken into consideration:-

- The size of the premises;
- The nature of the premises. The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises) on the person making the representation; and
- The circumstances of the person and the nature of their interests which may be relevant to the distance from the premises.

8.4 This authority will not apply a rigid rule to its decision making and each case will be decided upon its merits. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at Paragraphs 6.20 and 6.21.

8.5 It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 8.6 The Gambling Commission has recommended that the licensing authority states that interested parties may include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they represent a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 8.7 Interested parties can be persons who are democratically elected such as Councillors and MP's. This would include county, parish and town councillors. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is likely to be sufficient.
- 8.8 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not a Member of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Council's Licensing Department.

## **9. Exchange of Information**

- 9.1 Licensing Authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 9.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 9.3 Should any protocols be established as regards information exchange with other bodies then they will be made available. This authority will normally share the information it holds about licensed premises with the following persons or bodies:
- A constable or police force
  - an enforcement officer
  - another Licensing Authority
  - HMRC
  - The Gambling Appeal Tribunal
  - The Secretary of State
  - Scottish Ministers

The Licensing Authority will also exchange information as per Part 13 of the Guidance issued to Local Authorities.

## **10. Data Protection**

The Council recognises its obligations when processing Personal Data under the UK's Data Protection Scheme, namely the UK General Data Protection Regulation (GDPR) and Data Protection Act 2018. Where information considered personally identifiable is to be shared as part of this processing, the Council will seek to adopt practices pursuant to its own policies and procedures regarding data sharing. For further information including the Council's approach to Data Protection and how individuals may exercise their rights, consult the information published on the Council's website [Data protection and privacy | Cumberland Council](#)

As a public authority, the Council is subject to the Freedom of Information Act 2000 (FOIA). Applications for information regarding the Council's policies and procedures will be considered in accordance with FOIA to ensure suitability of disclosure.

## **11. Compliance and Enforcement**

11.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers in the Act to institute criminal proceedings in respect of the offences specified.

11.2 This licensing authority's principles are that:

The statutory principles of good regulation and the Regulators' Code is adhered to and it will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

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

All approaches will be to encourage and promote compliance.

11.3 As per the Gambling Commission's Guidance to Licensing Authorities, this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

- 11.4 This licensing authority will as recommended by the Gambling Commission's Guidance to Licensing Authorities adopt a risk based inspection programme with high risk premises receiving more attention than low risk premises. Risk-based inspections will be based on:
- The licensing objectives
  - Relevant codes of practice
  - Guidance issued by the Gambling Commission, in particular at Part 36
  - The principles set out in this statement of licensing policy
- 11.5 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.
- 11.6 The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be taken in accordance with the Enforcement Policy and the Regulators Code.
- 11.7 The Licensing Authority's enforcement policy is available upon request to the licensing department.
- 11.8 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

## **12. The Licensing Framework**

### **12.1 Licensing Authority Functions**

- 12.2 Licensing Authorities are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
  - Issue Provisional Statements
  - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
  - Issue Club Machine Permits to Commercial Clubs
  - Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
  - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines

- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions
- Exercise its powers of compliance and enforcement under the Act, in partnership with the Gambling Commission and other relevant responsible authorities.

It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

### **12.3 The Gambling Commission**

12.4 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring the gambling is conducted in a fair and open way; and by protecting children and vulnerable people.

12.5 The Gambling Commission has the following principle statutory functions:

- Issuing operating and personal licences to gambling businesses and individuals occupying certain positions in the gambling industry, with appropriate conditions, and ensuring that holders of licences adhere to their terms
- Publishing codes of practice
- Publishing statutory guidance to licensing authorities

The Commission has a duty to advise the Government on gambling and its regulation by monitoring gambling and working closely with a range of regulatory partners.

12.6 Codes of Practice

The Gambling Commission sets out their general licence conditions and associated codes of practice provisions (LCCP) under the Act. The codes of practice are set out within the second part of the LCCP. The codes specify a number of requirements, many of which relate to social responsibility issues.

12.7 The Gambling Commission can be contacted at:

Gambling Commission

4<sup>th</sup> Floor  
Victoria Square House  
Birmingham  
B2 4BP  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

### **13. Local Risk assessments**

- 13.1 The Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in April 2018 formalised the need for operators to consider local risks.
- 13.2 Social Responsibility (SR) code 10.1.1 requires licensees to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.
- 13.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:
- When applying for a variation of a premises licence
  - To take account of significant changes in local circumstances, including those identified in this policy statement
  - Where there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 13.4 The SR provision is supplemented by an Ordinary Code provision that requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the Licensing Authority. Both provisions took effect from April 2016.
- 13.5 Where concerns do exist, perhaps promoted by new or existing risks, the Licensing Authority will request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of licence conditions is required.
- 13.6 Where this policy statement sets out its approach to regulation with clear reference to local risks, the licensing authority will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.
- 13.7 The [Cumbria Intelligence Observatory](#) has a wealth of detailed information broken down by geographical area and by theme. The Observatory website contains useful summaries on

a wide range of topics such as population, economy, health, housing, poverty and deprivation. This information should all be relevant in devising a local risk assessment.

13.8 The local risk assessment must be kept on the individual premises and be made available for inspection

The licensing authority would recommend that the following broad principles are considered by operators when making their risk assessment:

**Matters relating to children and young persons, including:**

Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds, leisure/community centres and entertainment venues such as bowling allies, cinemas etc

Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted

Recorded incidents of attempted underage gambling.

Age verification policies including 'Think 21' and 'Think 25'.

Any underage testing results should be made available to licensing authorities.

**Matters relating to vulnerable adults, including:**

Information held by the licensee regarding self-exclusions and incidences of underage gambling

Arrangement for localised exchange of information regarding self-exclusions and gaming trends

Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate etc.

**Other issues that may be considered could include:**

Proximity of the gambling premises to all existing and new venues including places of worship which may attract or offer facilities for vulnerable groups or members of the community. Examples of which may include additional homeless hostels or gambling or mental health care/support facilities in the local area.

As local risk assessments must be revised when there are significant changes in local circumstances, the licensing authority would suggest these include:

Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area

Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment

- 13.9 Reference should be made to the broad principles in section 9 that the licensing authority would expect to be taken into consideration when local risk assessments are being compiled. The principles are not exhaustive and other factors not in this list must be taken into consideration

#### **14. Local area profile**

- 14.1 The Licensing Authority can complete their own assessment of the local environment as a means of 'mapping out' the key characteristics of the local area, which will be reviewed and updated to reflect changes to the local landscape. Such an assessment is known as the local area profile. There is no statutory duty on the Licensing Authority to complete an area profile, but there are significant benefits for both the Licensing Authority and Operators, in having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risk, thereby taking into account possible future emerging risks, rather than reflecting current risks only.
- 14.2 To identify areas of concern the licensing authority will map areas requiring permits and licences under the Gambling Act 2005 against vulnerable premises such as community centres, educational establishments and homeless shelters. Mapping will be reviewed every 3 years in line with future reviews of the Gambling Act Statement of Policy.
- 14.3 Appendix 5 – Map of Cumberland Council area.
- 14.4 Appendix 6 – Maps of local area profiles by town

## Part B

### Premises Licences

#### 15. General Principles

- 15.1 Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. The licensing authority is able to exclude default conditions and also attach others, where it is believed to be appropriate
- 15.2 This Licensing Authority 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:
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - In accordance with the authority's statement of licensing policy.
- 15.3 This licensing authority will not regard moral objections to gambling as a valid reason to reject applications for premises licences (except as regards any 'no casino resolution' - see section on Casinos below) and also acknowledges that unmet demand is not a criterion for a licensing authority to consider. Further, there is a duty not to take other irrelevant matters into consideration e.g. the likelihood of an applicant obtaining planning permission.
- 15.4 Paragraph 19.24 of the Gambling Commission Guidance to Licensing Authorities requires that gaming machines are only made available in combination with the named non-remote activity of the operating licence. Unless a betting premises operator offers substantive facilities for non-remote betting it should not make gaming machines available for use on the premises. To contain the unavailable risk to the licensing objectives associated with gaming machines, premises which offer machines must be appropriately supervised.
- 15.5 **Definition of “premises”** – In the Act, premises is defined as including “any place”. Section 152 prevents more than one premises license applying to any place. But a single building could 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. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 15.6 The Gambling Commission states in its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are

configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

- 15.7 The Act sets out that the type and number of high stake gaming machines allowable in premises is restricted according to the type of premises licence or permit granted. For example, a converted casino licence allows for 20 gaming machines in categories B, C or D. With exception of Adult Gaming Centres (AGCs) and Family Entertainment Centres (FECs), premises are not permitted to be used exclusively for making gaming machines available, but rather to provide the gaming facilities corresponding to the premises licence type. The Licence Conditions and Codes of Practice (LCCP), sets out in full the requirements on operators.
- 15.8 With exception of bingo clubs, tracks on race-days, and licensed family entertainment centres, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.
- 15.9 This Licensing Authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: “licensing authorities should 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 they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gaming where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit. The plan of the premises should clearly denote entrances and exits.
- Customers should be able to participate in the activities named on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

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

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

**16. The Gambling Commission's relevant access provisions for each premises type are reproduced below:**

**Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.21 of the Guidance).
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which hold a gambling premises licence.

**Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises.

**Betting Shops**

- Access must be from a "street" (as per para 7.21 Guidance to Licensing Authorities) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.

**Tracks**

- No customer should be able to access the premises directly from:
  - a casino; or
  - an adult gaming centre

**Bingo Premises**

- No customer must be able to access the premises directly from:
  - a casino;
  - an adult gaming centre; or
  - a betting premises, other than a track

## Family Entertainment Centre

- No customer must be able to access the premises directly from:
  - a casino;
  - an adult gaming centre; or
  - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

- 16.1 In determining applications, the Licensing Authority has the duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, in effect those not related to gambling and licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulation approval for their proposal. Bearing in mind that once a premises licence comes into effect it authorises the premises to be used for gambling, a licence can only be issued once the Licensing Authority is satisfied that the premises is ready to be used for gambling in the reasonably near future.
- 16.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead. See section 19 of this policy for further guidance.
- 16.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-
- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 16.4 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 16.5 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.
- 16.6 **Duplication with other regulatory regimes** - This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning.

This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under law relating to planning or building control.

- 16.7 **Licensing Objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.
- 16.8 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, if an area should have known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors or CCTV. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.
- 16.9 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally 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 issued by the Gambling Commission. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below at Paragraph 17.
- 16.10 Matters to be taken into account to ensure that gambling is conducted in a fair and open way will include:
- Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
  - Whether sufficient management measures are proposed or are in place to ensure gambling is conducted in a fair and open way.
  - Whether the management and operation of the premises is open and transparent.

16.11 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – Children are defined in the Act as under-16s and young persons as 16-17 year olds. An adult is defined as 18 or over. Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place. The objective refers to protecting children from being ‘harmed or exploited by gambling’. That means in addition to preventing them from taking part in gambling licensees should ensure their policies and procedures include mitigating the risks of advertising so that gaming products are not aimed at children or advertising in such a way that makes them particularly attractive to children. The licensing authority 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;
- whether the operator has a specific training programme for staff to ensure they are able to identify children and vulnerable people, proactively recognise individuals who are problem gamblers, indicators or signs of harmful gambling and how to respond in terms of helping to access support and exclude them from the premises or parts of the premises;
- if the premises is an adult only environment whether the operator has taken effective measures to implement a proof of age scheme to ensure no one under the age of 18 is admitted to the premises or restricted areas;
- whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling;
- whether sufficient management measures are proposed or in place to protect children and other vulnerable persons from being harmed or exploited by gambling;
- whether any promotional material associated with the premises could encourage the use of the premises by children or young people; and
- whether the premises are located near to facilities that may encourage their use by vulnerable people such as hostels for those with mental illnesses and/or addiction problems.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define 'vulnerable persons', but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs. This licensing authority will consider, in relation to a particular premises, whether any special considerations apply in relation to the protection of vulnerable persons, on a case by case basis.

## 16.12 **Conditions**

All Gambling Act 2005 premises licences are subject to mandatory and default conditions that are usually sufficient to ensure operation is reasonably consistent with the licensing objectives. Default conditions attach to the premises licence unless the licensing authority decides to exclude them (S169 of the Act). A default condition may be excluded and substituted with one that is either more or less restrictive. Additional conditions will only be considered where there is clear evidence of a risk to the licensing objective in the circumstances of a particular case.

