

# Statement of Licensing Policy Copeland Borough Council

## Gambling Act 2005

**Revised Statement of Licensing Policy**

**Effective from –**

(Report to Licencing Committee –

and Full Council – )

The Copeland Centre,  
Catherine Street,  
Whitehaven,  
Cumbria  
CA28 7SJ

Statement of Gambling Policy - approved by Full Council on .

All references to the “Guidance” refers to the Gambling Commission’s Guidance to Local Authorities (Published 1<sup>st</sup> April 2021 – updated 13<sup>th</sup> May 2021).

Copeland Borough Council has completed this document. If you would like a copy of it please contact us on [licensing@copeland.gov.uk](mailto:licensing@copeland.gov.uk) or 01946 598300. This document is also available in large print, braille, audio tape or another language.

**Document Control Table**

Insert summary of changes

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## **PREFACE**

Under the Gambling Act 2005, a regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting is regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

Copeland Borough Council is required under section 349 of the gambling Act 2005 to publish a new policy on its approach to premises used for gambling every three years.

This edition has been revised to reflect clearly the expectations of Copeland Borough Council in its role as licensing authority and incorporates changes in legislation and guidance that have been introduced since the previous version of the policy was published.

Copeland Borough Council has a duty under the Act to licence premises where gambling is to take place and to licence certain other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

This document endeavours to carefully balance the interests of those who provide facilities for gambling and people who live, work in and visit Copeland. Its focus is to aim to permit gambling as required by section 153 of the Gambling Act 2005 (the Act) insofar as it is in accordance with the Gambling Commissions Licence conditions and Codes of Practice and

- In accordance with the Gambling Commission's Guidance to Licensing Authorities that is in effect at the time the application is considered
- Reasonably consistent with the licensing objectives
- In accordance with this Statement of Licensing Policy

## PART A

### 1. The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005 (“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 fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

1.2 The Gambling Commission has stated “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.3 This licensing authority is aware that, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks fit and:

- 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

### Authorised Activities

1.4 **Gambling** is defined in the Act as either gambling, 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.

1.5 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

- 1.6 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Contact the Licensing Team if further advice is required.

## 2. Introduction

Copeland Borough Council is located on the Western Coast of the County of Cumbria.

The borough covers 284 square miles located in the Western of Cumbria; it is a region of wonderful physical environment and diverse culture and character. Two thirds of the Council's area lies within the renowned Lake District National Park with the highest mountain (Scafell Pike) and the deepest lake (Wastwater) both being the heart of the Council's area.

The main towns are Whitehaven, Cleator Moor, Egremont and Millom.

The population of the area [estimate 2020] is 68,041 with the following age profile:

| Age     | Population | %     |
|---------|------------|-------|
| 0 - 17  | 12,833     | 18.9% |
| 18 - 64 | 39,585     | 58.2% |
| 65+     | 15,623     | 23%   |

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- 2.1 A map of the Council's area is included in Appendix 5. The key provided identifies the urban and rural areas within Copeland.
- 2.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they proposed 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.
- 2.3 Copeland Borough Council consulted widely upon this statement before finalising and publishing. A list of those persons this authority consulted is provided at Appendix 1.
- 2.4 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.

2.5 Our consultation on the revised statement took place between March and May 2022.

2.6 The full list of comments made and the consideration by the Council of those comments is available by request to the person named below.

2.7 The Licencing Committee considered and approved for consultation the Statement of Licencing Policy. Full Council approved the consultation of the Statement on XXXXXXXX.

The Statement is on our website on <https://www.copeland.gov.uk/>

Copies are available in public libraries and Council Offices.

2.8 Should you have any queries regarding this policy statement please send them via e-mail or letter to the following contact:

Name: Jackie O'Reilly, Public Protection Manager

Address: Copeland Borough Council, The Market Hall, Market Place, Whitehaven, Cumbria CA28 7JG

E-mail: [licensing@copeland.gov.uk](mailto:licensing@copeland.gov.uk) Tel: 01946 598300

2.9 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.

### **3. Declaration**

3.1 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, local crime prevention, and any responses from those consulted on the statement.

### **4. Responsible Authorities**

4.1 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.

#### 4.2 **Competent authority for protection of children from harm**

The recognised competent body is Cumbria Children Safeguarding Partnership (<https://cumbriasafeguardingchildren.co.uk>)

#### 4.3 **Responsible Authorities**

The following are responsible authorities:

- (a) A licensing authority in England and Wales in whose area the premises is wholly or partly situated
- (b) The Gambling Commission
- (c) The chief officer of police or chief constable for the area in which the premises is wholly or partially situated
- (d) The fire and rescue authority for the same area
- (e) In England and Wales, the local planning authority, in accordance with Part 1 of the Town and Country Planning Act
- (g) An authority which has functions in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area in which the premises are wholly or partly situated,
- (h) A body, designated in writing by the licensing authority, as competent to advise about the protection of children from harm
- (i) Her Majesty's Revenue & Customs
- (j) Any other person prescribed in regulations by the Secretary of State.

### 5. **Interested Parties**

5.1 Interested parties are persons who can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in section 158 the Gambling Act 2005 as a person who:-

- 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)

5.2 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.

- 5.3 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
  - The circumstances of the person and the nature of their interests which may be relevant to the distance from the premises
- 5.4 The 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 Paragraph 6.21. It will consider the examples provided in the Gambling Commission's Guidance for Licensing Authorities at paragraph 6.21.
- 5.5 It will also give consideration in accordance with the Commission's Guidance 'has business interests' should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 5.6 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 and/or has business interests that might be affected by the activities being applied for.
- 5.7 Interested parties can be persons who are democratically elected such as Councillors and MPs. 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.
- 5.8 If an individual wishes 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.

## **6. Exchange of Information**

- 6.1 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.
- 6.2 Copeland Borough Council as the Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that Data Protection legislation and associated regulations will not be contravened. 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.
- 6.3 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 First Tier Tribunal
  - The Secretary of State
  - Scottish Ministers

The Licensing Authority will also exchange information as per section 13 of the 5<sup>th</sup> edition Guidance issued to Local Authorities.

If other protocols and information sharing agreements are established the agreements will be published.

## **7. Enforcement**

- 7.1 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 licenses.
- 7.2 Concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 7.3 The Regulators Code applies to all enforcement actions.
- 7.4 Licensing authorities are required by regulations 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.

7.5 The Regulators Code will be applied and the licensing authority's principles are that enforcement actions will be:

- understand and minimise negative economic impacts of our regulatory activities;
- minimise the costs of compliance for those we regulate
- improve confidence in compliance for those we regulate, by providing greater certainty; and
- choose proportionate, transparent and effective approaches to encourage and promote compliance.

