

THE GAMBLING ACT 2005 – DRAFT STATEMENT OF PRINCIPLES

Agenda Item 8

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Background Papers:- Appendix 1– Draft Gambling Licensing Policy Statement. (Appendix 1).

Appendix 2- Gambling Commission Guidance to Licensing Authorities 3rd Edition (Previously circulated).

Financial Implications:- The Statement of Principles has been produced in house and the consultation will be undertaken using existing staffing resources.

Equalities Implications:- None

Legal Implications:- Failure to adopt a policy in line with the Gambling Act 2005, will result in the council not able to administer the licensing functions under the Gambling Act 2005

Options: 1. The Council is obliged by the requirements of the Gambling Act 2005 to review, consult, confirm and publish a Statement of Principles.

Risks: The principal behind modifying the policy is to minimise any risk of a judicial review from an aggrieved applicant.

EXECUTIVE SUMMARY

The purpose of this report is to inform Members of the requirements to issue and consult on a draft Statement of Principles in relation to the Gambling Act 2005 and seek Members approval to consult on the Statement.

DECISION

The Council is obliged by the requirements of the Gambling Act 2005 to review, consult, confirm and publish a Statement of Principles.

THE GAMBLING ACT 2005 – DRAFT STATEMENT OF PRINCIPLES

1.BACKGROUND

- 1.1 The Gambling Act 2005 places a statutory responsibility on all Local Authorities to be responsible of the issuing of various permissions, permits and notices relating to the use of premises for gambling activities:-
- a) Consideration of applications for premises licenses for:
 - Casinos
 - Bingo premises
 - Betting premises and Race tracks
 - Adult gaming centers
 - Family entertainment centers
 - b) Consideration of application for permits for:
 - Gaming machines in alcohol-licensed premises, such as pubs
 - Gaming machines for members clubs
 - Gaming in member clubs
 - Unlicensed family entertainments centers- (category D machines only – i.e. those that have the lowest level of stakes and prizes)
 - Prize gaming
 - Temporary use notices
 - Occasional use notices
 - Provisional Statements
 - Registration small society lotteries
- 1.2 Each Authority is legally required to formulate it's own Gambling Licensing Policy Statement which must be reviewed and re-published every three years. The policy must be based on the three licensing objectives, which are;
- a) Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime.
 - b) Ensuring that gambling is conducted in a fair an open way
 - c) Protecting children and other vulnerable people from being harmed or exploited by gaming
- 1.3 The Statement is due for review and must be consulted, confirmed by Council and published before the 31st December 2009. The draft Statement has been based on the recently published guidance and requires Members approval prior to consultation.
- 1.4 Section 349 of the Gambling Act 2005 (“the Act”) requires that all licensing authorities prepare and publish a statement of the principals that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. A licensing policy statement will last for a maximum of three years, but can be reviewed and revised by an authority at any time.
- 1.5 The existing Statement of Licenisng Principles has been kept under review since coming into force on the 31st January 2007 and no revisions has been deemed necessary to date. However, the Statement will require revising during 2009 in order for it to take effect from 31 January 2010 (when a new three year cycle will commence).

- 1.6 Section 349(3) of the Act requires the Licensing Authority consult the following on the policy (or any subsequent revision):
- The Chief officer of Police for the Authority's area
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling business in the Authority's area; and
 - One or more persons who appear to the Authority to represent the interests of 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 this Act.
- 1.7 There is no recommended consultation period although any written consultation should follow best practice as set out by the Cabinet Office, the recommended consultation period is 12 weeks for response to consultation. In this case officers recommend consulting for 9 weeks, therefore if Members approve the draft policy on the 15th July the consultation will commence on the 16th July for 9 weeks. Following the consultation closing on the 17th September officers will present the response at the Licensing Committee on the 7th October, this will allow members enough time to consider the response and request Full Council to adopt the policy in time for January 2010. It is proposed to consult as widely as possible and publish the consultation document on the Council's website.
- 1.8 Officers have produced a consultation draft, a copy of which is available in Appendix 1. The Statement has been based on the requirements of the Act, the recently revised Gambling Commission Guidance to Licensing Authorities (May 2009) and the Essex Authorities generic framework. The changes have been underlined throughout the report, notable changes that are reflected in the new draft policy are:-
- Enforcement
 - Splitting Premises
 - Provisional Statements
 - Temporary Use Notices
 - Appendix 6 – Application Process
- 1.9 The regulations stipulate that the Statement (or any subsequent revision) must be published on the Authority's website and be made available for inspection by the public in the principal office of the authority or public library in the read covered by the Statement. The Policy or revision must be published at least one month before it takes effect. Therefore any Statement will be required to be ratified by the Council no later than 31 December 2009. Section 154 of the Act provides that functions in relation to the three year Statement of Licensing policy cannot be delegated but must be taken by the whole authority.