Any conditions attached to licences 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 (including the locality and any identified local risks) and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

- 16.13 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 16.14 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 16.15 This authority will also ensure that where category C (for information about the different categories of machine, please see appendix 3) or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any areas where there are Category A, B or C machines, in such areas there must be prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable

- 16.16 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance this licensing authority will consider the impact upon the objective to protect children and other vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 16.17 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
  - conditions relating to gaming machine categories, numbers, or method of operation;
  - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removed the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
  - Conditions in relation to stakes, fees, winning or prizes.
- 16.18 **Door Supervisors** – The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.
- 16.19 Section 178 of the Gambling Act 2005 sets out a definition of 'door supervisor', and provides that where a person employed in such a role is required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence.
- 16.20 It should be noted that the above paragraphs relate to door supervisors only in relation to premises licences granted under the Gambling Act 2005. Where a premises licence has also been granted under the Licensing Act 2003 in relation to the same premises, there may also be conditions on that licence which relate to door supervisors. The premises licence holder should ensure compliance with those conditions.

16.21 The requirement for SIA licence door supervisors is relaxed when applied to door supervisors at casino or bingo premises. Where 'contract' staff are employed as door supervisors at casino or bingo premises, such staff will need to be licensed by SIA. However 'in- house' employees working as door supervisors at casino and bingo premises are exempt from these requirements.

## **17. Adult Gaming Centres (AGC)**

17.1 Persons operating an Adult Gaming Centre (AGC) must hold a gaming machines general operating licence (Adult Gaming Centre) from the Commission and must seek a premises licence from the licensing authority. They will be able to make category B, C and D gaming machines available to their customers.

17.2 No one under the age of 18 is permitted to enter an AGC. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

17.3 Self Exclusion - The Commission's SR code requires holders of gaming machine general operating licences for adult gaming centres to offer a self-exclusion scheme to customers requesting such a facility. These are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises. It also applies to all non-remote casino, bingo and betting licences (except those at a track). Full details can be found in the Commission's LCCP.

17.4 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV – this should be of sufficient quality that it will be of use in evidence
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Display of and provision of information leaflets/helpline numbers for organisations such as GamCare.

17.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.

17.6 The following mandatory conditions will be attached to adult gaming centre premises licences:

- A notice must be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises.
- There can be no direct access between an AGC and any other premises licensed under the Act or premises with a Family Entertainment Centre, club gaming, club machine or alcohol licensed premises gaming machine permit. There is no definition of 'direct Access' in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example, a street or café), which the public go to for purposes other than gambling, for there to be no direct access.
- Any ATM made available for use on the premise shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises. A notice stating this should be displayed in a prominent place at every entrance to the premises.

## **18. (Licensed) Family Entertainment Centres (FEC)**

- 18.1 The Act creates two classes of Family Entertainment Centres (FEC). This section of the policy concerns licensed FECs. Persons operating a licensed FEC must hold a gaming machine general operating licence (Family Entertainment Centre) from the Commission and must seek a premises licence from the Licensing Authority. They will be able to make category C and D gaming machines available to their customers. Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits (see Section B of this policy).
- 18.2 This Licensing Authority will specifically have regard to the need to protect children and young persons. Children and young persons will be permitted to enter an FEC and may play on the category D machines. They are not permitted to play on a category C machines, and it is a requirement that there must be clear segregation between the two types of machines, so that children do not have access to category C machines.
- 18.3 This licensing authority will refer to the Gambling Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. It will normally impose conditions on granting licences which accord with the above. This licensing authority will also make itself aware of and impose any mandatory or default conditions on these premises licences.
- 18.4 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes
  - CCTV – this should be of sufficient quality that it will be of use in evidence
  - Supervision of entrances/machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/signage
  - Specific opening hours

- Self-exclusion schemes– these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises

Display of and provision of information leaflets/helpline numbers for organisations such as Gamcare

- Measures/training for staff on how to deal with suspected truant school children on the premises

18.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.

18.6 Mandatory conditions attached to FEC premises licences:

- The summary of the terms and conditions of the premises licence issued by the Licensing Authority under section 164(1) (c) of the Act must be displayed in a prominent place within the premises.
- The layout of the premises must be maintained in accordance with the plan.
- The premises must not be used for sale of tickets in a private lottery or customer lottery, or the National Lottery.
- No customer shall enter the premises directly from a casino, an adult gaming centre or betting premises (other than a track). There is no definition of ‘direct access’ in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example, a street or café), which the public go to for purposes other than gambling, for there to be no direct access.
- Any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- Over-18 areas within FECs that admit under-18s must be separated by a barrier with prominently displayed notices at the entrance stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young persons are not able to access these areas or the category C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.
- The consumption of alcohol in licensed FECs is prohibited at any time during which facilities for gambling are being provided. A notice stating this should be displayed in a prominent position on the premises.

## 19. Casinos

19.1 Section 7(1) of the Act states that ‘a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games’. Casinos games are defined by the Act to mean a game of chance which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favourable to all participants.

19.2 Protection of children and young persons – No-one under the age of 18 is permitted to enter a casino and operators are required to display notices to this effect at all entrances to

a casino. Children and young persons are not allowed to be employed at premises with a casino premises licence.

- 19.3 No Casinos resolution - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.
- 19.4 Casinos and competitive bidding - This licensing authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators who will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, as well as following the procedure set out in Part 17 of the Guidance.
- 19.5 Licence considerations/conditions – This licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission. The mandatory conditions attached to all casino premises are as follows:
- Access to premises is regulated to add additional safeguards for both the public and industry. The principle entrance to the casino should be from a street. A street is defined as including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping centres), whether it is a thoroughfare or not.
  - No customer must be able to enter the casino from any other premise holding a casino, bingo, AGC, FEC or betting premises licence, or from premises where a FEC, club gaming and club machine, or licensed premises gaming machine permit, has effect.
  - There should be no access to a casino from premises wholly or mainly used by children and young persons.
  - No other gambling equipment may be situated within two metres of any ordinary gaming table. For the purposes of these conditions an ordinary gaming table means one which is not wholly or partially automated.
  - A maximum of 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.
  - All casinos must display the rules of each type of casino game that can be played on the premises in a prominent place within both the table gaming area and other gambling areas to which customers have unrestricted access. Licensees may do this either by displaying clear and legible signs or by making available to customers leaflets or other written material setting out the rules.
  - ATMs must be positioned so that customers must cease to gamble at tables or gaming machines in order to use them.

- The default opening hours of all casinos are noon to 6am.

There are mandatory conditions relating to small casinos, large casinos, and converted casinos premises licence which are detailed in part 17 of the guidance.

- 19.6 Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, 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 by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **20. Bingo Premises**

- 20.1 This licensing authority notes that the Gambling Commission's Guidance states: 18.5 Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing bingo licences, licensing authorities need to consider whether bingo can be played at each of those new premises.
- 20.2 Under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines.
- 20.3 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.
- 20.4 Section 172(7) provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines on that premises. Premises that were licensed before 13<sup>th</sup> July 2011 are entitled to make available eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater. Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A.
- 20.5 The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstances that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a

number of separate licenced premises) it is not permissible for all the gaming machines to which each of the licence brings an entitlement to be grouped together within one of the licensed premises.

#### Bingo in clubs and alcohol-licensed premises

- 20.6 Bingo is a class of equal chance gaming permitted on alcohol-licensed premises, and in clubs and miners' welfare institutes, under the allowances for exempt gaming in Part 12 of the Act. There are regulations setting controls on this form of gaming, to ensure that it remains a low stakes and prizes activity.
- 20.7 Where the level of bingo played in these premises reaches a certain threshold (i.e. bingo played during any seven day period exceeds £2,000 either in money in taken or prizes awarded once in a year), there is a legal duty on the Licensee or club to inform the Commission as soon as is reasonably practicable. Stakes or prizes above that limit will require bingo operators' licence and corresponding personal and premises licence.
- 20.8 The following mandatory conditions must be attached to a bingo premises licence:
- A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.
  - No customer shall be able to enter bingo premises directly from casino, an adult gaming centre or betting premises (other than a track).
  - Over 18 areas within bingo halls that admit under-18s must be separated by a barrier with prominently displayed notices stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.
  - Any admission charges, the charges for playing bingo games and the rules of bingo must be displayed in a prominent position on the premises. Rules can be displayed on a sign, by making available leaflets or other written material containing the rules, or running an audio-visual guide to the rules prior to any bingo game being commenced.
  - Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

Default conditions to attach to bingo premises licence:

- Bingo facilities in bingo premises may not be offered between the hours of midnight and 09:00hours. However, there are no restrictions on access to gaming machines in bingo premises.

## **21. Betting Premises**

- 21.1 The Act provides for a single class of licence for betting premises although within this there are different types of premises which require licensed. This section contains guidance for

off-course betting which is betting that takes place other than at a track (previously known as a licensed betting office). Guidance on tracks is in part 17.

- 21.2 The Act also permits betting intermediaries to operate from premises. The Act defines this as a person who provides a service designed to facilitate the making or acceptance of bets between others. This can be by remote means such as the internet but can also apply for a betting premises licence to offer these services upon the premises.
- 21.3 Licensing Authorities are responsible for issuing and monitoring premises licences for all betting premises. Children and young persons will not be able to enter premises with a betting premises licence, although exemptions apply to tracks. Children and young persons are not allowed to be employed at premises with a betting premises licence.
- 21.4 Betting premises will be able to provide up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines.
- 21.5 **Self-service betting terminals (SSBTs)**
- 21.6 The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events for example a horserace. It is a substitute for placing a bet over a counter. They automate the process that can be conducted in person and the Act exempts them from regulation as a gaming machine. Therefore they neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits.
- 21.7 Where a machine is made available to take bets on virtual races (ie results and/or images generated by a computer to resemble races or other events) that machine is a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.
- 21.8 The Licensing Authority can restrict the number of SSBTs and will take into account the Commission's guidance particularly the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.
- 21.9 The following mandatory conditions will be attached to a betting premises licence:
- A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted. The notice should be clearly visible to people entering the premises.
  - There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a thoroughfare or not).

- Any ATM machine made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or self-service betting terminal (SSBT) in order to do so.
- No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:
- Information about or coverage of sporting events, including information relating to betting on such events (and incidental information including advertisements); or
- Information relating to betting (including results) on any event in connection with which bets may have been affected on the premises.

Betting operator-owned TV channels are permitted.

- No music, dancing or other entertainment is permitted on betting premises. This includes any form of entertainment such as apparatus producing sound or visual images which do not fall within the above condition or machines which do not come within categories of machine explicitly allowed in betting premises under section 172(8) of the Act.
- The consumption of alcohol on the premises is prohibited during any time which facilities for gambling are being provided.
- The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications.
- A notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.

Default conditions attached to betting premises licence:

- Gambling facilities may not be offered in betting premises between the hours of 22:00 hours on one day and 07:00 hours on the next day, on any day.

## **22. Tracks**

22.1 Only one premises licence can be issued for any particular premises at any time unless the premises are a 'track'. A track is a site or venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. The Act does not provide a list with officially recognised "tracks" but examples could include:

- A horse racecourse (racecourses)
- A greyhound track
- A point-to-point horserace meeting
- Football, cricket and rugby grounds
- An athletics stadium
- A golf course
- Venues hosting darts, bowls, or snooker tournaments
- A premises staging boxing matches
- A section of river hosting a fishing competition

- A motor racing event
- 22.2 Track operators are not required to hold an ‘operator’s licence’ granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Licensing Authority are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 22.3 Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 22.4 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission’s Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 22.5 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 22.6 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes
  - CCTV– this should be of sufficient quality that it will be of use in evidence
  - Supervision of entrances/machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/signage
  - Specific opening hours
  - Self-exclusion schemes– these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises.
  - Provision of information leaflets/helpline numbers for organisations such as GamCare
- 22.7 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.