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

7.7 The Licensing Authority will as recommended by the Gambling Commission's Guidance for 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

7.8 Enforcement may include test purchasing activities to measure compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, Copeland as the licensing authority will 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.

7.9 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.

7.10 The licensing authority's enforcement policy is available upon request to the licensing department.

## **8. Licensing Authority Functions**

8.1 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 where premises are intended to provide gambling activities
- 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
- Granting 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 4 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.

### **The Gambling Commission**

8.2 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. The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling and regulations of gambling generally

- 8.4 The Commission has issued guidance under Section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.
- 8.5 The Commission has also issued Codes of Practice under Section 24 about the way in which facilities for gambling are provided, which may also include provisions about the advertising of gambling facilities.
- 8.6 The Gambling Commission can be contacted at:
- Gambling Commission  
Victoria Square House  
Victoria Square,  
Birmingham  
B2 4BP

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

## **9 Local Risk Assessments**

- 9.1 The Gambling Commissions Licence Conditions and Code of Practice (LCCP) which were revised and published in February 2015 formalised the need for operators to consider local risks.
- 9.2 This Authority will expect applicants for the new grant of, or variation to an existing, licence to also submit their LRA to comply with Licence Conditions and Codes of Practice (LCCP) - Social Responsibility (SR) code 10.1.1 and Ordinary Code provision 10.1.2. We strongly recommend that operators of licensed premises keep their LRA on the individual licensed premises and ensure that it is available for inspection.
- 9.3 The SR codes also states that a LRA must also be submitted when changes in the local environment or the premises warrant a LRA to be conducted again. This may be where:
- 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.
  - Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/ support facilities are opened in the local area).
- 9.4 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 licenced premises or otherwise at the request of the licensing authority.

- 9.5 Where concerns do exist 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 are required.
- 9.6 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.

## **10. Local Area Profile**

- 10.1 The Licensing Authority can complete their own assessment of the local environment as a means of mapping out local areas of concern which would be reviewed and updated to reflect changed 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 however benefits for both the Licensing Authority and operators would be 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.
- 10.2 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 youth centres and homeless shelters. Mapping will be reviewed every 3 years in line with future reviews of the Gambling Act – Statement of Licensing Policy.
- 10.3 Appendix 6 – 10 premise location maps by town
- 10.4 Appendix 11 – Copeland location

## 11. General Principles

- 11.1 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 attach others, where it is believed to be appropriate.
- 11.2 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 to be:
- 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.
- 11.3 This 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).
- 11.4 Licence Conditions and Codes of Practice (LCCP) and Social Responsibility provisions (code 9)
- 11.5 **Definition of "premises"** – In the Act, premises is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. However, 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.
- 11.6 The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: "in the Act, 'premises' is defined as any building including 'any place'. S.125 therefore prevents more than one premises licence applying to any place. But, there is no reason in principle why a single building could not 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 reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises. This approach has been taken to allow large multiple unit

premises such as pleasure parks, tracks, or shopping malls to obtain discrete premises licence, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-division of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

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. However, that does not 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. ”

- 11.7 The 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 AGCs and FECs, premises are not permitted to be used exclusively for making available gaming machines, 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.
- 11.8 With the exception of bingo clubs, tracks on race day and licensed family entertainment centres children will not be permitted to enter licensed gambling premises. Therefore, businesses will need to carefully consider how they wish to configure their buildings if they are seeking to develop multipurpose sites.
- 11.9 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 consideration of applications for multiple licences for a building and those related 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 by gambling. While children can take part in some forms of gambling, for the forms of gambling that they cannot take part in they should be prevented from being in close proximity to the forms of gambling and in the premise the layout 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 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.
  - Customers should be able to participate in the activities named on the premises licence.

The Guidance also gives a listed 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 public passageway?
- Can the premises only be accessed from another gambling premises?

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

11.10 The Gambling Commission's relevant access provisions for each premises type are reproduced below:-

#### **Casinos**

- The principal entrance to the premises must be from a street (as defined at 17.34 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons (17.36 of the guidance)
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence (17.35 of the guidance)

#### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises (21.10 of the guidance)

#### **Betting Shops**

- 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 (as defined in 19.14 of the guidance)

#### **Tracks**

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

#### **Bingo Premises**

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

Part 7 and Part 22 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.

- 11.11 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.
- 11.12 If the construction of a premises is not yet complete, or it needs alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement can be made.
- 11.13 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
- 11.14 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but is not obliged to grant such a licence.
- 11.15 **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.

11.16 **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 granted 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.

### **Licensing Objectives**

- 11.17 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to those objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.
- 11.18 **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.
- 11.19 **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 where an operator's licence from the gambling commission is not required and which is explained in more detail in the "tracks" section below at Paragraph 17.
- 11.20 Matters to be taken into account to ensure that gambling is conducted in a fair and open way will include:
- i. 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.
  - ii. Whether sufficient management measures are proposed or are in place to ensure gambling is conducted in a fair and open way.
  - iii. Whether the management and operation of the premises is open and transparent.

- iv. Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
- v. Whether the gambling commission codes of practice have been complied with.

**11.21 Protecting children and other vulnerable persons from being harmed or exploited by gambling** – This objective means preventing children from taking part in the forms of gambling that they are prohibited from (as well as restriction of advertising so that gambling products are not aimed at or are, 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 and take appropriate action to promote this objective to 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 are 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
- 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.

**11.22** The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, learning disabilities, alcohol or drugs. This licensing authority will consider this licensing objective on a case by case basis.

## Conditions

11.23 The Licensing Authority considers that normally an application will be granted subject to the mandatory and default conditions as these will normally be sufficient to ensure consistency with the three licensing objectives. Additional conditions may be imposed where there is evidence of any risk to the licensing objectives and the mandatory and default conditions need to be supplemented.

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 and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

11.24 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.

11.25 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.

11.26 This authority will also ensure that where category C (for information about different categories of machine, please see Appendix 3) or above machines are on offer in premises to which children are admitted that:

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

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

11.27 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.

11.28 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 operation licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body to be required (the Gambling Act 2005 specifically removes that membership requirement for casino and bingo clubs) and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

11.29 **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.

11.30 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.

11.31 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.

11.32 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.

## **12. Adult Gaming Centres**

12.1 Persons operating an Adult Gaming Centre (AGC) must hold a gaming machines general operating licence (adult gaming centre) from the gambling 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.

12.2 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.

12.3 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.

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

12.5 The following mandatory conditions will be attached to Adult Gaming Centre premises licences: -

- A notice must be displayed at all entrances to AGC's 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 licenced under the Act or premises with a Family Entertainment Centre, club gaming, club machine or licensed premises gaming machine permit. There is no definition of "direct access" in the Act or regulations.
- 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 at any gaming machine in order to do so.
- The consumption of alcohol in AGC's is prohibited at anytime 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.