BRAINTREE DISTRICT COUNCIL



DRAFT GAMBLING LICENSING POLICY STATEMENT

FOREWORD

This is the second Statement of Licensing Policy produced by Braintree District Council under the Act and it will be the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years commencing on 31 January 2010.

The new Act created a unified regulator for gambling in Great Britain called the Gambling Commission and also transferred all responsibilities for licensing gambling premises from the Licensing Justices to Licensing Authorities. These Authorities are responsible for issuing a number of different permits, as well as Temporary and Occasional Use Notices.

This Policy sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable people and communities need and expect.

The Council recognises how important this sector of the entertainment industry is within the district and well-run businesses will get the support of the Council. New gambling related developments that are well planned and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling are welcomed. However, the Council will not hesitate in dealing firmly where problems of gambling related crime and disorder exist.

This Policy will be kept under review and it will be amended when issues arise that make change necessary. The Council will seek through the licensing process and the decisions it takes, to make Braintree a safe and welcoming place for both residents and visitors to enjoy.

Councillor Michael Banthorpe
Chairman, Licensing Committee

BRAINTREE DISTRICT COUNCIL
GAMBLING LICENSING POLICY STATEMENT

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PART A

1 INTRODUCTION

1.1 This Statement of Licensing Policy sets out the principles the Braintree District Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), proposes to apply in discharging its functions to license premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an "Interested Party";
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting proceedings for offences under the Act.

2. THE LICENSING OBJECTIVES

2.1 In exercising most of its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3. DESCRIPTION OF THE DISTRICT

3.1 The Braintree District Council is situated in the County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities. The Council has a population of Braintree District 135,000 and covers an area of 612 square kilometres. The main centres of population are in the towns of Witham, Halstead and Braintree.

4. RESPONSIBILITIES UNDER THE ACT

4.1 The Act has introduced a new licensing regime for commercial gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.

4.2 The Act establishes each District or Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Braintree District Council is the Licensing Authority for the Braintree District.

4.3 The Gambling Commission is responsible for issuing Operating and Personal licences to persons and organisations who:-

- operate a casino;
- provide facilities for playing bingo or for pool betting;
- act as intermediaries for betting;
- make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
- manufacture, supply, install, adapt, maintain or repair gaming machines;
- manufacture, supply, install or adapt gambling machine software; or
- promote a lottery.

4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt Small Society Lotteries.

4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:-

- in accordance with any relevant codes of practice;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives, and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence, or both, must have been obtained from the Gambling Commission.

5. STATEMENT OF LICENSING POLICY

5.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising their functions under the Act.

5.2 In this document this is referred to as 'the Policy'. This Policy must be published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.

5.3 This Policy takes effect on 31st January 2010 .

6 CONSULTATION

6.1 In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (see Appendix 2), the Council chose to consult with additional local groups and individuals. A list of these other groups and persons consulted is also provided below.

6.2 The Act requires that the following parties are consulted by the Licensing Authority:-

- The chief officer of police for the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- 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 Act.

6.3 The other groups and people consulted were:-

- Organisations, including faith groups, voluntary and community organisations working with children and young people and organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizen's Advice Bureau;
- Other tiers of local government;
- Businesses who are, or will be, holders of Premises Licences;
- Responsible Authorities under the Act.