- 22.8 Gaming machines – As an operator licence from the Commission is not required for the holder of this type of premises licence, a track betting licence does not of itself entitle the holder to provide gaming machines. However, track owners holding both a track premises licence and a pool betting operating licence issued by the Commission, may site up to four gaming machines within categories B2 to D on the track. Tracks which hold an alcohol licence are automatically entitled to two gaming machines of category C or D. Therefore entitled to six gaming machines in total. Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 22.9 Self-service betting terminals (SSBTs) - Licensing authorities have a power under the Gambling Act 2005 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.

Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machines.

This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

- 22.10 Condition on rules being displayed - A condition will normally be attached to track premises licences requiring the track operator to ensure that the rules relating to tracks which are contained in the Act are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.
- 22.11 Applications and plans – The Act (S151) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity (See Guidance, part 20).
- 22.12 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations (see Guidance, part 20).
- 22.13 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such circumstances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance, part 20)

- 22.14 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined (See Guidance, part 20).
- 22.15 This authority appreciates it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on the track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan (See Guidance, part 20).

Default conditions attached to track premises licence:

- Gambling facilities can only be provided at the track between the hours of 07:00 hours and 22:00 hours. Gambling facilities can be provided during this time, regardless of whether or not a sporting event is taking place. The default condition does not apply on days when a sporting event is taking place on the premises.

## **23. Travelling Fairs**

- 23.1 This licensing authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met. If the statutory requirement is met then an unlimited amount of Category D machines may be provided without a permit but there must be compliance with legal requirements about how the machine operates.
- 23.2 Higher stake category B and C fruit machines are not permitted. Fairground operators must source their machines from a Commission licensed supplier and employees working with gaming machines must be at least 18 years old.
- 23.3 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair:
- For the purposes of this Act –
- (a) “fair” means a fair consisting wholly or principally of the provision of amusements, and
  - (b) a fair held on a day in a calendar year is a “travelling fair” if provided-
    - (i) wholly or principally by persons who travel from place to place for the purpose of providing fairs, and
    - (ii) At a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year.
- 23.4 It is noted that the 27-day statutory maximum for the land being used as a fair, applies on a calendar year basis, 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. This

licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **24. Provisional Statements**

- 19.1 Developers may wish to apply to this authority for provisional statement before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 24.2 S204 of the Act provides for a person to make application to the licensing authority for a provisional statement in respect of premises that he or she:
- Expects to be constructed;
  - Expects to be altered; or
  - Expects to acquire a right to occupy
- 24.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 24.4 In contrast to the premises licence application where the applicant has to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and have a right to occupy the premises, these restrictions do not apply in respect of which their provisional application is made.
- 24.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow 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 raised by objectors at the provisional licence stage; or
  - Reflect a change in the operator's circumstances
- 24.6 In addition the licensing authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- Which could not have been raised by way of representations at the provisional statement stage;
  - Which, in the authority's opinion reflect a change in the operator's circumstances; or
  - Where the premises has not been constructed in accordance with the plan and information submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## 25. Reviews

- 25.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- 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 authority's statement of licensing policy.
- 25.2 The request for a review will also be subject to the consideration by the licensing authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 25.3 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 25.4 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 25.5 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:
- Add, remove or amend a licence condition imposed by the licensing authority;
  - Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
  - Suspend the premises licence for a period not exceeding three months; and
  - Revoke the premises licence.
- 25.6 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in s153 of the Act, as well as any relevant representations.
- 25.7 In particular, the licensing authority may also initiate a review of the premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

25.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- The licence holder;
- The applicant for review (if any);
- The Gambling Commission;
- Any person who made representations;
- The Chief Officer of Police or Chief Constable;
- HM Revenue and Customs.

## **26. Rights of appeal and judicial review – Premises Licences**

26.1 This section deals only with appeals relating to premises licensing and other decisions by the Licensing Authority. The avenues of appeal against decisions the Licensing Authority are set out in sections 206 and 209 of the Act.

26.2 If an application under Part 8 of the Act is rejected, only the applicant may appeal. If an application under Part 8 of the Act is granted, the applicant and a person who made representations may appeal. It does not automatically follow that the person who made the representations will be appellant. It could be the licensee who is appealing, because he or she considers conditions attached to the licence too onerous. Similar arrangements will apply in appeals against a decision not to take action following a review, and in relation to the grant of temporary use notices. The Licensing Authority will choose who it has as its witness.

26.3 If the Licensing Authority takes action or determines to take no action (which may include revocation or suspension of the licence, or the removal or addition of licence conditions) after the review of a licence, any of the following may appeal:

- The licence holder
- A person who made representations in relation to the review
- Where relevant, the person who applied for the review
- The Commission

26.4 Where the Licensing Authority makes a decision in relation to the transfer of a premises licence, which may involve amending licence conditions, the licence holder and the applicant for transfer have a right of appeal.

26.5 Notice of an appeal must be given within 26 days of notice of the decision being received by the appellant. During that period, and until any appeal that has been brought has been finally determined, a determination or the other action by the Licensing Authority under Part 8 of the Act will not have effect unless the authority so directs (see section 208 of the Act).

26.6 In many cases, it is a requirement of the Act that Licensing Authority gives clear and comprehensive reasons for rejection of an application. To be clear and transparent the Licensing Authority will give reasons for all its decisions (see section 165 of the act, which is also applied in relation to other applications under Part 8 of the Act). A failure to give

reasons may compel a person to appeal, and may suggest that the Licensing Authority did not make its decision with regard to all the information that it should have regard to, and in line with its obligation under section 153 (regardless of the decision that was reached).

- 26.7 Any appeal against the Licensing Authority is made to the Magistrates court.
- 26.8 An appeal has to be commenced by giving of a notice of appeal by the appellant to the local magistrate's court within a period of 26 days, beginning with the day on which the appellant was notified by the Licensing Authority of the decision being appealed.
- 26.9 If the licence holder or the person who made the application appeals, the licensing authority will be the respondent. If the appeal is made by someone else, then the licence holder or applicant will be a respondent to the appeal as well as the licensing authority.
- 26.10 On determining an appeal, the court may:
- Dismiss the appeal
  - Substitute the decision appealed against with any other decision that could have been made by the Licensing Authority
  - Remit the case to the Licensing Authority to dispose of the appeal in accordance with the direction of the court.

### **Provisional statements**

- 26.11 A provisional statement can be refused on exactly the same grounds as a premises licence. The applicant may appeal against the rejection of an application of a provisional statement under section 206(1); and a person who made representations or the applicant may appeal against the grant of an application.

### **Permits**

- 26.12 The process of appeals in respect of permits is different to that for premises licences and is set out in the following Schedules of the Act:
- Schedule 10 – Family entertainment centre gaming machine permits.
  - Schedule 11 (Parts 4 and 5) – Small society lotteries.
  - Schedule 12 – Club gaming permits and club machine permits.
  - Schedule 13 – Licensed premises gaming machine permits.
  - Schedule 14 – Prize gaming permits.

### **Temporary use notices**

- 26.13 Appeals in relation to temporary use notices are detailed with in section 226 of the Act. This section grants the right to appeal to the magistrates' court to both the applicant and

any person entitled to receive a copy of the notice (that is the Commission, local chief of police and HM Revenue and Customs). Appeals must be made within 21 days of receiving the notice of the Licensing Authority's decision. If the appeal is against the decision of the authority not to issue a counter-notice, then the person giving notice must be joined with the Licensing Authority as a respondent in the case.

- 26.14 The magistrates' court may take the following action: dismiss the appeal, direct the authority to take specified action, remit it back to the authority to decide in accordance with a decision of the court, and make an order for costs. It should be noted that if the decision is remitted to the authority, the same rights of appeal will apply as for the original decision.
- 26.15 There is no stay of proceedings in relation to temporary use notices (as there are in relation to applications under Part 8 of the Act). However, the time limits are such that the Commission would expect proceedings on appeal to be heard before the temporary use notice would otherwise take effect.

### **Judicial review**

- 26.16 Any party to a decision may apply for judicial review if they believe that the decision taken by the Licensing Authority is:
- Illegal – that is beyond the powers available to the Licensing Authority
  - Subject to procedural impropriety or unfairness – which is a failure in the process of reaching the decision, such as not observing the rules of natural justice
  - Irrational – where a decision is so unreasonable that no sensible person could have reached it (in effect 'perverse' or 'Wednesbury' unreasonable).
- 26.17 For an application to succeed, the application must show that:
- The applicant has sufficient standing to make that claim
  - The actions of the reviewed Licensing Authority give grounds for review

But the remedy is a discretionary one and the Court may decline judicial review if, for example, it considers that the applicant has an alternative remedy which is more appropriate to pursue, such as right of appeal, or has a private law claim against the defendant.

- 26.18 The applicant can ask the Court to grant a number of orders. A mandatory order compels the reviewed body to do something; a prohibitory order compels it to refrain from doing something; a 'declaration' sets out the court's view on the legality of particular course of action; and a quashing order nullifies a decision and remits it for reconsideration. The applicant can seek an injunction which is, in practice, similar to a mandatory or prohibitory order.

## Part C

### Gaming Machines/Permits/Temporary & Occasional Use Notice

#### 27. Gaming Machines

27.1 The Act provides the categories of gaming machine and the number of such machines that may be permitted in each type of gambling premises as set out in the Act.

27.2 S.235(1) of the Act sets out the definition of a gaming machine. It covers all types of gambling activity that can take place on a machine, including betting on virtual events. However, the following should be noted:

- There is a distinction between skill machines and gaming machines, in that skill machines are unregulated
- S.235(2) contains exemptions for equipment that is not to be considered as a gaming machine, even when gambling can be performed on it. For example a home PC.

27.3 The Commission is responsible for licensing manufacturers and suppliers of gaming machines and advises operators to obtain machines from Commission licensed suppliers. The same advice applies for those apply for permits for clubs, alcohol licensed premises or family entertainment centres.

27.4 In order to site gaming machines a premises would usually need authorisation in the form of:

- An operating licence from the Commission and a gambling premises licence from the licensing authority
- An alcohol premises licence from the licensing authority
- A gaming machine permit from the licensing authority.
- 27.5 S.172 of the Act prescribes the number and category of gaming machines that are permitted in each type of gambling premises licensed by authorities. Neither the Commission nor licensing authorities have the power to set different limits or further expand or restrict the categories of machine that are permitted. The exception to this is alcohol licensed premises that hold gaming machine permits. Licensing authorities have the discretion to specify the number of permitted gaming machines. Limits are set separately in the Act for certain types of permits issued by Licensing Authorities.

27.6 Regulations define four categories of gaming machine: categories A, B, C and D with category B divided into a further five sub-categories. They have been defined according to the maximum amount that can be paid for playing the machine and maximum prize it can deliver. Appendix 3 provides a breakdown of machine categories and entitlements.

27.7 There is a minimum age of 18 for all players for all category A, B and C machines, including category B3A machines offering lottery style games. There is no minimum age for players of category D machines. The holder of any permit or premises licence has to comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are located on the same premises.

- 28. Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**
- 28.1 Family Entertainment Centres (FECs) are commonly located at seaside resorts, in airports and motorway service stations, and cater for families, including unaccompanied children and young persons. Unlicensed FECs are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit subject to other considerations, such as fire regulations and health and safety. Permits cannot be issued in respect of vessels or vehicles.
- 28.2 If the operator of a family entertainment centre wants to make category C machines available in addition to category D machines, the operator will need to apply for a gaming machine general operating licence (Family Entertainment Centre) from the Commission and a premises licence from the Licensing Authority.
- 28.3 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (s288 of the Act).
- 28.4 The Act states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it 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. The Gambling Commission's Guidance also states "In their three year licensing policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits ....., Licensing Authorities will want to give weight to child protection issues" (para, 24.6).
- 28.5 Guidance also states: "... An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Licensing Authorities might wish to consider asking applications to 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 convictions (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.
- 28.6 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.
- 28.7 This Licensing Authority 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. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very

young children being on the premises, or children causing perceived problems on/around the premises.

28.8 This Licensing Authority will also expect, as per 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 convictions (Schedule. 7 of the Act) and that staff are trained to have a full understanding of the maximum stakes and prizes.

**29. (Alcohol) Licensed Premises Gaming Machine Permits - (Schedule 13 paragraph 4(1))**

29.1 Automatic entitlement: up to 2 machines - There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The operator of the premises merely needs to notify the Licensing Authority and pay the prescribed fee. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the 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.