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

13.1 The Act creates two classes of Family Entertainment Centres (FEC), licensed and unlicensed. This section of the policy concerns licensed FECs. Persons operating a licensed FEC must hold a gaming machine general operating licence from the Gambling 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.

- 13.2 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, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 13.3 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.
- 13.4 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
  - 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
- 13.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.
- 13.5 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 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.

- 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 gambling machine in order to do so.
- Over 18 areas within the FECs that admit under 18's must be separated by a barrier with prominently displayed notices at the entrance stating that under 18's are not allowed in that area and with adequate supervision in place to ensure that children and young persons are not able to access those areas or the category C machines.
- The consumption of alcohol in licensed FEC 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.

## 14. Casinos

- 14.1 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.
- 14.2 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.
- 14.3 **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.
- 14.4 **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.
- 14.5 **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 in section 9, bearing in mind the mandatory conditions listed in section 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 the premises is regulated to add additional safeguards for both the public and industry. Mandatory conditions that must be attached to all casino premises licences require that the principal 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.
- A mandatory condition requires that 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 premise 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 meters of any ordinary gaming table. For the purpose 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.

- 14.6 *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.
- 14.7 Licence considerations/conditions-The licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at part 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
- 14.8 The mandatory conditions for all casino premises are as follows: -
- Access to the premises is regulated to add additional safeguards for both the public and industry. Mandatory conditions that must be attached to all casino premises licences require that the principle entrance to the casino should be from a street. A street is refined as

including any bridge, road, lane, footway, subway, square, court, alley or passage whether it is a thoroughfare or not.

- A mandatory condition requires that no customer must be able to enter the casino from any other premise holding casino, bingo, AGC, FEC or betting premises licence or from a premise where an FEC, club gaming and club machine or licensed premises gaming machine permit has effect.
- There should be no access to a casino from a premises wholly or mainly used by children and young persons.
- No other gambling equipment may be situated within 2 meters of any ordinary gaming table. For the purpose 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 materials setting out the rules.
- ATM's 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 6.00am.

Mandatory conditions relating to small casinos, large casinos and converted casinos are detailed in Section 17 of the guidance.

## **15. Bingo Premises**

- 15.1 This licensing authority notes that the Gambling Commission's Guidance states that 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 and exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded premises.
- 15.2 Children and young people are allowed into bingo premises; however they are not permitted to participate in 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. Social Responsibility (SR) code [3.2.5\(3\)](#) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.
- 15.3 Young persons aged 16 and 17 may be employed in a bingo premises (while bingo is being played) provided their duties are not connected with the gaming or gaming machines. The Licensing Authority will not grant licences unless the applicant demonstrates how they intend

to meet this licensing objective and identify measures they will take to protect young employees.

### **Bingo in clubs and alcohol licensed premises –**

- 15.4 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 low stakes and prize activity.
- 15.5 Where the level of bingo played in these premises reaches a certain threshold i.e. bingo played during any seven day period exceeds £2,000.00 (either in money taken or prizes awarded once a year) there is a legal duty on the licensee or club to inform the Gambling Commission as soon as is reasonably practicable. Stakes or prizes above that limit will require bingo operators licences and corresponding personal and premises licences.
- 15.6 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 premise.
  - No customer shall be able to enter bingo premises directly from a casino, an Adult Gaming Centre or betting premises other than track.
  - Over 18 areas within bingo halls that admit under 18's must be separated by a barrier with prominently displayed notices stating that under 18's are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access those areas or the category B or C machines.
  - Supervision may be done either by placing the terminals within the sight of an official of the operator or by a 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 materials containing out 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 attached to bingo premises licences:** Bingo facilities in bingo premises may not be offered between the hours of midnight and 0900 hours. However there are not restrictions on access to gaming machines in bingo premises.

### **15.7 Members' Clubs and Commercial Clubs -**

Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in Section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven day period of £2,000, and require the Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes

above that limit will require a bingo operators' licence and the corresponding personal and premises licences.

## 16. Betting Premises

- 16.1 Anyone wishing to operate a betting office will require a betting premises licence from the Council. Children and young persons will not be able to enter premises with a betting premises licence and they are not allowed to be employed there.
- 16.2 Betting premises will be able to provide up to 4 gaming machines of category B, C and D with category B machines being restricted to sub-category B2, B3 and B4.
- 16.3 **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.
- 16.4 Following mandatory conditions shall 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 track). Except where it is from other licence 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 it is a thoroughfare or not).
  - 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 leave any gaming machine or betting machine in order to do so.
  - No apparatus for making information or other material available in the form of sounds or visual images may be used on the licence premises except where 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 effected 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.

- 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 a betting premises licence: -

- Gambling facilities may not be offered in betting premises between the hours of 2200 hours on one day and 0700 hours on the next day on any day.

16.5 In determining application for betting premises licences the Licensing Authority will consider the following: -

- Proof of age schemes.
- CCTV.
- Entry control systems.
- 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 leaflets (helpline numbers for organisations such as Gamcare).

## 17. Tracks

17.1 Only one premises licence can be issued for any particular premises at any time unless the premises is a “track”. A track is a site where races or other sporting events take place.

Examples of track include: -

- A horse racecourse.
- A greyhound track.
- A point to point horse race meeting.
- Football, cricket and rugby grounds.
- An athletic stadium.
- A golf course.
- Venues hosting darts, bowls or snooker tournament.
- A premises stage in boxing matches.
- A section of river hosting a fishing completion.

- A motor racing event.
- 17.2 Track operators are not required to hold an “operators licence” granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Council 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.
- 17.3 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.
- 17.4 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 (ie 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.
- 17.5 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 and 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.
- 17.6 In determining applications for betting at tracks 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
- 17.7 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.

17.8 Gaming machines – 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.

17.9 Betting machines –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 in accordance with 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.

17.10 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.

17.11 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, para 20.43).

17.12 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, para 20.29).

17.13 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 any entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

17.14 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.

17.15 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.

## **18 Travelling Fairs**

18.1 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.

18.2 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.

18.3 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.

## **19. Provisional Statements**

19.1 Developers may wish to apply to this authority for a provisional statement before entering into a contact 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.

19.2 S204 of the Act provides for a person to make application to the licensing authority for a provisional statement in respect of premise that he or she:

- Expects to be constructed;
- Expects to be altered; or
- Expects to acquire a right to occupy.

19.3 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 representation and there are rights of appeal.

- 19.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 19.5 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.
- 19.6 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 objectors 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 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.

## **20. Reviews**

- 20.1 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 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.
- 20.2 The request for a review will also be subject to the consideration by the licensing authority and the Licensing Authority may reject an application for review if it thinks the grounds for review are frivolous, vexatious, or where it "will certainly not" cause this authority to alter/revoke/suspend the licence, or where the representations are 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.
- 20.3 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.