6.4 The Licensing Authority's consultation took place between 14th July 2006 and 9th October 2006

6.5 A full list of comments made and details of the Council's consideration of those comments is available by request to the Licensing Department or via the Licensing Authority's website at www.braintree.gov.uk.

7 APPROVAL OF POLICY

7.1 This Policy was approved at a meeting of the full Council on XXXXX date and was published via its website on XXXXX Copies are available on request.

7.2 It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

8 DECLARATION

- 8.1 In this Policy the Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses from those consulted during the consultation process.
- 8.2 Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as constituent of the Council's policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or the guidance or regulations should under the Act.

9 RESPONSIBLE AUTHORITIES

- 9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Appendix 2. It should be noted that under the Act, the Licensing Authority is designated as a Responsible Authority.
- 9.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-
- the competency of the body to advise the Licensing Authority;
 - 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 invested interest group etc.
- 9.3 In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates the Essex County Council Children's Safeguarding Service ~~Safeguarding Children's Board, (Child Protection), Essex County Council Chelmsford~~ for this purpose.

10 INTERESTED PARTIES

- 10.1 Interested Parties can make representations about licensing applications or apply for a review of an existing licence. An Interested Party is defined in the Act as follows:-

'... a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

b) has business interests that might be affected by the authorised activities,

or

c) represents persons who satisfy paragraphs (a) or (b).'

- 10.2 Interested parties can be persons who are democratically elected, such as District and Parish 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.
- 10.3 District Councillors who are members of the Licensing Committee will not qualify to act in this way.
- 10.4 Other than persons mentioned in **10.2** and **10.3**, the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party.
- 10.5 The Licensing Authority considers that the Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as "Interested Parties" where they can demonstrate that they represent persons in (a) or (b) above.
- 10.6 In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:-
- 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 (e.g. number of customers, routes likely to be taken by those visiting the establishment);
 - The circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
 - The catchment area of the premises (i.e. how far people travel to visit); and
 - Whether the person making the representation has business interests in that catchment area that might be affected.

11 EXCHANGE OF INFORMATION

- 11.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:-
- the provisions of the Act, which include the provision that the Data Protection Act 1998 will not be contravened;
 - the guidance issued by the Gambling Commission;
 - Data Protection Act 1998;
 - Human Rights Act 1998;
 - Freedom of Information 2000;

- Environmental Information Regulations 2004;
- the Common Law Duty of Confidence;
- Electronic Communications Act 2000;
- Computer Misuse Act 1990;
- Criminal Procedure and Investigations Act 1996; and
- Crime and Disorder Act 1998.

11.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. (Note: Written confirmation may include information in electronic form). An audit trail should include:-

- Record of data disclosed;
- Project chronology; and
- Notes of meetings with other partners and recent correspondence including phone calls.

12.2 PUBLIC REGISTER

12.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

13 COMPLIANCE AND ENFORCEMENT

13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice as promulgated by the Better Regulation Executive and the Hampton review of regulatory inspections and enforcement and endeavour to be:-

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – Authorities must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

- 13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme.
- 13.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act, will be to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. Concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 13.4 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.
- 13.5 Bearing in mind the principle of transparency, the Licensing Authority's enforcement/compliance protocols, or written agreements, will be available on request to the Licensing Authority. Details of the risk based approach to inspection will also be available upon request,. Details of this information can also be found on the Council's website: www.braintree.gov.uk.

14 DELEGATION OF POWERS

- 14.1 The Council has agreed a scheme of delegation for discharging its functions under the Act and this can be found in Appendix 4.

PART B PREMISES LICENCES

15. GENERAL PRINCIPLES

- 15.1 Premises Licences will be subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is thought appropriate.
- 15.2 Licensing Authorities are required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks fit:-
- in accordance with any relevant codes of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - to be reasonably consistent with the Licensing Objectives; and
 - in accordance with the Authority's Policy.
- 15.3 **Definition of Premises:**

Premises is defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises although this will always be considered in the light of the guidance

issued by the Gambling Commission. It will always be a question of fact in each circumstances. The Gambling Commission does not, however, consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

15.4 **Demand:**

Demand is a commercial consideration and is not an issue for the Licensing Authority.