29.2 Permit: 3 or more machines - If the operator of alcohol licensed premises wishes to have more than 2 machines, then an application must be made for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance and code of practice issued by the Gambling Commission issued under Section 24 & 25 of the Gambling Act 2005, and "*such matters as they think relevant.*"

29.3 This Licensing Authority 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 persons from harm or being exploited by gambling and will expect the applicant 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 machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be a help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

29.4 This Licensing Authority recognises that some operators of alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application

would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence.

- 29.5 The Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 29.6 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.

### **30. Prize Gaming Permits - (Principles on Permits - Schedule 14 paragraph 8 (3))**

- 30.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 30.2 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
  - that the gaming offered is within the law;
  - Clear policies that outline the steps to be taken to protect children from harm.
- 30.3 Prize gaming may be provided in bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, providing that none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.
- 30.4 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Schedule. 14 para. 8(3) of the Act).
- 30.5 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. 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.

## **31. Club Gaming and Club Machines Permits**

31.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance.

Members Clubs and Miner's Welfare Institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine Permit will enable the premises to provide gaming machines (up to 3 machines of categories B, C or D). N.B. Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

This licensing authority notes that the Gambling Commission's guidance at Part 25 states:

"The licensing authority has to satisfy itself that the club meets the requirements of the Act to obtain a Club Gaming Permit. In doing so it will take account of a number of matters outlined in sections 25.46-25.48 of the Gambling Commission's guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members. 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 Royal British Legion and clubs with political affiliations".

The club must be conducted 'wholly or mainly' for the purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

31.2 The Guidance also states that licensing authorities may only refuse an application on the grounds that:

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

31.3 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule. 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are that:

- a) the club is established primarily for gaming, other than gaming prescribed by regulations under S.266 of the Act;
- b) in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- c) a club gaming permit or club machine permit issued to the club in the last ten years has been cancelled;

31.4 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **32. Temporary Use Notices (TUN)**

32.1 The Gambling Act 2005 enables the holder of an operating licence to give a Temporary Use Notice in respect of premises.

The TUN authorises the premises to lawfully be used for short period to provide facilities for gambling without the appropriate premises licence. The gambling must be in accordance with the terms of the TUN.

TUNs can only be made by the holder of an operating licence authorising them to provide the gaming activity proposed under the TUN.

32.2 The holder of the operating licence must give notice to the Licensing Authority in whose area the premises are situated. The Secretary of State has prescribed the form of the notice which must specify information including:

- The type of gaming to be carried on
- The premises where it will take place
- The dates and times the gaming will take place
- Any periods during the previous 12 months that a TUN has had effect for the same premises.
- The date on which the notice is given
- The nature of the event itself.

32.3 The same set of premises may not be the subject of a TUN for more than 21 days in any 12-month period, but may be the subject of several notices provided that the total does not exceed 21 days.

32.4 If the premises have been the subject of one or more TUN for more than a total of 21 days in the past 12 months, the Licensing Authority will issue a counter-notice that has the effect of stopping the TUN coming into effect. Failure to comply with the counter-notice will be an offence. The Licensing Authority may issue a counter-notice which limits the number of days that the TUN comes into effect, bringing it within the 21-day limit. Such counter-notices require consultation with the applicant to ensure that the restrictions they impose do not result in an unworkable event.

32.5 As notices may be given by different operators in respect of the same premises, the Licensing Authority will always check whether a counter-notice is appropriate.

- 32.6 A notice may not be given in respect of a vehicle. A notice may be given in respect of a vessel, but only if it is a passenger vessel or a vessel that is situated at a fixed place. A vessel at a fixed place would include a structure on water that is not intended to be able to move (such as an oil rig, or an artificially constructed island in the middle of a lake). It should be noted that a notice can only be given in respect of a vessel that is moored permanently at place (i.e. it could move but it does not) if it is a passenger vessel.
- 32.7 A TUN must be lodged with the Licensing Authority not less than three months and one day before the day on which the gambling event will begin. The application, fee and counter-notices are specified by the Secretary of State. The application must be copied to:
- The Commission
  - The Police
  - HM Commissioners for Revenue and Customs
  - If applicable, any other Licensing Authority in whose area the premises are situated
- 32.8 The person who is giving the TUN must ensure that the notice and the copies are with the recipients within seven days of the date of the notice. Where the premises are situated in the area covered by more than one authority, the person giving notice must send other notice to one authority and copy to the other(s).
- 32.9 Where the Licensing Authority receives a notice, it must send a written acknowledgement as soon as reasonably practicable. A written acknowledgement may include one sent by electronic mail.
- 32.10 The Licensing Authority and other bodies to which the notice is copied should consider whether they wish to give notice of objection. In considering whether to do so, they must have regard to the licensing objectives and if they consider that the gambling should not take place, or only with modifications, they must give a notice of objection to the person who gave the TUN. Such a notice must be copied to the Licensing Authority (unless it is given by the Licensing Authority). The notice of objection and the copy to the Licensing Authority must be given within 14 days of the date of the TUN. An objection and the copy to the Licensing Authority must be given within 14 days of the date of the TUN. An objection may be withdrawn by giving written notice to those to whom the notice of objection was sent and copied.
- 32.11 The Licensing Authority has noted the timescales set out in the Act. The need to give a notice of objection within 14 days of the date of the TUN means that there must be procedures to ensure that such notices are considered without delay so that, where appropriate, the opportunity to lodge an objection is not missed.
- 32.12 If objections are received, the Licensing Authority must hold a hearing to listen to representations from the person who gave the TUN, all the objectors and any person who was entitled to receive a copy of the notice. If all the participants agree that a hearing is unnecessary, it may be dispensed with.

- 32.13 Those who raise objections may offer modifications to the notice that will alleviate their concerns. Remedies may include a reduction in the number of days when gambling occurs or a restriction on the type of gambling is permitted. If the modifications are accepted by the applicant, a new TUN must be prepared and the original notice withdrawn. The three-month time limit and fee will not apply to the new notice. The person who made the original objection and proposed the modification may not object to the new notice, but others whom it is copied may object. If there are no new objections, there will be no need for a hearing.
- 32.14 If the Licensing Authority, after a hearing has taken place or has been dispensed with, considers that the TUN should not have effect, it must issue a counter-notice which may:
- Prevent the TUN from taking effect
  - Limit the activities that are permitted
  - Limit the time period of gambling
  - Allow the activity to take place subject to a specified condition
- 32.15 If the Licensing Authority gives a counter-notice, it must give reasons for doing so and must copy the counter-notice to all those who receive copies of the TUN.
- 32.16 If the Licensing Authority decides not to issue a counter-notice, the TUN will take effect. The must give notice of its decision to the person who gave the TUN and others to whom it was copied.
- 32.17 An appeal against the Licensing Authority's decision may be made by the applicant, or any person entitled to receive a copy of the TUN, to the Magistrate's Court within 21 days of receiving notice of the Licensing Authority's decision. There is a further right of appeal to the High Court on a point of law.
- 32.18 If no objections are made within 14 days of the date of the notice, the Licensing Authority must endorse the notice as valid and return it to the person who gave it. If the endorsed copy of the notice is lost, stolen or damaged, the person who gave the notice may request a new endorsed copy from the Licensing Authority, subject to a payment of a fee.
- 32.19 Section 228 sets a time limit of six weeks for the completion of all proceedings on a TUN. This includes considering whether to give a notice objection; hold a hearing, if it is necessary; and giving a counter-notice or notice dismissing the objections.
- 32.20 The person who gives a TUN may notify the authority that it is withdrawn at any time up to and during the time it has effect. In those circumstances the notice will have no effect, and any unexpired period of time will not count towards the 21-day maximum for a TUN having effect on the premises.
- 32.21 While the gambling is taking place, a copy of the TUN must be displayed prominently on the premises. It is an offence not to produce the notice endorsed by the authority when requested to do so by a constable, an officer of HM Revenue and Customs, an enforcement officer, or an authorised local authority officer.

### **33. Occasional Use Notices (OUN)**

- 33.1 Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an OUN without the need for a full premises licence.
- 33.2 While tracks are normally thought of as permanent racecourses, it should be noted that the meaning of 'track' in the Act covers not just horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place, or is intended to take place (section 353(1)).
- 33.3 This means that land which as a number of uses, one of which fulfils the definition of track, can qualify for the OUN provisions (for example agricultural land upon which a point-to – point meeting takes place). Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.
- 33.4 The intention behind OUN is to permit licensed betting operators (with appropriate permission from the Commission) to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature. The OUN dispenses with the need for a betting premises licence for the track in these circumstances.
- 33.5 OUNs may not be relied upon for more than eight days in a calendar year. Note that the requirement relates to a calendar year (starting 1 January) and not to any period of 12 months. Day is defined as midnight to midnight so an event that starts on one calendar day and ends on the following day would count as two days. The Secretary of State has the power to increase or decrease the number of OUNs that are permitted
- 33.6 This Licensing Authority keeps a record of the number of notices served in relation to each track.
- 33.7 A notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The notice be served on the Licensing Authority and copied to the Chief Officer of Police for the area in which the track is located. The notice must specify the day on which it has effect. Notices may be given in relation to consecutive days, so long as the overall limit of eight days is not exceeded in the calendar year.
- 33.8 Provided that the notice will not result in betting facilities being available for more than eight days in a calendar year, there is no provision for counter-notices or objections to be submitted.
- 33.9 The Act does not require the applicant or the Licensing Authority to notify the Commission that an OUN has been given. However the Commission does require Licensing Authorities to submit returns showing how OUN may were received during each quarter.

33.10 It should be noted that betting operators cannot provide gaming machines at tracks by virtue of an OUN. Gaming machines may be made available by betting operators and this is reliant on a betting premises licence, which refers to a specific licensed area, but does not enable the operator to site gaming machines outside of that area.

## **34. Small Society Lotteries**

34.1 Local authorities are responsible for registering societies to run small society lotteries. The Act sets out a definition of a lottery and provides that promoting or facilitating a lottery is illegal, unless it falls within one of two categories of permitted lottery, namely:

- Licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences;
- Exempt lotteries – there are four types that are expressly permitted including the small society lottery.

34.2 Definition of lottery

34.3 Simple lottery:

- Persons are required to pay to participate
- One or more prizes are allocated to one or more members of a class
- The prizes are allocated by a process which relies wholly on chance

Complex lottery:

- Persons are required to pay to participate
- One or more prizes are allocated to one or more members of a class
- The prizes are allocated by a series of processes
- The first of those processes relies wholly on chance

34.4 On being approached by societies who wish to register, the licensing authority will check that the proposal falls within the Act's definition of a small society lottery. This falls within two distinct areas:

- Society status – the society must be non-commercial
- Lottery size – the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If either of these are to be exceeded they may need to apply to the Commission for a society lottery operating licence

34.5 To ascertain that the 'society' as the society or branch of such a society on whose behalf a lottery is to be promoted has been established as non-commercial the licensing authority will refer to the definition of 'society' as provided by the Act. The society must show it has been established and conducted:

- For charitable purposes, as defined in S.2 of the Charities Act 2006

- For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- For any other non-commercial purpose other than that of private gain

34.6 Part four and five of Schedule 11 to the Act set out the requirements on both societies and licensing authorities with respect to the registration of small society lotteries. This includes what must be stated on tickets (whether physical tickets or virtual for example in the form of an email or text message), prize (cash or non-monetary) and expenses limits. Tickets may only be sold by persons aged 16 or over to persons aged 16 or over.

34.7 With regards to where small society lottery tickets may be sold, this licensing authority will adopt the recommendation of the Commission that lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets, however, may be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

34.8 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
- submission of incomplete or incorrect returns;
- breaches of the limits for small society lotteries.