- 20.4 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 20.5 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.
- 20.6 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 or the Act, as well as any relevant representations.
- 20.7 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;
  - Her Majesty's Commissioners for Revenues and Customs.

## **21. Rights of Appeal and Judicial Review – Premises Licences**

- 21.1 This section deals with appeals relating to premises licensing and other decisions by the Licensing Authority. The avenues of appeal against decisions of the Licensing Authority are set out in Sections 206 and 209 of the Act.
- 21.2 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 the appellant it could be the licensee who is appealing because her or she considers conditions attached to the licence are too onerous. Similar arrangements will apply in appeals against the 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.
- 21.3 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 Gambling Commission.
- 21.4 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.
- 21.5 Notice of appeal must be given within 21 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 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).
- 21.6 In many cases it is a requirement of the Act that the Licensing Authority gives clear and comprehensive reasons for rejection of an application. 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 had regard to and in line with its obligation under Section 153 (regardless of the decision that was reached).
- 21.7 Any appeal against the Licensing Authority is made to the Magistrates Court.

21.8 An appeal has to be commenced by giving a Notice of Appeal by the appellant to the local Magistrates Court within a period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision being made.

21.9 It should be noted that unless he is the appellant the licence holder or person who has made an application for: -

- A licence.
- The transfer or reinstatement of a licence.
- A provisional statement is a respondent in any appeal in addition to the Licensing Authority.

21.10 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**

21.11 A provisional statement can be refused on exactly the same grounds as the 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.

### **Permit**

21.12 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 (further explained in paragraphs 12.16 – 12.17 of the guidance).
- Schedule 11 (Parts 4 and 5) – Small society lotteries (further explained in paragraphs 12.18 – 12.19 of the guidance).
- Schedule 12 – Club gaming permits and club machine permits (further explained in paragraphs 12.20 – 12.26 of the guidance).
- Schedule 13 – Licensed premises gaming machine permits (further explained in paragraphs 12.27 – 12.28 of the guidance).
- Schedule 14 – Prize gaming permits (further explained in paragraphs 12.29 – 12.30 of the guidance).

### **Temporary Use Notice**

21.13 Appeals in relation to Temporary Use Notices are detailed 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. Appeals must be made with 21 days of receiving the notice of the Licensing Authorities 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.

21.14 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.

21.15 There is no stay of proceedings in relation to Temporary Use Notices. However, the time limits are such that the Gambling Commission would expect proceedings on appeal to be heard before the Temporary Use Notice would otherwise take effect.

### **Judicial Review**

21.16 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 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.

21.17 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 a right of appeal or has a private law claim against the defendant.

21.18 The applicant can ask the Court to grant a number of orders. A mandatory order compels the reviewed body to do something, a prohibition order compels it to refrain from doing something, a declaration sets out the Courts view on the legality of a particular course of action. The applicant can seek an injunction which is in practice similar to a mandatory or prohibition order.

## **PART C - PERMITS/TEMPORARY & OCCASIONAL USE NOTICES**

### **22. Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits – Schedule 10 paragraph 7)**

- 22.1 Permits regulate gambling and the use of gaming machines in premises which do not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises. The Licensing Authority is responsible for issuing the following permits: -
- Unlicensed Family Entertainment Centre Gaming Machine Permits.
  - Alcohol Licensed Gaming Machine Permits.
  - Prize Gaming Permits.
  - Club Gaming Permits and Club Machine Permits.
- 22.2 The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.
- 22.3 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 (s238 of the Act).
- 22.4 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 application. 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,24.8).
- 22.5 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...the Licensing Authority will require applicants 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. (para.24.9)
- 22.6 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
- 22.7 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 (Sched.7 of the Act) and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 23. (Alcohol) Licensed Premises Gaming Machine Permits – (Schedule 13 Paragraph 4(1))**
- 23.1 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 to 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
- 23.2 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 used under Section 24 and 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”
- 23.3 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 who 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.

- 23.4 Before the Licensing Authority cancels or varies a permit it will give the permit holder 21 days' notice of its intention and will allow him/her the opportunity to make a representation. If the permit holder requests a hearing the Licensing Authority will arrange a licensing sub-committee hearing to consider the permit holders representation and any other evidence available before making a determination.
- 23.5 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.
- 23.6 The licensing authority may decide to grant the application with a smaller number of machines and/or different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 23.7 The holder of a permit for 3 or more machines must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

#### **24. Prize Gaming Permits – (Principles on Permit – Schedule 14 paragraph 8 (3))**

- 24.1 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”.
- 24.2 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.
- 24.3 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.

- 24.4 The Licensing Authority will consult the police in relation to such applications to enable a Licensing Authority to determine the suitability of the applicant in terms of any convictions they may have that would make them unsuitable to operate prize gaming.
- 24.5 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 (Sched. 14 para. 8(3) of the Act).
- 24.6 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.

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

- 25.1 Members clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming Machines 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) nb. Commercial clubs may not site category B3A machines offering lottery games in their club.

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 25.45 – 25.46 of the Gambling Commissions Guidance. Determination will include:

- is the primary purpose of the clubs activities something other than the provision of gaming to its members
  - are there 25 members or more
- 25.2 The 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.

25.3 There is also a "fast-track" procedure available under the Act for the premises which hold a Club Premises Certificate under the Licensing Act 2003 (Sched.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:

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

25.4 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.

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

26.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

26.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non remote casino operating licence

26.3 The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 set out restrictions on the type of gambling to be offered under a TUN. These restrictions are

- It can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both
- Gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises

- It can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner
  - Gaming machines may not be made available under a TUN
- 26.4 The holder of the operating licence must give notice to the Licensing Authority in whose area the premises are situated. The Notice must specify information including:
- The type of gaming to be carried on.
  - The premises where it will take place.
  - The dates and times 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.
- 26.5 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.
- 26.6 A TUN together with the fee 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 and must be copied to: -
- The Gambling Commission.
  - The Police.
  - HM Commissioners for Revenues and Customs.
  - If applicable any other Licensing Authority in whose area the premises are situated.
- 26.7 If objections are received in respect of the TUN the Licensing Authority will hold a hearing to listen to the representations.
- 26.8 There is a time limit of six weeks for the completion of all proceedings on a TUN (S228 of the Act).
- 26.9 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 Licensing 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.
- 26.10 There are a number of statutory limits as regards Temporary Use Notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Guidance. As with “premises”, the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of “a set of premises”, licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.

26.11 This licensing authority will normally object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Guidance.

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

27.1 The intention behind an Occasional Use Notice (OUN) is to permit licensed betting operators 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.