15.5 **Location:**

Location will only be material consideration in the context of the Licensing Objectives.

15.6 **Duplication with other Regulatory Regimes:**

Duplication with other statutory/regulatory regimes will be avoided where possible. This Authority will not consider whether a licence application is likely to be awarded Planning Permission or Building Control consent.

15.7 **Licensing Objectives:**

Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these Objectives, the following will be considered:-

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime –**
Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this licensing objective.

Where an area has known high levels of organised crime, this Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of door supervisors.

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

- **Ensuring that gambling is conducted in a fair and open way –**
The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling –**

In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

The council will pay attention to the proposed location of gambling premises in terms of the proximity of gambling premises to schools and venerable adult centres, or residential areas where there may be a high concentrations of families with children.

There is no definition of the term 'vulnerable person' in the Act, but this could include 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, alcohol or drugs.

15.8 **Conditions:**

Any conditions attached to Licences will be proportionate and will be:-

- relevant to the need to make the proposed premises 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.

In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority will particularly take into account the following:

- Proof of age schemes
- CCTV
- Door Supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices and signage;
- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GameCare.

15.9 Decisions upon individual conditions will be made on a case by case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to

offer their own suggestions as to the way in which the Licensing Objectives can be effectively met.

15.10 It is noted that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

- any conditions on the Premises Licence which make it impossible to comply with an Operating Licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, and the winning of prizes.

15.11 **Door Supervisors:**

The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protecting of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority.

The Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

15.12 **Credit:**

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATM's) may be installed in such premises but the licensing authority may apply conditions as to where they are sited.

15.13 **Betting Machines: (See Appendix 1 for definition)**

In relation to Casinos, Betting Premises and Tracks, the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability to staff to monitor the use of such machines from the counter.

15.14 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall 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 or by vulnerable persons.

15.15 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of codes of practice or guidance issued under the Act.

16 PROVISIONAL STATEMENTS

16.1 ~~It is noted that the guidance from the Gambling Commission states that 'It is a question of fact and degree whether the premises are finished to an extent that they can be considered for a Premises Licence rather than a Provisional Statement'. The Licensing Authority will consider such applications on this basis but will not take into account other permissions that may be required such as planning consent. In light of the judgement in respect of an application for a Betting Premises Licence in respect of premises located in Southend-on-Sea, notwithstanding paragraphs 7.55, 7.56 and 7.57 of the Gambling Commission's Guidance to Licensing Authorities:-~~
~~a Premises Licence under the Gambling Act 2005 may lawfully be granted in respect of premises that are not ready to be used for gambling, the premises being about to be or in the course of construction or alteration, and they being premises which the applicant has a right to occupy and in respect of which he/she holds an operating licence which authorises him/her to carry on the activity in respect of which the Premises Licence is sought.~~

17 REPRESENTATIONS AND REVIEWS

17.1 Representations and Applications for Review of Premises Licence may be made by responsible authorities and interested parties.

17.2 The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Authority has designated the Council's (local authorities will need to insert the appropriate person) as being the proper person to act on its behalf.

17.3 The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:

- Frivolous or vexatious.
- ~~Based on grounds that will~~ ~~Will~~ certainly not cause the Authority to wish to ~~alter/revoke/suspend~~ ~~a licence or remove, amend or attach conditions on~~ the Licence.
- Substantially the same as previous representations or requests for a review.
- In accordance with any relevant codes of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.

- Reasonably consistent with the licensing objectives.

17.4 There is no appeal against the Authority's determination of the relevance of an application for review.

18 ADULT GAMING CENTRES

18.1 An Adult Gaming Centre is defined in Appendix 1 Entry to these premises is age restricted.

18.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

19 (LICENSED) FAMILY ENTERTAINMENT CENTRES

19.1 A Licensed Family Entertainment Centre is defined in Appendix 1 Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

19.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

20 CASINOS

20.1 The Licensing Authority has made no decision about casinos therefore each application will be considered on its own merits.