# Appendix 1 – List of Consultees

## Cumberland Council:

All Members

Directors and Assistant Directors

Town/parish councils

Website and other social media

Holders of gambling licences

Allerdale multi agency hub, Allerdale House, Workington [allerdalehub@cumbria.police.uk](mailto:allerdalehub@cumbria.police.uk)

All Responsible Authorities (as Appendix 2)

## External Organisations:

Association of British Bookmakers, Ground Floor, Warwick House, 25 Buckingham Palace Road, London, SW1W 0PP [mail@abb.uk.com](mailto:mail@abb.uk.com)

AWAZ Cumbria, Equality Cumbria, PO Box 252, Carlisle CA23 6WZ [information@awaz.info](mailto:information@awaz.info)

BACTA, 134 Buckingham Palace Road, London, SW1W 9SA [info@bacta.org.uk](mailto:info@bacta.org.uk)

Bingo Association, Lexham House, 75 High Street North, Dunstable, LU6 1JF [info@bingo-association.co.uk](mailto:info@bingo-association.co.uk)

British Association of Leisure Parks, Piers & Attractions Ltd, Queens House, 55-56 Lincoln's Inn Fields, London, WC2A 3BH [information@balppa.org](mailto:information@balppa.org)

British Beer & Pub Association, Ground Floor, Brewer's Hall, Alermanbury Savane, London EC2V 7HR [contact@beerandpub.com](mailto:contact@beerandpub.com)

British Holiday and Home Parks Assoc, 6 Pullman Court, Great Western Road, Gloucester GL1 3ND [enquiries@bhppa.org.uk](mailto:enquiries@bhppa.org.uk)

British Institute of Innkeeping, Wessex House, 80 Park Street, Camberley, Surrey GU15 3PT [qualifications@bii.org](mailto:qualifications@bii.org)

British Transport Police, Citadel Station, Carlisle CA1 1QZ [linda.kelly@btp.police.uk](mailto:linda.kelly@btp.police.uk)

Cumbria Tourist Board, Staveley, Kendal [ghaigh@cumbriatourism.org](mailto:ghaigh@cumbriatourism.org)

Cumbria Volunteer Bureau, 6 Hobson Court, Gillian Way, Penrith CA11 9GQ [info@cumbriaCVS.org.uk](mailto:info@cumbriaCVS.org.uk)

Disability Rights Commission Helpline [enquiries@disabilityrightsuk.org](mailto:enquiries@disabilityrightsuk.org)

Equity [info@equity.org.uk](mailto:info@equity.org.uk)

Gamcare, Head office, 2<sup>nd</sup> Floor, 7-11 St Johns Hill, London, SW11 1TR [info@gamcare.org.uk](mailto:info@gamcare.org.uk)

Gamblers Anonymous [info@gamblersanonymous.org.uk](mailto:info@gamblersanonymous.org.uk)

The Gambling Commission, Victoria Square House, Victoria Square, Birmingham  
[info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Gamestec Leisure Limited, Low Lane, Horsforth, West Yorkshire LS18 4ER [info@gamestec.co.uk](mailto:info@gamestec.co.uk)

Greyhound Board of Great Britain, 6 New Bridge Street, London EC4V 6AB [info@gbgb.org.uk](mailto:info@gbgb.org.uk)

Hound Trailing Association Ltd, Ash Cottage, Blencow, Penrith [123bluebell123@gmail.com](mailto:123bluebell123@gmail.com)

Lakes College, Lillyhall Industrial Estate, Lillyhall, Workington CA14 4JR [info@lcwc.ac.uk](mailto:info@lcwc.ac.uk)

Law Society, North West, Central admin unit, 5<sup>th</sup> floor, Capital Tower, Greyfriars Rd, Cardiff CF10 3AG [reception@cumbria-law.org.uk](mailto:reception@cumbria-law.org.uk)

Money Advice Trust

National Casino Forum, Carlyle House, 235-237 Vauxhall Bridge Road, London, SW17 1EJ  
[info@nationalcasinoforum.co.uk](mailto:info@nationalcasinoforum.co.uk)

NSPCC, 7 Chatsworth Square, Carlisle, CA1 1HB [media@nspcc.org.uk](mailto:media@nspcc.org.uk)

North Cumbria NHS Hospitals Trust, West Cumberland Hospital, Hensingham Road, Whitehaven  
[communications@ncic.nhs.uk](mailto:communications@ncic.nhs.uk)

Poppleston Allen Licensing Solicitors, 37 Stoney Street, The Lace Market, Nottingham NG1 1LS

Prize Coin Equipment, Central Avenue, Gretna [derekpce@aol.com](mailto:derekpce@aol.com)

Punch Taverns, Jubilee House, Second Avenue, Burton on Trent DE14 2WF

Racecourse Association Ltd, Winkfield Road, Ascot, Berkshire SL5 7HX  
[info@racecourseassociation.co.uk](mailto:info@racecourseassociation.co.uk)

The Scout Association, Gilwell Park, Chingford, London E4 7QW

Security Industry Authority, PO Box 1293, Liverpool L9 1AX

West Cumbria Magistrates [cm-workingtonmcenq@justice.gov.uk](mailto:cm-workingtonmcenq@justice.gov.uk)

## Appendix 2: Responsible Authorities

Application forms should be sent to the Licensing Department

Notice of the application should be sent to the undermentioned responsible authorities (Former Allerdale area), clearly marking the envelope 'Gambling Act application'

Licensing Department  
Allerdale House  
New Bridge Road  
Workington CA14 3YJ  
Tel: 0300 373 3730  
Email: [licensing1@allerdale.gov.uk](mailto:licensing1@allerdale.gov.uk)

Environmental Health Team  
Allerdale House  
New Bridge Road  
Workington CA14 3YJ  
Tel: 0300 373 3730  
Email: [environmental.health@allerdale.gov.uk](mailto:environmental.health@allerdale.gov.uk)

Planning & Development Manager  
Allerdale House  
New Bridge Road  
Workington CA14 3YJ  
Tel: 0300 373 3730  
Email: [planning@allerdale.gov.uk](mailto:planning@allerdale.gov.uk)

or

Lake District National Park Authority  
Murley Moss  
Oxenholme Road  
Kendal LA9 7RL  
Tel: 01539 724555  
Email: [planning@lake-district.gov.uk](mailto:planning@lake-district.gov.uk)

Cumbria Constabulary  
West Cumbria Area H.Q.  
Hall Brow  
Workington CA14 4EH  
Tel: 0300 124 0113  
Email: [WestLicensing@cumbria.police.uk](mailto:WestLicensing@cumbria.police.uk)

Cumbria Fire and Rescue  
The Divisional Officer  
Safer and Stronger Communities  
Workington Community Fire Station  
Moorclose Road  
Workington CA14 5BF  
Tel: 01900 706055  
Email: [Workington.technical@cumbria.gov.uk](mailto:Workington.technical@cumbria.gov.uk)

Children's Services  
Cumberland LSCB  
1<sup>st</sup> Floor Lower Gaol Yard  
The Courts  
Carlisle CA3 8NA  
Tel: 01228 226898  
Email: [CSCP@cumbria.gov.uk](mailto:CSCP@cumbria.gov.uk)

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Health and Safety Executive  
2 Victoria Place  
Carlisle  
CA1 1ER  
Tel: 01228 634100  
Email: [formsadmin.carlisle@hse.gsi.gov.uk](mailto:formsadmin.carlisle@hse.gsi.gov.uk)  
(where the HSE is the enforcing authority for health & safety matters in the premises)

Public Health Lead  
Public Health  
Cumberland Council  
The Courts  
Carlisle  
CA3 8NA  
Tel: 01228 226626

HM Revenue and Customs  
Excise Processing Teams  
BX9 1GL  
UK  
Tel: 0300 200 3700  
Email: [NRUBettingGaming@hmrc.gov.uk](mailto:NRUBettingGaming@hmrc.gov.uk)

## Appendix 3 - Categories of Gaming Machines

Category of Machine	Maximum Stake (from April 2019)	Maximum Prize (from Jan 2014)
A	Unlimited	Unlimited
B1	£5	£10,000
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – Non Money Prize	30p	£8
D – Non Money Prize (crane grab machines only)	£1	£50
D - Money Prize	10p	£5
D – Combined Money and Non Money Prize	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 machines only)	20p	£20 (of which no more than £10 may be a money prize)

The above figures may be subject to change

## Appendix 4 – Summary of licensing authority delegations permitted under the Gambling Act

Matter to be dealt with	Council	Licensing Committee or Sub-committee of Licensing Committee	Officers
Final approval of Licensing Authority Statement of Policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X (if delegated by Council)	
Application for premises licences		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Application for a variation to a licence		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission or Responsible Authority	X Where no representations received from the Commission or Responsible Authority
Application for a provisional statement		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		X Where objections have been made and not withdrawn	X Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X

Decision to give a counter notice to a temporary use notice		X	
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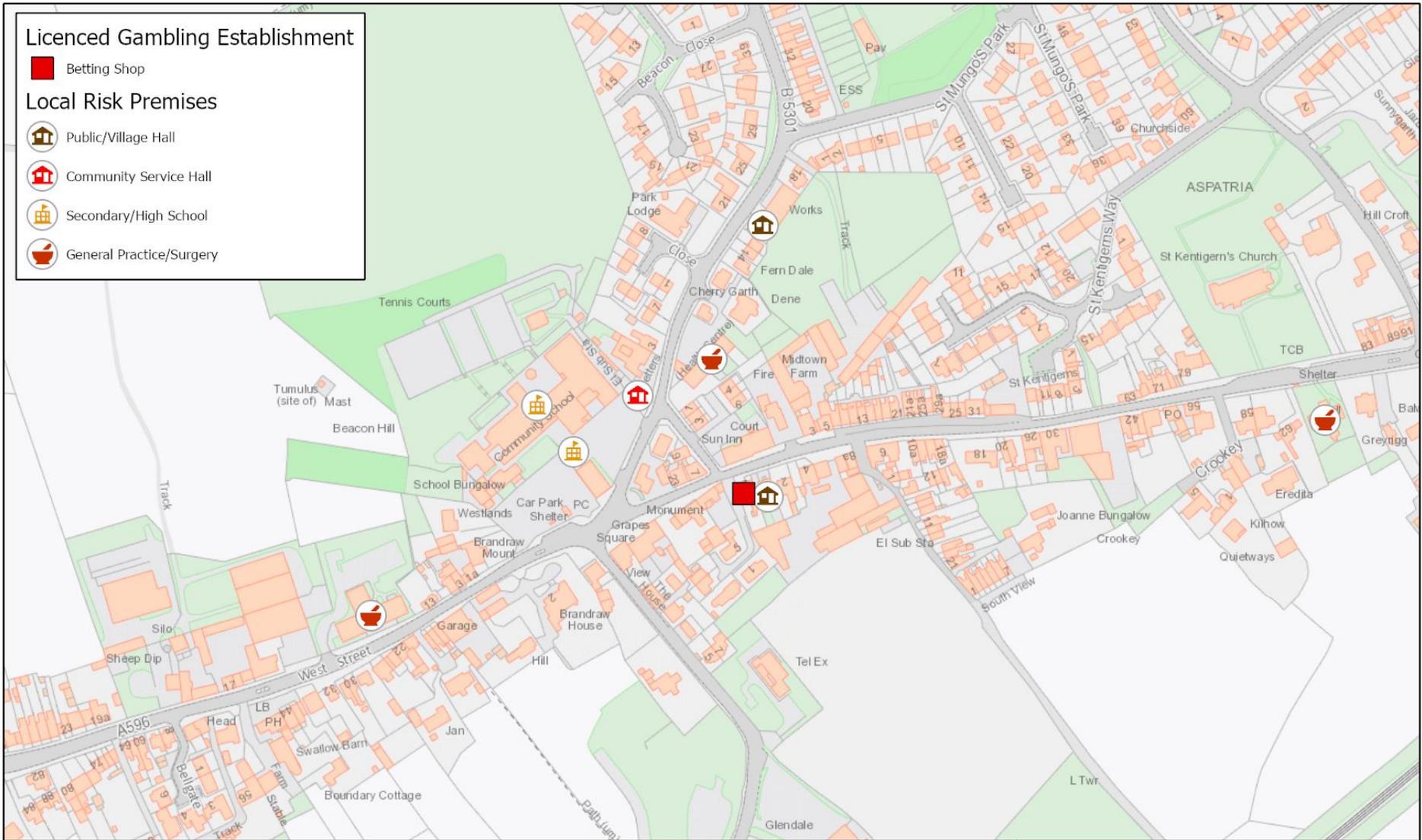
X - Indicates the lowest level to which decisions can be delegated.