27.2 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. This licensing authority will though consider the definition of a “track” and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than eight OUNs are issued in one calendar year in respect of any venue.

27.3 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

Age UK West Cumbria, Old Customs House, West Strand, Whitehaven, CA28 7LR

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

The Betting Shop, 151 Main Street, Frizington

Bingo Association, Lexham House, 75 High Street North, Dunstable, Bedfordshire, LU6 1JF.

[info@bingo-association.co.uk](mailto:info@bingo-association.co.uk)

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

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

British Casino Association, 38 Grosvenor Gardens, London, SW1W 0BE

British Greyhound Owners Association, 95 Grosvenor Avenue, Carshalton, SM5 3EN

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, 80Park Street, Camberley, Surrey, GU15 3PT.

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

Berwin, Leighton Paisner, Adelaide House, London Bridge, London

National Casino Forum, Carlyle House, 235-237 Vauxhall Bridge Road, London SW1V 1EJ

[info@nationalcasinoforum.co.uk](mailto:info@nationalcasinoforum.co.uk)

Greyhound Board of Great Britain, 6 New Bridge Street, London, EC4V 6AB

British Transport Police, Citadel Station, Carlisle, Cumbria, CA1 1QZ,

Law Society – North West, Central Admin Unit, 5<sup>th</sup> Floor, Capital Tower, Greyfriars Road, Cardiff, CF10 3AG.

Copeland Citizens Advice Bureau, Tangier Buildings, Gregg's Lane (Off Tangier St), Whitehaven

Copeland Citizens Advice Bureau, Advice Buildings, St Georges Road, Millom, LA18 5BA

Copeland Borough Council – All Members

Copeland Borough Council – Corporate Leadership Team

Copeland Borough Council – Parish Councils

Copeland Borough Council – Website

Cumbria Association of Local Councils, Fire and Rescue Service Headquarters, Carlton Avenue, Penrith, CA20 2FA

Cumbria Constabulary, The Chief Officers of Police, Carleton Hall, Penrith

Cumbria Constabulary, Workington Police Station, Hall Brow, Workington

Cumbria Alcohol & Drugs Advisory Service, 3-5 Victoria Place, Carlisle, CA1 1EJ

Cumbria Local Safeguarding Children Board,

Cumbria Tourist Board, Staveley, Kendal

CVS, 59 Hartington Street, Barrow in Furness, LA14 5SR

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

Casino Operators Association, 86 Jermyn Street, London, SW1Y 6JD

Cumbria Disability Network, Equality Cumbria, PO Box 252, Carlisle CA23 6WZ

Cumbria County Council, Service Headquarters, Cumbria Fire and Rescue Headquarters, Carleton Avenue, Penrith, CA10 2FA,

Cumbria Health & Safety Liaison Group, Eden District Council. [Emma.brass@eden.gov.uk](mailto:Emma.brass@eden.gov.uk)

Done Bros., Spectrum Arena, 56-58 Benson Road, Warrington, WA3 7PQ,

Enterprise Inns, 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ  
European Entertainment, The Park, Oaksey, Malmesbury, Wiltshire, SN16 9SD

Furness General Hospital, Dalton Lane, Barrow in Furness, LA14 4LF

Gala Coral Group, Newcastle House, Castle Boulevard, Nottingham, NG7 1FT  
Gamcare, Head Office, 2<sup>nd</sup> Floor, 7-11 St. John's Hill, London, SW11 1TR, [info@gamcare.org.uk](mailto:info@gamcare.org.uk)  
Gamestec Leisure Limited, Low Lane, Leeds, LS18 4ER, [info@gamestec.co.uk](mailto:info@gamestec.co.uk)  
Gala Coral Group, New Castle House, Castle Boulevard, Nottingham, NG7 1FT  
The Gambling Commission, Victoria Square House, Victoria Square, Birmingham

Hartley's (Ulverston) Ltd, Old Brewery, Ulverston, Cumbria, LA12 7HX  
Health & Safety Executive, 2 Victoria Place, Carlisle, CA1 1ER,  
HM Revenue and Customs, PO Box 29997, Glasgow, G70 5AB  
Holders of Premises Licence (Gambling Act 2005)  
Holders of Premises Licence (Licensing Act 2003)  
Hound Trailing Association Ltd, Ash Cottage, Blencow, Penrith

Ladbrokes PLC, Imperial House, Imperial Drive, Rayners Lane, Harrow, HA2 7JW  
Lakes College, Lillyhall Industrial Estate, Lillyhall, Workington CA14 4JR  
Luxury Leisure, 362 Dukesway, Team Valley, Gateshead, Tyne & Wear, NE11 4PZ  
Librarians - Daniel Hay Library, Lowther Street, Whitehaven, CA28 7QZ/Cleator Moor Library, Market Square, Cleator Moor, CA25 5AP/West Lakes Academy, Main Street, Egremont, CA22 2DQ/ Millom Library, St. Georges Road, Millom, LA18 4DD  
Lake District National Park Authority, Murley Moss, Oxenholme Road, Kendal, LA9 7RL

NRU Betting & Gaming, Portcullis House, 21 India Street, Glasgow  
NSPCC, 7 Chatsworth Square, Carlisle, CA1 1HB  
North Cumbria NHS Hospitals Trust, West Cumberland Hospital, Hensingham Road, Whitehaven

Places of Worship in Copelands area

Poppleston Allen, Licensing Solicitors, 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS  
Racecourse Association Ltd, Winkfield Road, Ascot, Berkshire, SL5 7HX  
Prize Coin Equipment, Central Avenue, Gretna  
Punch Taverns, Jubilee House, Second Ave, Burton on Trent DE14 2WF

Racecourse Association Ltd, Winkfield Road, Ascot  
Racing Limited, Glebe House, Vicarage Drive, Barking, Essex, IG22 7NS

Scottish & Newcastle Pub (Enterprises) Ltd, Newcastle  
The Scout Association, Gilwell Park, Chingford, London, E4 7QW  
Security Industry Authority, PO Box 1293, Liverpool, L9 1AX

Solicitors in Copeland's area

Thwaites Inns, Star Brewery, Blackburn

William Hill Ltd., Greenside House, 50 Station Road, Wood Green, London, N22 7TP

West Cumbria Community Safety Partnership

West Cumbria Pub Watch Co-ordinator

Whitehaven Pub Watch

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## **APPENDIX 2 – CONTACT DETAILS**

### **Licensing Authority – Copeland Borough Council**

Licensing,  
Copeland Borough Council  
The Copeland Centre  
Catherine Street  
Whitehaven  
Cumbria CA28 7SJ

Tel: 01946 598300

Email: [licensing@copeland.gov.uk](mailto:licensing@copeland.gov.uk)