20.2 Casinos and Competitive Bidding:

The Licensing Authority is aware that where a Licensing Authority's area is enabled to grant a Premises Licence for a new style casino, there are likely to be a number of operators which will want to run a casino. In such situations the Council will run a competition in line with Regulations and Codes of Practice issued under the Act by the Secretary of State.

20.3 Betting Machines:

The Licensing Authority can 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 or to a Casino Premises Licence (*where betting is permitted in the casino*). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things should 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 or by vulnerable persons.

20.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

20.5 **Credit:**

Credit facilities are prohibited in casinos, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

21 **BINGO PREMISES**

21.1 A Bingo premises is defined in Appendix 1. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

21.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

21.3 **Credit:**

Credit facilities are prohibited in premises licensed for Bingo, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

22 **BETTING PREMISES**

22.1 Betting Premises are defined in Appendix 1.

22.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

23 **TRACKS**

23.1 A Track is defined in Appendix 1. Entry to these premises is generally age restricted. On race days, specific areas within the Track may be age restricted dependent on the licensable activities taking place.

24 **TRAVELLING FAIRS**

24.1 The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use.

<p style="text-align: center;">PART C PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS</p>
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25 **GENERAL**

25.1 Forms and Method of Application and any additional information or documents required for permits covered by this section will be available either direct from our website or in hard copy from our licensing department.

26 UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

26.1 Where a premises does not hold a Premises Licence but wishes to provide Gaming machines, it may apply to the Licensing Authority for a 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.

26.2 Statement of Licensing Principles

The Licensing Authority will expect the applicant to show that there are written 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 suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic Criminal Record Bureau checks for staff;
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises, or
 - children causing perceived problems on/around the premises.

27 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

27.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D. The Premises Licence holder needs to notify the Licensing Authority at least two months prior to the date of expiry of the current permit.

27.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

27.3 Premises restricted to selling alcohol only with food, will not be able to apply for a Permit.

27.4 Where an application for more than two gaming machines is received, the 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 ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-

- Adult machines being in sight of the bar;
- Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;

- Appropriate notices and signage; and
- As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of provision of information, leaflets/help line numbers for organisations such as GameCare.

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

28 PRIZE GAMING PERMITS

28.1 Statement of Licensing Principles

The Licensing Authority will expect the applicant to show that there are written 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 suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic Criminal Record Bureau checks for staff;
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises, or
 - children causing perceived problems on/around the premises.

In making its decision on an application for a Permit, the Licensing Authority does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

29 CLUB GAMING AND CLUB MACHINE PERMITS

29.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

29.2 A fast-track procedure is available for premises that hold a Club Premises Certificate under the Licensing Act 2003.

30 TEMPORARY USE NOTICES (TUN)

30.1 The persons designated to receive TUNs and to issue objections are specified in Appendix 4.

30.2 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.

30.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having

a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.

- 30.4 The definition of “a set of premises” will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of “a set of premises” the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.
- 30.5 The Licensing Authority will object to Notices where it appears that there effect would be to permit regular gambling in a place that could be described as one set of premises.

31 OCCASIONAL USE NOTICES

- 31.1 Occasional Use Notices, apply only to tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.
- 31.2 OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.
- 31.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 31.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.
- 31.5 The person designated to receive the OUN's and assess validity is specified in the scheme of delegation as shown at Appendix 4.

32 SMALL SOCIETY LOTTERIES

- 32.1 The definition of a Small Society Lottery is contained in annex Appendix 1 and these require registration with the Licensing Authority.

Note - Further information on small society lotteries may need to be included once the consultation document on the lotteries has been concluded.

33 GAMING MACHINES

The table shows the various Categories of Gaming Machines and the maximum stakes and prizes is shown below:

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25

D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize
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A separate table (contained in APPENDIX 5) shows which types of gambling premises may have which Category of gaming machine.

34 DEFINITIONS

In this Policy the definitions contained in APPENDIX 1 are included to provide an explanation of certain terms included in the Act and this Policy. In some cases they are an abbreviation of what is stated in the Act or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Act.