# Appendix 5 - Map of Cumberland Council Area



## **APPENDIX 6 – Local Area Profile Maps By Town**



Aspatria

Cumberland Council  
 Allerdale House,  
 New Bridge Road,  
 Workington,  
 CA14 3YJ



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Scale: 1:3,000



Brampton

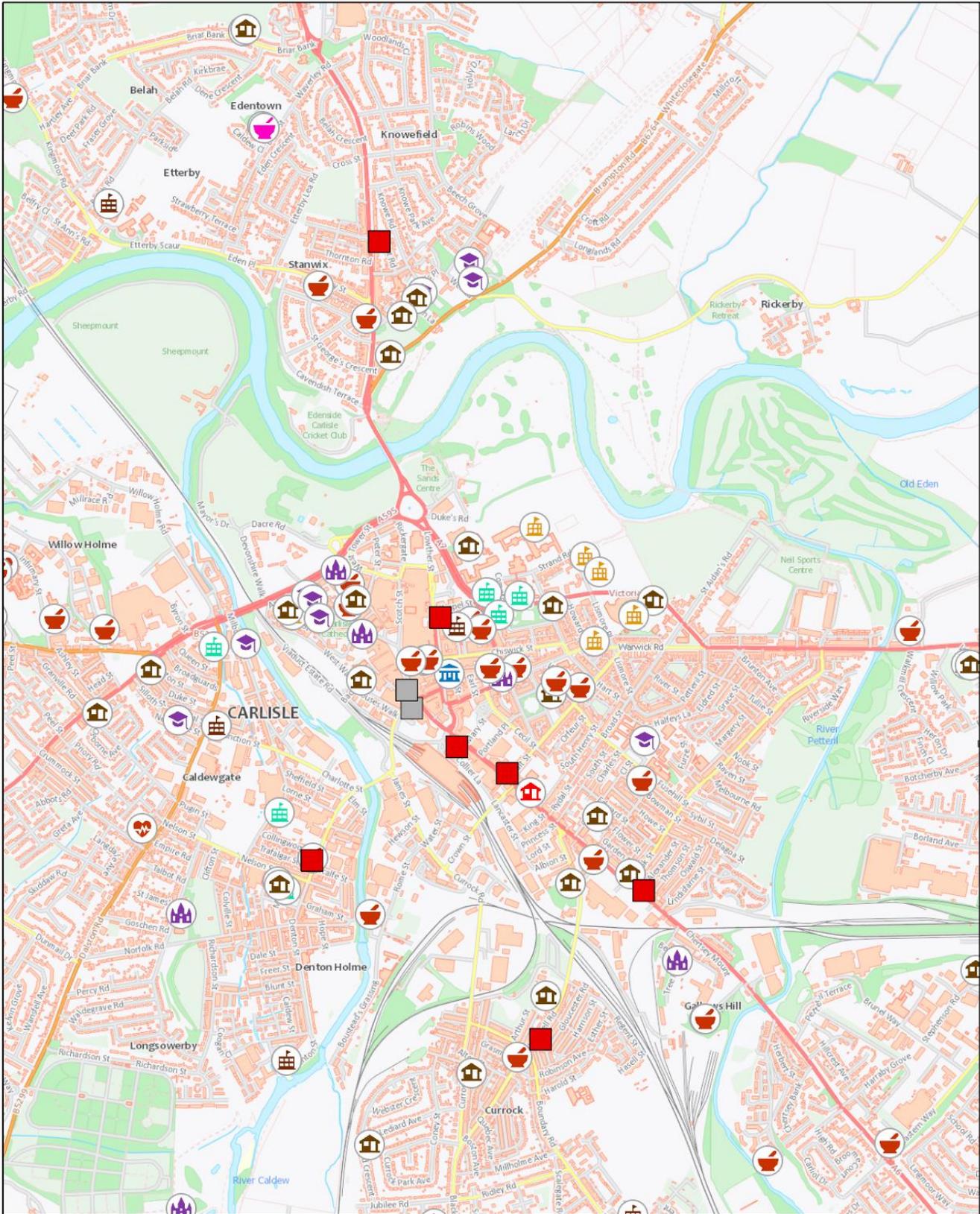
Cumberland Council  
 Civic Centre  
 Rickergate  
 Carlisle  
 CA3 8QG



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Date of Issue:11/09/2023

Scale: 1:2,500



<p>Carlisle</p>	<p>Cumberland Council Civic Centre Rickergate Carlisle CA3 8QG</p>	
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Cockermouth

Cumberland Council  
 Allerdale House,  
 New Bridge Road,  
 Workington,  
 CA14 3YJ



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Scale: 1:3,000



Crosby Villa. Maryport

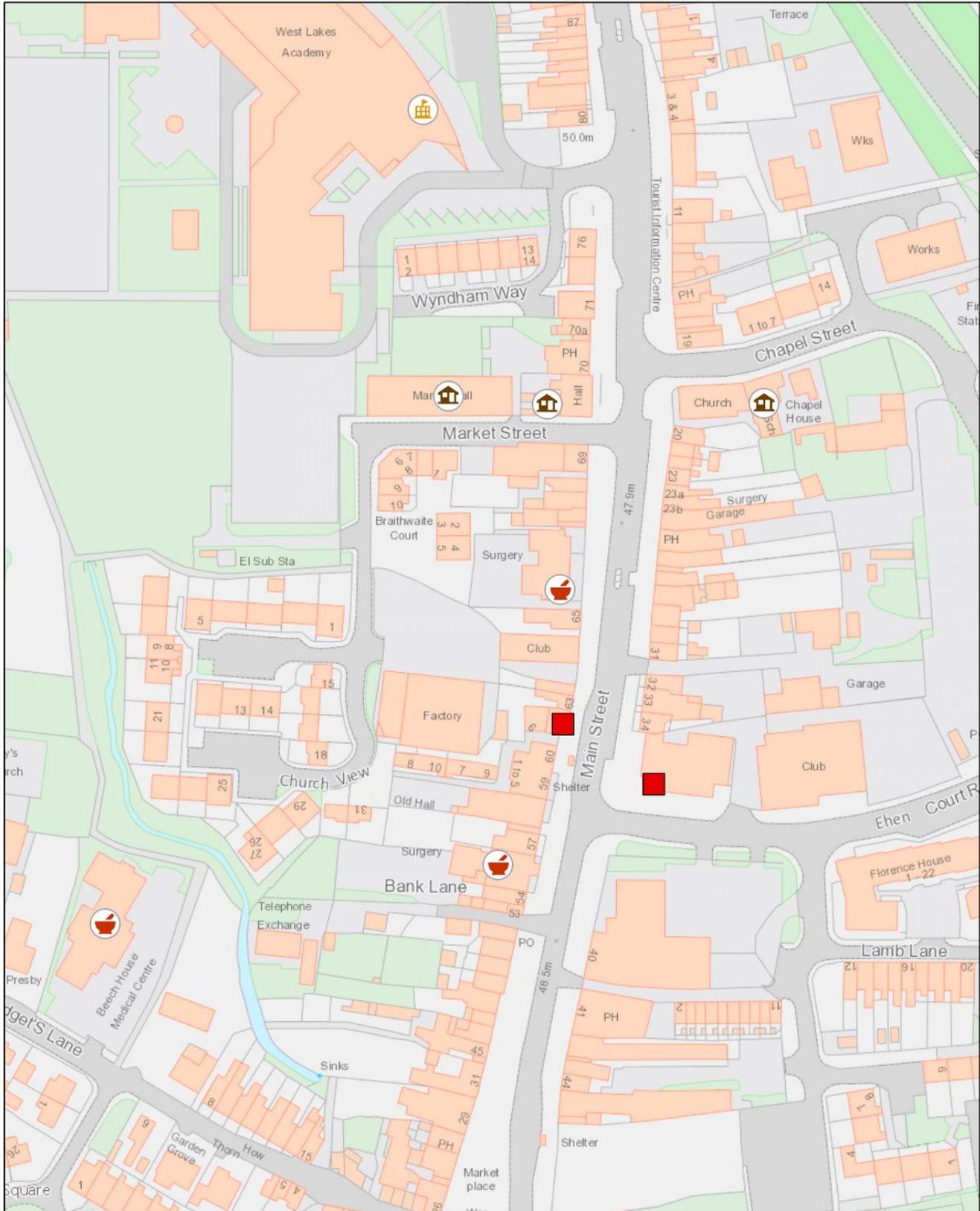
Cumberland Council  
 Allerdale House,  
 New Bridge Road,  
 Workington,  
 CA14 3YJ



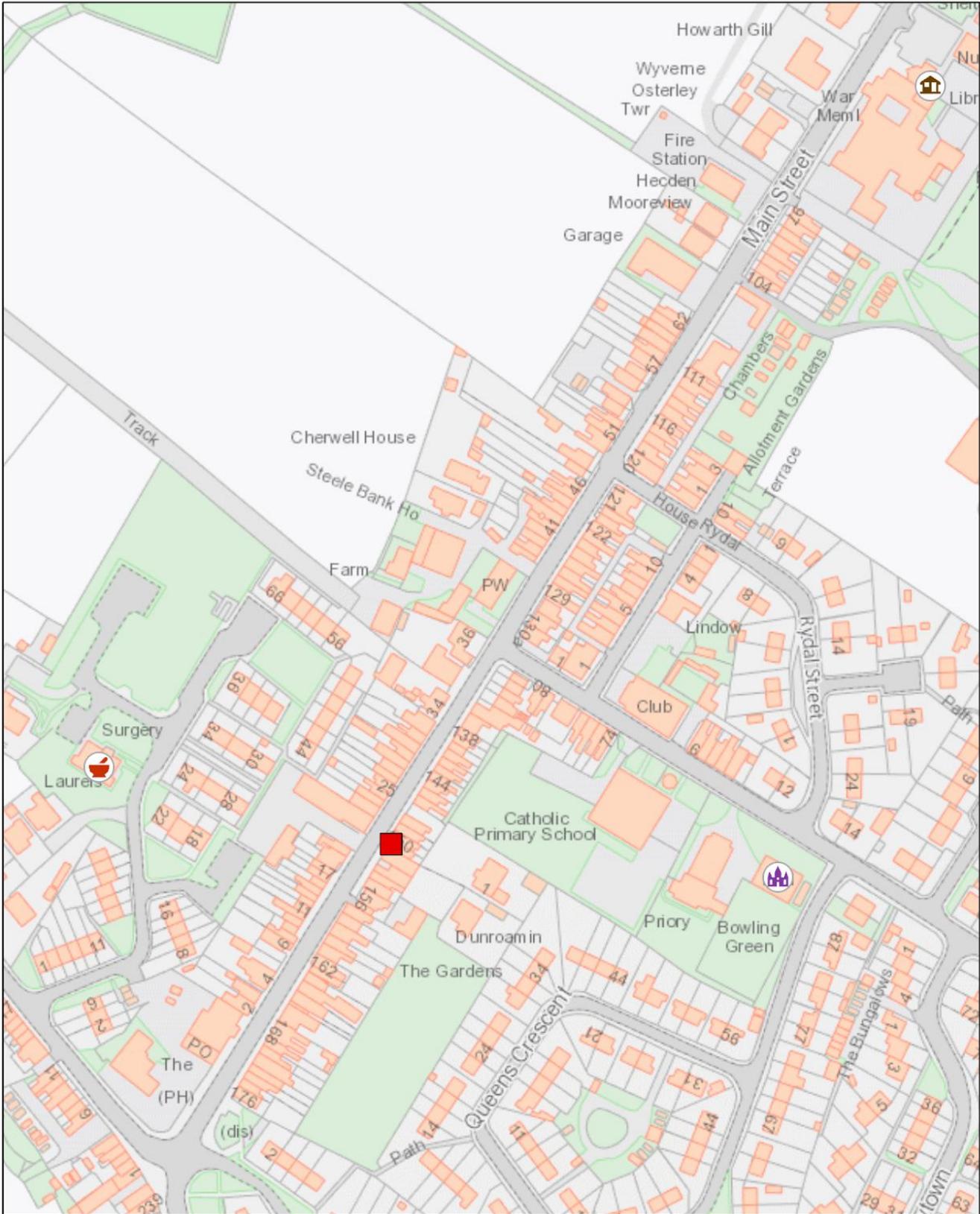
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Scale: 1:2,000



<p style="text-align: center;">Egremont</p>	<p>Cumberland Council          The Market Hall          Market Place          Whitehaven          Cumbria, CA28 7JG</p>	 <p style="text-align: center;"><b>Cumberland Council</b></p>
<p>© Crown copyright and database rights [2023] OS [AC0000814126]</p>	<p>Date of Issue: 11/09/2023</p>	<p>Scale: 1:1,500</p>