### **Responsible Authorities:**

**Notice of the application should be sent to the under-mentioned responsible authorities, clearly marking the envelope “Gambling Act application”:**

#### **Gambling Commission (b)**

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

#### **Police Authority (c)**

Cumbria Constabulary  
Workington Police Headquarters  
Hall Brow  
Workington  
Cumbria CA14 4AP

#### **Fire and Rescue Authority (d)**

Cumbria Fire and Rescue Service  
The Divisional Officer - A Division Headquarters  
1-2 Frances Court  
Workington  
Cumbria CA14 4DR

## **Planning Authorities (e)**

Development Control Manager  
Copeland Borough Council  
The Copeland Centre  
Catherine Street  
Whitehaven  
Cumbria CA28 7SJ

The Lake District National Park Authority  
Murley Moss  
Oxenholme Road,  
Kendal  
Cumbria LA9 7RL

## **Pollution to the environment and harm to human health (g)**

Principal Environmental Health Officer  
Copeland Borough Council  
Whitehaven Commercial Park  
Moresby Parks  
Cumbria CA28 8EA  
Tel: 01946 598346

## **Protection of Children from Harm (h)**

Cumbria LSCB  
Cumbria House  
117 Botchergate  
Carlisle  
Cumbria, CA1 1RD  
Email: [LSCB@cumbria.gov.uk](mailto:LSCB@cumbria.gov.uk)

## **HM Revenues & Customs (i)**

National Registration Unit (Betting & Gaming)  
BX12 1GL  
Email – [NRUBetting&Gaming@hmrc.gsi.gov.uk](mailto:NRUBetting&Gaming@hmrc.gsi.gov.uk)

## **Other Useful Addresses**

British Beer and Pub Association  
Market Towers  
1 Nine Elms Lane  
London SW8 5NQ

Email: [web@beerandpub.com](mailto:web@beerandpub.com)

Web: [www.beerandpub.com](http://www.beerandpub.com)

British Institute of Innkeeping  
Wessex House  
80 Park Street  
Camberley  
Surrey GU15 3PT

Disability Rights Commission Helpline  
Freepost MID01264  
Stratford upon Avon  
CV37 9BR  
[www.drc-gb.org](http://www.drc-gb.org)

Equity  
Guild House  
Upper Martins Lane  
London  
WC2H 9EG  
Email: [info@equity.org.uk](mailto:info@equity.org.uk) Web: [www.equity.org.uk](http://www.equity.org.uk)

West Cumbria Magistrates  
Hall Park  
Ramsay Brow  
Workington  
Cumbria

Gamcare  
2/3 Baden Place  
Crosby Row  
London SE1 1YW  
Helpline: 0845 6000 133  
Email: [info@gamcare.org.uk](mailto:info@gamcare.org.uk)

Gamblers Anonymous  
PO Box 5382  
London W1A 6SA

Money Advice Trust  
Bridge House  
181 Queen Victoria Street  
London EC4V 4DZ  
Web: [www.moneyadvicetrust.org/home.html](http://www.moneyadvicetrust.org/home.html)

Consumer Credit Counselling Service  
Wade House  
Merrion Centre

Leeds LS2 8NG

Web: [www.cccs.co.uk](http://www.cccs.co.uk)

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### APPENDIX 3 – SUMMARY OF MACHINE PROVISIONS BY PREMISES

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

① **Bingo premises** are entitled to make available a number of Category B3/B4 gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises

② **Adult Gaming Centres** premises are entitled to make available a number of category B3/B4 gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises.

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

④ **Members' clubs and miners' welfare institutes** with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

## APPENDIX 4 – SUMMARY OF GAMING MACHINE CATERGORIES AND ENTITLEMENTS

Revise for April 2019 changes

| Category of Machine   | Maximum Stake (from April 2019) | Maximum Prize (from April 2019)                      |
|---|---------------------------------|--|
| <i>A – No category A gaming machines are currently permitted</i>                  | Unlimited                       | Unlimited  |
| B1  | £5                              | £10,000  |
| B2  | £2                              |  |
| B3A   | £2                              | £500   |
| B3  | £2                              | £500   |
| B4  | £2                              | £400   |
| C   | £1                              | £100   |
| D – non-money prize   | 30p                             | £8   |
| D - non-money prize (crane grab machine 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) | 10p                             | £20 (of which no more than £10 may be a money prize) |