35 HOW TO APPLY FOR A PREMISES LICENCE/TEMPORARY USE NOTICE

Information and guidance on how to apply for a Premises Licence and other Permits or permissions under the Act will be available either direct from our website or in hard copy from our licensing department.

36 HOW TO MAKE A REPRESENTATION

Information and guidance on how to make representations in relation to an application or to apply for a review of a Licence will be available either direct from our website or in hard copy from our licensing department

37 FEES

The Fees that are applicable to any Licences, Permits or any other permissions will be set by the Secretary of State by Regulations and will appear in Appendix 6. The Licensing Authority will determine their fees when Regulations are published.

38 USEFUL CONTACTS

The Gambling Commission maintains a list of useful contacts on organisations involved in gambling and their contact details can be found on the Commission's website www.gamblingcommission.gov.uk Some of these organisations provide codes of practice on their particular interest area.

Details of contact details of the Licensing Authority and the Responsible Authorities are contained in APPENDIX 2

Definitions

Appendix 1

TERM OR PHRASE	DEFINITION
The Act	The Gambling Act 2005.
Licensing Authority	Braintree District Council acting under Section 2 of the Act.
Licensing Objectives	As defined in Paragraph 2 of this Policy.
The Council	Braintree District Council
Braintree District Council	The area of Essex administered by the Braintree District Council (see map – APPENDIX 7)
The Commission	The Gambling Commission.
The Policy	The Statement of Licensing Principles published by the Licensing Authority under Section 349 of the Act.
Premises	Any place, including a vehicle, vessel or moveable structure.
Responsible Authorities	<ul style="list-style-type: none"> - Braintree District Council acting as the Licensing Authority - Gambling Commission - Essex Police - Essex County Fire and Rescue Service - Local Planning Authority, i.e. Braintree District Council Planning Department - The authority having functions in relation to the environment or harm to human health, i.e. Braintree District Council Environmental Health - Essex Local Safeguarding Children’s Board - HM Revenue and Customs - Other persons prescribed by the Secretary of State
Interested Party	<p>A person who:-</p> <ul style="list-style-type: none"> - Lives sufficiently close to the premises to be likely to be affected by authorised activities; - Has business interests that might be affected by authorised activities; or - Represents persons in either of these two groups. <p>See Paragraph 10 for the criteria the Licensing Authority will apply in determining who lives or has business interests sufficiently close to the premises that they are likely to be affected by any authorised activities.</p>
Regulations	Regulations made by the Secretary of State under the Gambling Act 2005.
Code of Practice	Any relevant code of practice under Section 24 of the Act.
Mandatory Conditions	Specified conditions provided by Regulations under Section 176 of the Act to be attached to Premises Licences.
Default Conditions	As Mandatory Conditions except that they can be excluded by the Licensing Authority.
Premises Licences	<p>Licences issued by the Licensing Authority for:-</p> <ul style="list-style-type: none"> - Casino premises - Bingo premises