Frizington

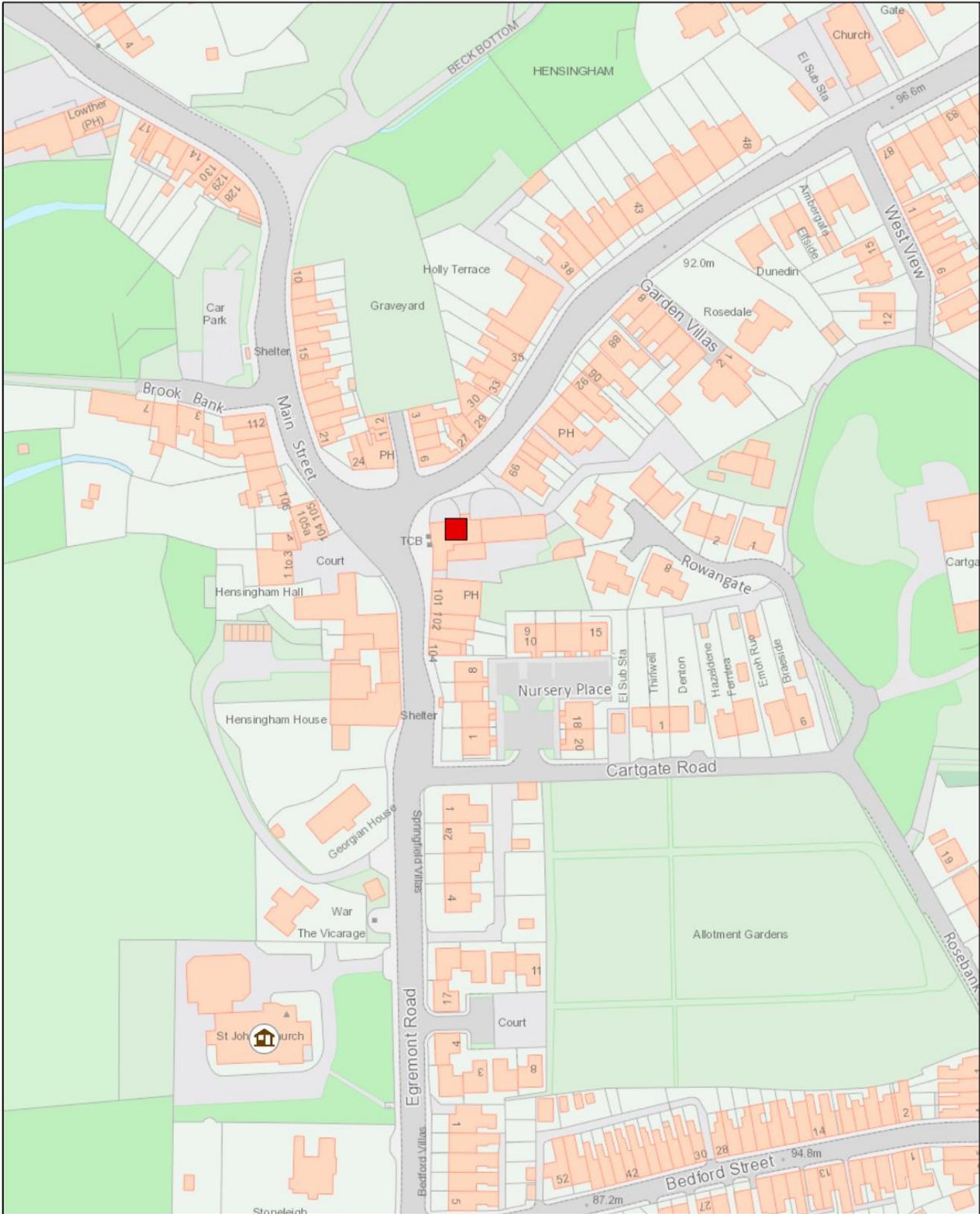
Cumberland Council  
 The Market Hall  
 Market Place  
 Whitehaven  
 Cumbria, CA28 7JG



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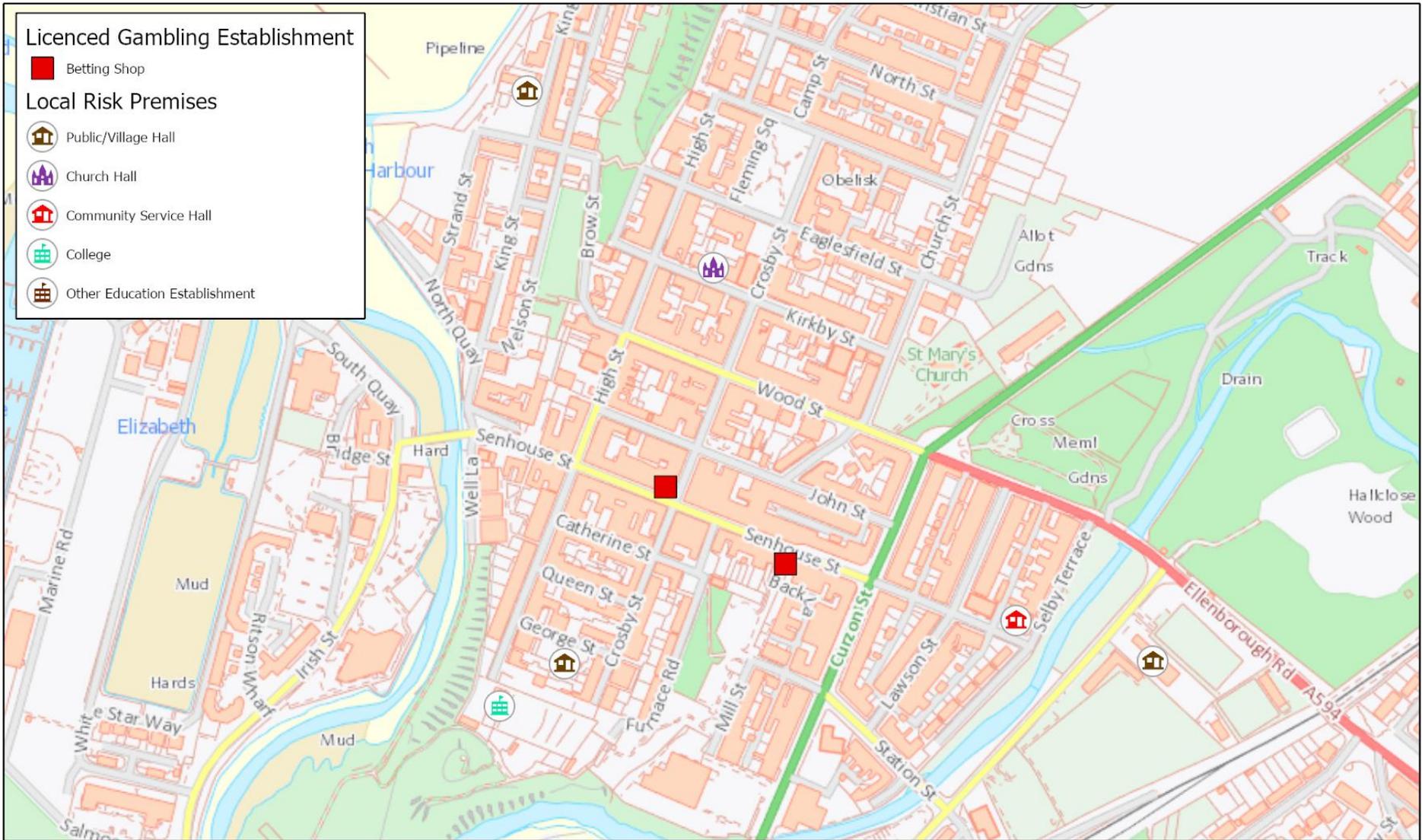
<p style="text-align: center;">Hensingham</p>	<p>Cumberland Council          The Market Hall          Market Place          Whitehaven          Cumbria, CA28 7JG</p>	 <p style="text-align: center;"><b>Cumberland Council</b></p>
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Keswick

Cumberland Council  
 Allerdale House,  
 New Bridge Road,  
 Workington,  
 CA14 3YJ

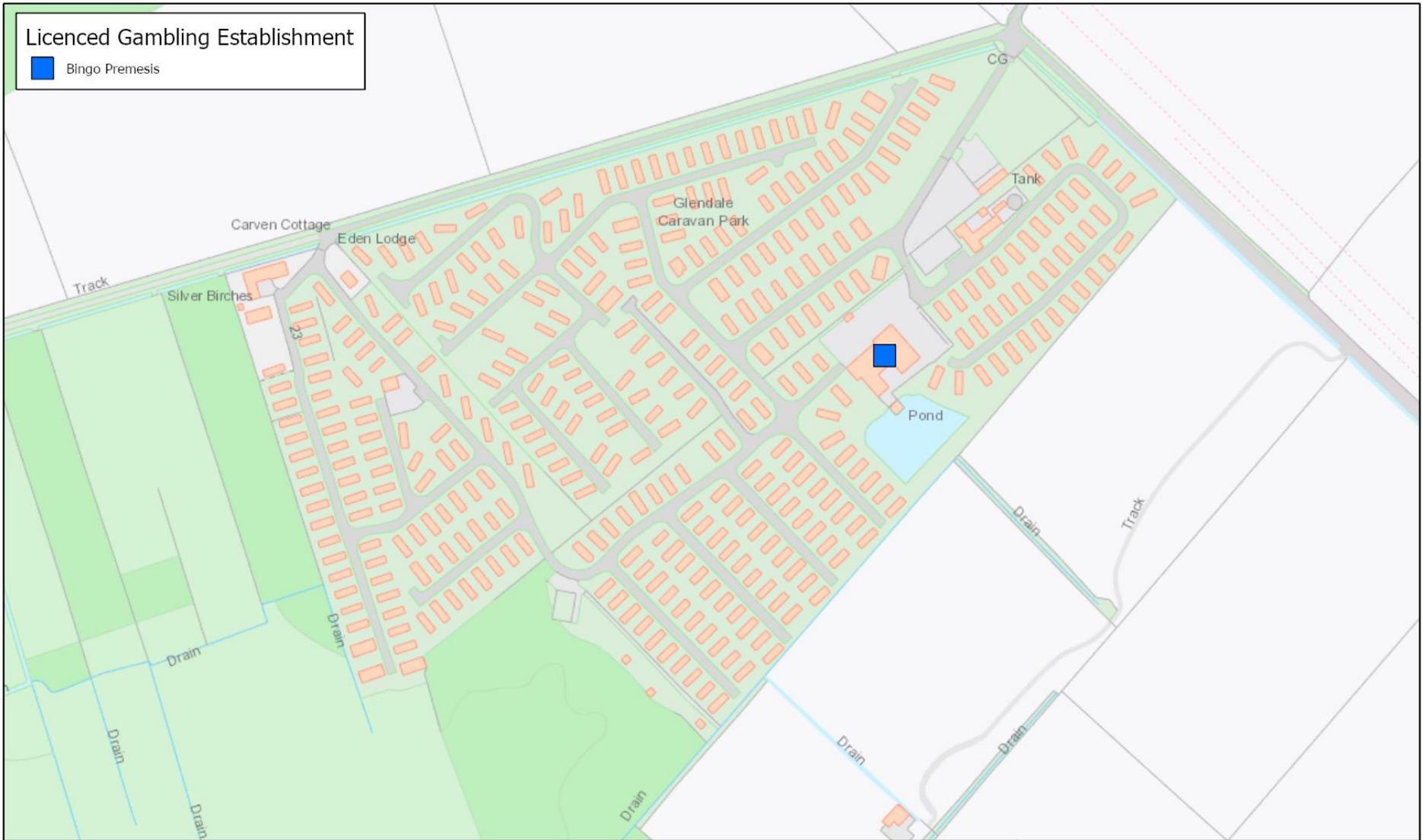




Maryport

Cumberland Council  
 Allerdale House,  
 New Bridge Road,  
 Workington,  
 CA14 3YJ





Licenced Gambling Establishment

 Bingo Premises

Port Carlisle

Cumberland Council  
 Allerdale House,  
 New Bridge Road,  
 Workington,  
 CA14 3YJ