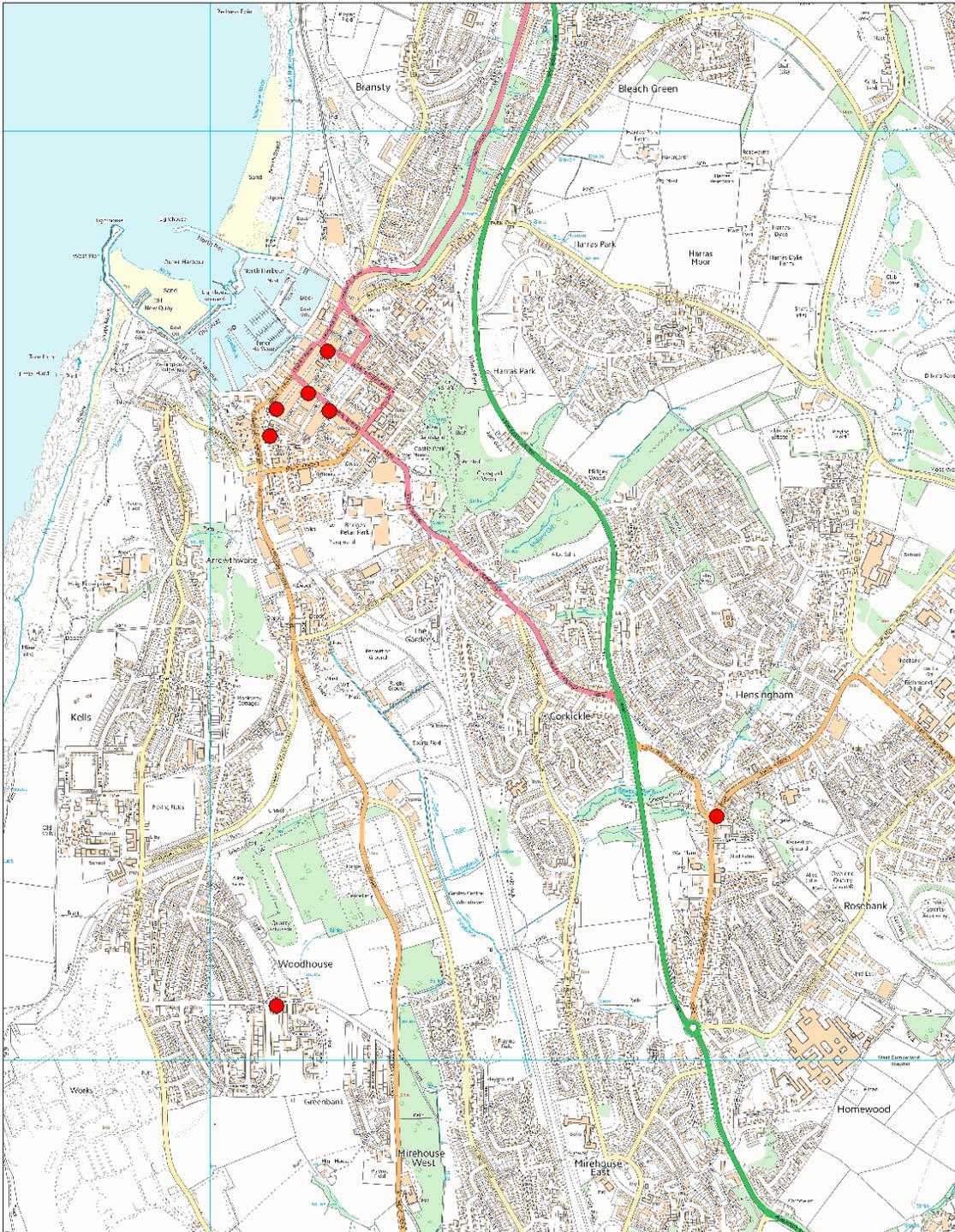
## APPENDIX 5 – SCHEME OF DELEGATION

| Matter to be dealt with  | Full Council | Executive | Licensing Committee | Subcommittee of Licensing Committee                          | Officers   |
|--|--------------|-----------|---------------------|--|--|
| Final approval of three year licensing policy  | X            |           |                     |  |  |
| Policy not to permit casinos   | X            |           |                     |  |  |
| Fee setting (when appropriate)   | X            |           |                     |  |  |
| Application for premises licences  |              |           |                     | Where representations have been received and not withdrawn   | Where no representations received/representations have been withdrawn (Public Protection Manager)          |
| Application for a variation to a licence   |              |           |                     | Where representations have been received and not withdrawn   | Where no representations received/representations have been withdrawn (Public Protection Manager)          |
| Application for a transfer of a licence  |              |           |                     | Where representations have been received from the Commission | Where no representations received from the Commission or responsible authority (Public Protection Manager) |
| Application for a provisional statement  |              |           |                     | Where representations have been received and not withdrawn   | Where no representations received/representations have been withdrawn (Public Protection Manager)          |
| Review of a premises licence at the request of a responsible authority or interested party (section 197) |              |           |                     | X  |  |
| Review of premises licences of a particular class by the Licensing Authority (section 200(1))            |              |           | X                   |  |  |

| Matter to be dealt with  | Full Council | Executive | Licensing Committee | Subcommittee of Licensing Committee                 | Officers   |
|--|--------------|-----------|---------------------|---|--|
| Review of a premises licence by the Licensing Authority (section 200(2))   |              |           |                     | X   |  |
| Initiation of review by a Licensing Authority by submission of report for consideration by the Licensing Committee or a Licensing Subcommittee |              |           |                     |   | X (Legal Services Manager)<br>(Public Protection Manager)                            |
| Application for club gaming/club machine permits   |              |           |                     | Where objections have been made (and not withdrawn) | Where no objections made/objections have been withdrawn) (Public Protection Manager) |
| Cancellation of club gaming/club machine permits   |              |           |                     | X   |  |
| Applications for other permits   |              |           |                     |   | X<br>(Public Protection Manager)   |
| Cancellation of licensed premises gaming machine permits   |              |           |                     |   | X<br>(Public Protection Manager)   |
| Consideration of temporary use notice  |              |           |                     |   | X<br>(Public Protection Manager)   |
| Decision to give a counter notice to a temporary use notice  |              |           |                     | X   |  |

**X or a statement indicates who the matter is delegated to.**

# APPENDIX 6 – WHITEHAVEN



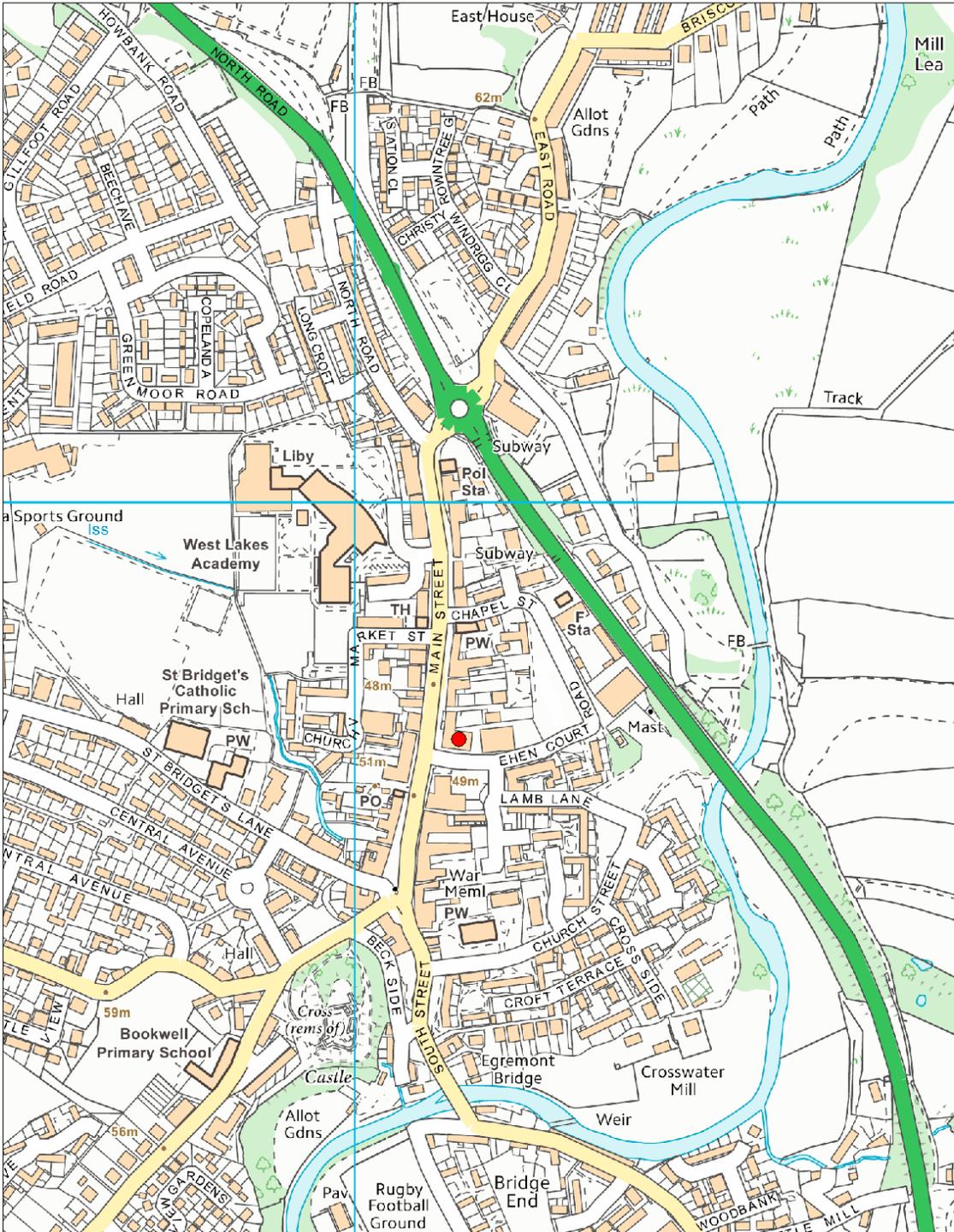
|  |  |  |
|--|--|--|
| <p><b>Betting Shops - Whitehaven</b></p>   | <p>Copeland Borough Council<br/>The Market Hall<br/>Market Place<br/>Whitehaven<br/>Cumbria CA28 7JG</p> |  <p><i>Proud of our past. Energised for our future.</i></p> |
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**APPENDIX 7 – CLEATOR MOOR**