	<ul style="list-style-type: none"> - Betting premises, including tracks - Adult Gaming Centres - Family Entertainment Centres
Operating Licences	<p>Issued by the Gambling Commission:-</p> <ul style="list-style-type: none"> - Casino Operating Licence - Bingo Operating Licence - General Betting Operating Licence - Pool Betting Operating Licence - Betting Intermediary Operating Licence - Gaming Machine General Operating Licence (for an Adult - Gaming Centre Operator or a Family Entertainment Centre) - Gaming Machine Technical Operating Licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine) - Gambling Software Operating Licence (to manufacture, supply, install or adapt gambling software) - Lottery Operating Licence
Personal Licences	Licences issued by the Gambling Commission alongside an Operating Licence to persons holding a specified management office and other key staff carrying out specified operational functions.
Permits	<p>Permits issued by the Licensing Authority for:-</p> <ul style="list-style-type: none"> - Unlicensed Family Entertainment Centres - Prize Gaming - Gaming Machines (on alcohol related premises) - Club Gaming and Club Gaming Machines
Temporary Use Notices	They allow the use of premises by a gambling operator for gambling where there is no Premises Licence in place.
Occasional Use Notices	For use on eight days or less in a calendar year for permitting gambling on a track.
Child	An individual who is less than 16 years old.
Young Person	An individual who is not a child but who is less than 18 years old.
Adult	An individual who is not a child or a young person.
Gaming Machine	A machine which is designed or adapted for use by individuals to gamble.
Adult Gaming Centre	Premises limited to entry by adults making Category B, C and D gaming machines available to their customers.
Bingo	No statutory definition provided but the term has its ordinary and natural meaning. A game where a card is covered by numbers called until the card is full with cash or prizes being won.
Casino	Premises with an arrangement whereby people are given an opportunity to participate in one or more casino games, i.e. games of chance which are not equal chance gaming.
Club Gaming	Equal chance gaming and games of chance in members' clubs and miners' welfare institutes (but not commercial clubs).
Licensed Family Entertainment Centre	Premises offering Category C gaming machines that are restricted to adults and offering Category D machines to children and young persons in segregated areas.
Unlicensed Family Entertainment Centre	Premises offering Category D machines only with unrestricted entry.
Prize Gaming	Gaming where the nature and size of the prize is not

	determined by the number of people playing or the amount paid for or raised by the gaming. Prizes are determined by the operator before play commences.
Track	A site (including horse racecourses and dog tracks) where races or other sporting events take place.
Traveling Fair	A fair 'wholly or principally' providing amusements on a site not used for more than 27 days per calendar year.
Lotteries	Either a Licensed Lottery or an Exempt Lottery.
Licensed Lottery	A Large Society Lottery or a Local Authority Lottery. They require registration with the Gambling Commission.
Exempt Lottery	A Small Society Lottery, an Incidental Non-Commercial Lottery, a Private Lottery (Private Society, Work or Residents' Lottery), or a Customer Lottery.
Small Society Lottery	A lottery with total value of tickets for one lottery less than £20,000 (or separate lotteries less than £250,000 in a calendar year) requiring registration with the Licensing Authority.

Contact Details for the Licensing Authority and Responsible Authorities

All correspondence for the **Licensing Authority** should be addressed to:

- Environmental Services
Licensing Officer
Braintree District Council
Causeway House
Braintree
Essex CM7 9HB
Telephone: 01376 552525 Fax 001376 557767
E-mail: raccr@braintree.gov.uk
Website: www.braintree.gov.uk

The **Responsible Authorities** are:

- **Essex police**

Licensing Administration Officer
Braintree Police Station
Blyth's Meadow
Braintree
Essex
CM7 3DJ
Telephone:01376 551312 Fax 01376 551412

- **The Gambling Commission**

Victoria Square House
Victoria Square
Birmingham
B2 4BP
Telephone: 0121 230 6500 Fax 0121 2372236
E-mail: info@gamblingcommission.gov.uk
Website: www.gamblingcommission.gov.uk

- **The Fire and Rescue Authority**

Essex County Fire and Rescue Service
Braintree and Uttlesford
Fire Station
Railway Street
Braintree
Essex
Telephone: 01376 345537

➤ **The Local Planning Authority**
Development Services Manager
Development Services
Braintree District Council
Causeway House
Braintree
Essex CM7 9HB
Telephone: 01376 552525 Fax: 01376 557781

➤ **Environmental Health**
Environmental Protection Team
Braintree District Council
Causeway House
Bocking End
Braintree
Essex CM7 9HB
Telephone: 01376 552525 Fax: 01376 557767

➤ **Essex County Council
Children's Safeguarding Service**
Head of Children's Safeguarding Service
(Licensing Applications)
Essex County Council
DG06, D Block
Schools Children's and Families Service
PO Box 11
County Hall
Chelmsford
Essex
CM1 1LX

Telephone: 01245 492211

➤ **Her Majesty's Commissioners of Customs**
The Proper Officer
HM Revenue & Customs
Greenock Operational Team
Custom House
Custom House Quay
Greenock
PA15 1EQ
Telephone: 01475 726331