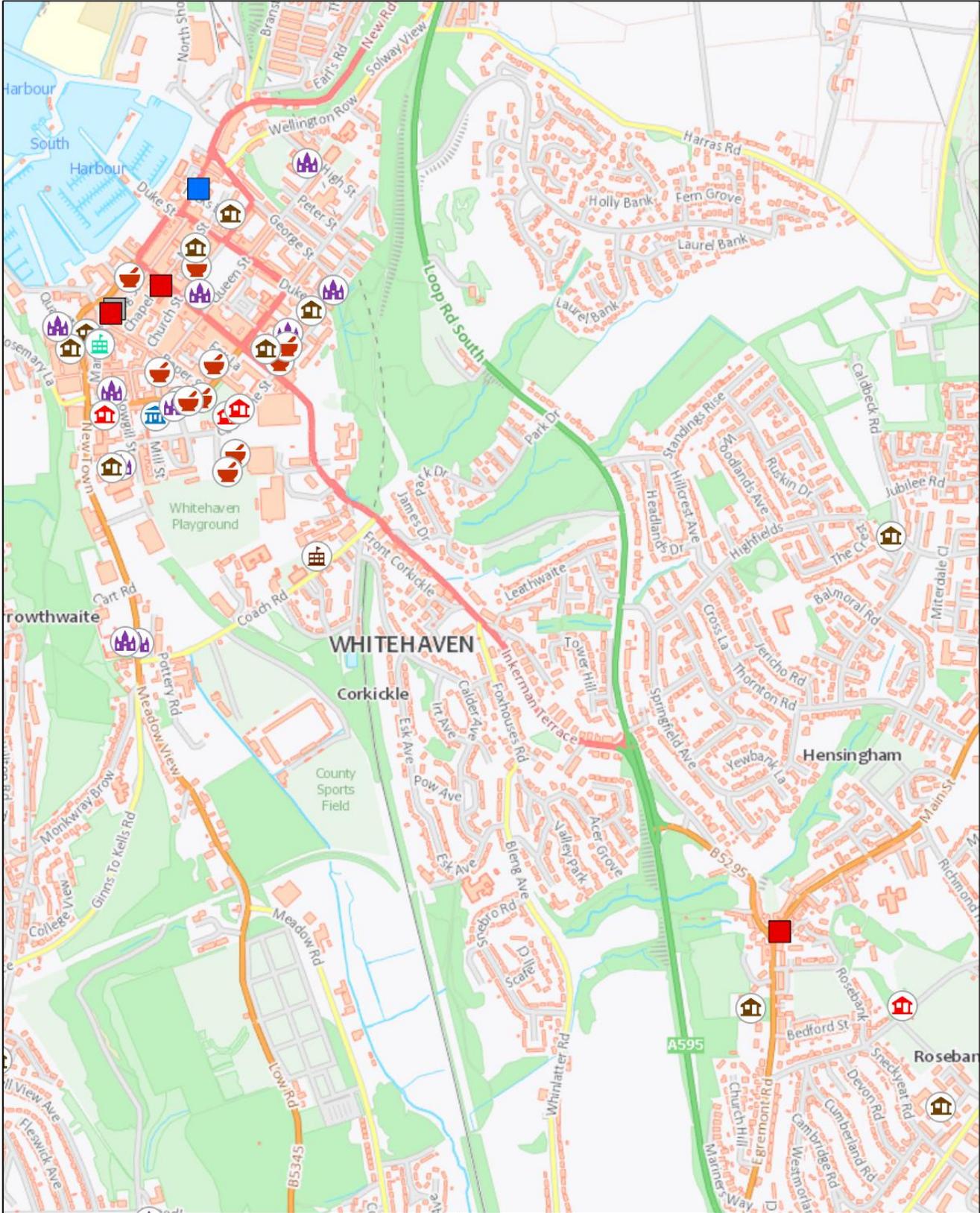
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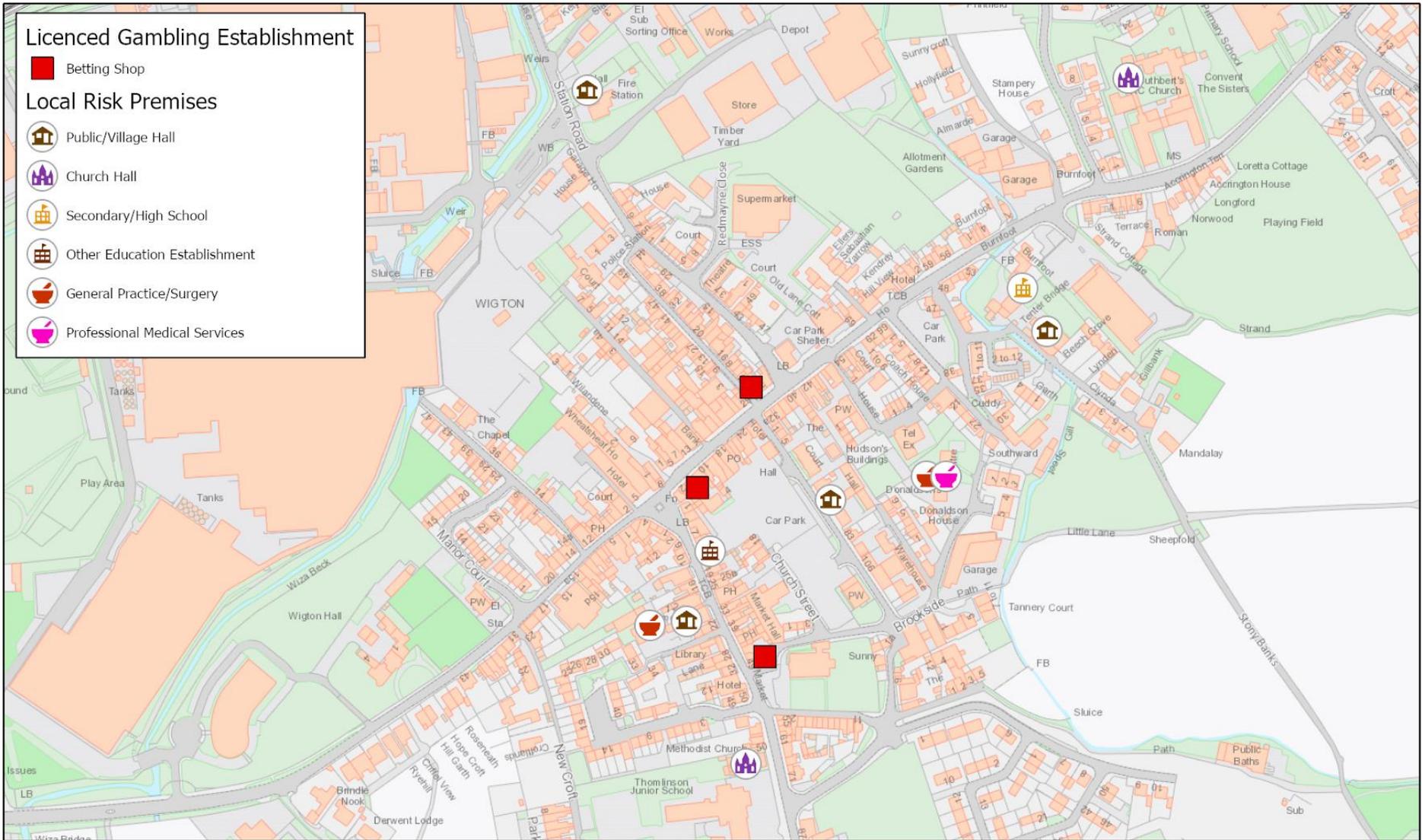
Scale: 1:2,500



<p style="text-align: center;">Silloth</p>	<p>Cumberland Council          The Market Hall          Market Place          Whitehaven          Cumbria, CA28 7JG</p>	 <p style="text-align: center;"><b>Cumberland Council</b></p>
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<p>Whitehaven</p>	<p>Cumberland Council          The Market Hall          Market Place          Whitehaven          Cumbria, CA28 7JG</p>	 <p><b>Cumberland Council</b></p>
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**Licenced Gambling Establishment**

 Betting Shop

**Local Risk Premises**

 Public/Village Hall

 Church Hall

 Secondary/High School

 Other Education Establishment

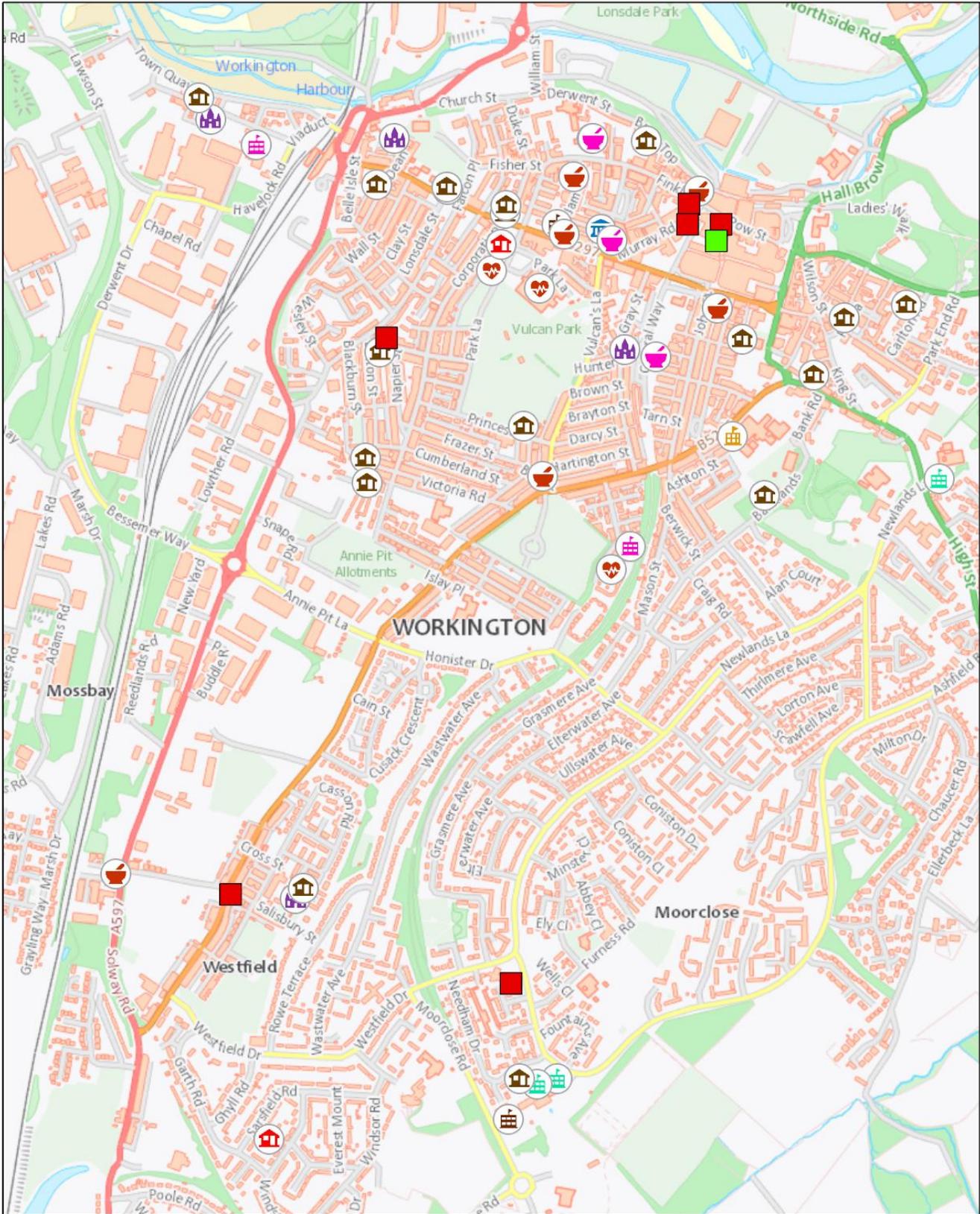
 General Practice/Surgery

 Professional Medical Services

Wigton

Cumberland Council  
 Allerdale House,  
 New Bridge Road,  
 Workington,  
 CA14 3YJ





Workington

Cumberland Council  
 The Market Hall  
 Market Place  
 Whitehaven  
 Cumbria, CA28 7JG



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