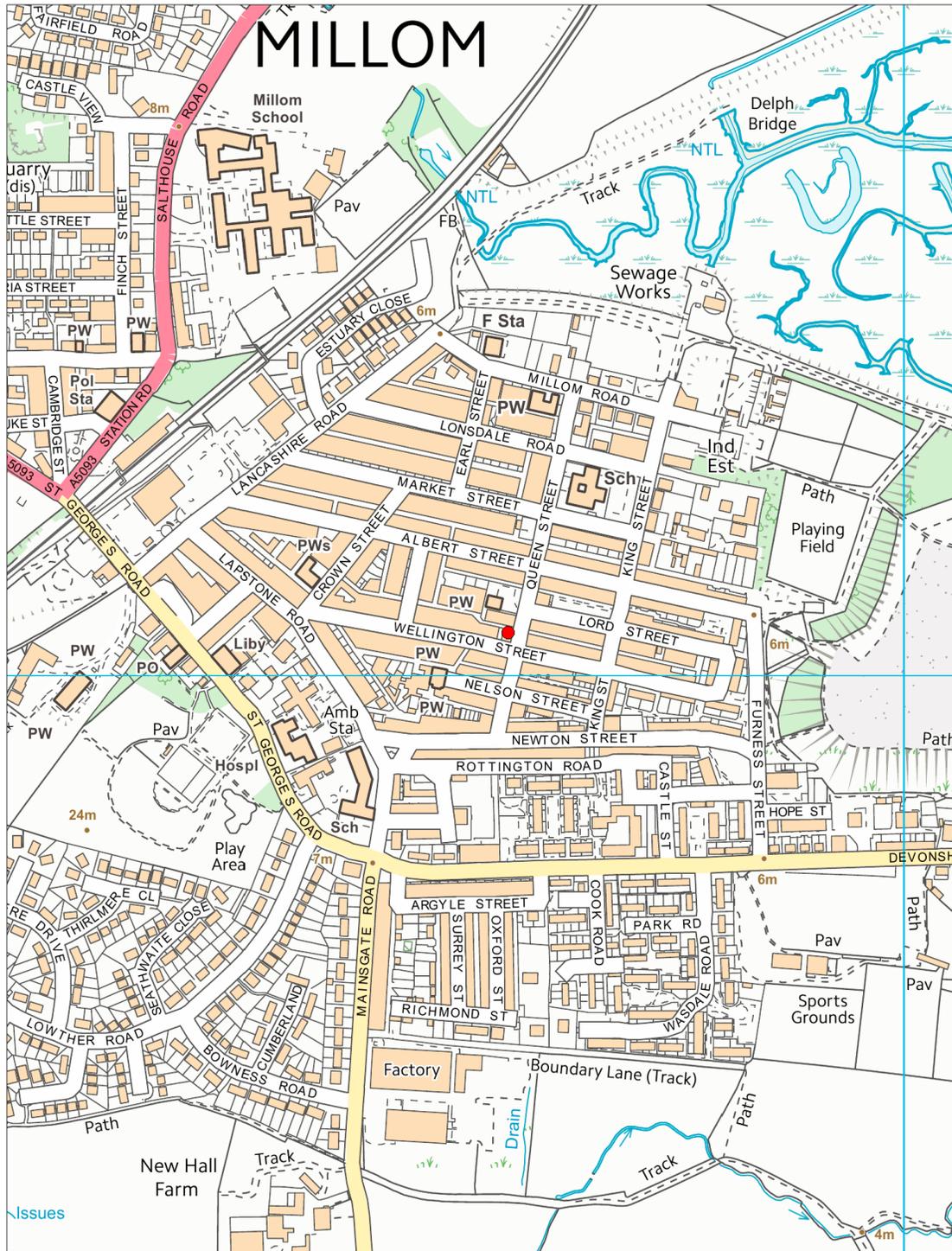
|  |  |  |
|--|--|--|
| <p><b>Betting Shops - Cleator Moor</b></p>                                       | <p>Copeland Borough Council<br/>The Market Hall<br/>Market Place<br/>Whitehaven<br/>Cumbria CA28 7JG</p> |  <p><i>Proud of our past. Energised for our future.</i></p> |
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**APPENDIX 8 - EGREMONT**



|  |  |  |
|--|--|--|
| <p><b>Betting Shops - Egremont</b></p>   | <p>Copeland Borough Council<br/>The Market Hall<br/>Market Place<br/>Whitehaven<br/>Cumbria CA28 7JG</p> |  <p><i>Proud of our past. Energised for our future.</i></p> |
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**APPENDIX 9 – MILLOM**



|  |   |  |
|--|---|--|
| <p><b>Betting Shops - Millom</b></p>   | <p>Copeland Borough Council<br/>The Market Hall<br/>Market Place<br/>Whitehaven<br/>Cumbria, CA28 7JG</p> |  <p><i>Proud of our past. Energised for our future.</i></p> |
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**APPENDIX 10 – FRIZINGTON**



|  |  |  |
|--|--|--|
| <p><b>Betting Shops - Frizington</b></p>   | <p>Copeland Borough Council<br/>The Market Hall<br/>Market Place<br/>Whitehaven<br/>Cumbria CA28 7JG</p> |  <p><i>Proud of our past. Energised for our future.</i></p> |
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APPENDIX 11 – COPELAND LOCATION

# COPELAND LOCATION MAP