Useful Contacts

Trade Associations:

Association of British Bookmakers	www.abb.uk.com
British Amusement Catering Trade Association	www.bacta.org.uk
British Casino Association	www.britishcasinoassociation.org.uk
Remote Gambling Association	www.rga.eu.com
Bingo Association	www.bingo-association.co.uk
British Horseracing Board	www.britishhorseracing.com
British Greyhound Racing Board	www.thedogs.co.uk
Casino Operators Association	www.casino-coa.co.uk
Business in Sport & Leisure	www.bisl.org

Gambling Support Organisations:

Gamcare	www.gamecare.org.uk
Responsibility in Gambling Trust	www.rigt.org.uk
Gamblers Anonymous	www.gamblersanonymous.org.uk

Other Links

Department for Culture, Media & Sport	www.culture.gov.uk
Casino Advisory Panel	www.culture.gov.uk/cap

Table of Delegations of Licenising Functions
Gambling Act 2005

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE	OFFICERS	HEAD OF SERVICE
Three year licensing policy	<u>X</u>			
Fee Setting – when appropriate	<u>X</u>			
Authority to make minor amendments to the Gambling Act policy statement in conjunction with the Chairman of the Licensing Committee				X
Authority to process applications for premises licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn	
Authority to process applications to vary a licence		Where representations have been received and not withdrawn	Where no representations have been receive or representations have been withdrawn	
Authority to process applications for a transfer of a licence		Where representations have been received from the commission	Where no representations have been received from the commission	
Authority to process applications for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn	
Authority to make representations to all applications on behalf of the Licensing Authority				<u>X</u>
Authority to attach conditions, where			<u>X</u>	

relevant, to premises licences				
Authority to refuse applications for premises licences			<u>X</u>	
Authority to process applications for Temporary Use Notices		Where representations have been received and not withdrawn	Where no objections have been made or objections have been withdrawn	
Authority to process applications for club gaming and club machine permits		Where representations have been received and not withdrawn	Where no objections have been made or objections have been withdrawn	
Authority to issue permits for more than 2 machines in licensed premises			<u>X</u>	
Authority to process application for other permits			<u>X</u>	
Authority to cancel licensed premises gaming machine permits			<u>X</u>	
Review a premises Licence		<u>X</u>		
Determination as to whether a person is an Interested Party			<u>X</u>	
Determination as to whether representations are relevant			<u>X</u>	
Determination as to whether a representation is frivolous, vexatious or repetitive			<u>X</u>	

Appendix 5

Table showing the different types of gambling premises and the Category of gaming machines permitted.

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Regional Casino (machine/table ratio of 25:1 up to maximum)	Maximum of 1,250 machines. Any combination of machines in Categories A to D, within the total limit of 1,250 (subject to table ratio)						
Large Casino (machine/table ratio of 5:1 up to maximum)	Maximum of 150 machines. Any combination of machines in Categories B to D, within the total limit of 150 (subject to table ratio)						
Small Casino (machine/table ratio of 2:1 up to maximum)	Maximum of 80 machines. Any combination of machines in Categories B to D, within the total limit of 80 (subject to table ratio)						
Pre-2005 Act casinos (no machine/table ratio)	Maximum of 20 machines Categories B to D or C to D machines instead.						
Betting premises and tracks occupied by Pool Betting	Maximum of 4 machines Categories B2 to D						
Bingo premises	Maximum of 4 machines in Category B3 or B4				No limit C or D Category machines		
Adult Gaming Centre	Maximum of 4 machines in Category B3 or B4				No limit C or D Category machines		
Family Entertainment Centre (with Premises Licence)	No limit on Category C or D machines						
Family Entertainment Centres (with Permit)	No limit on Category D machines						

Machine Category							
Premises Type	A	B1	B2	B3	B4	C	D
Clubs or miners' welfare institutes with Permits						Maximum of 3 machines in Categories B4 to D	
Qualifying alcohol licensed premises						1 or 2 machines of Category C or D automatic on notification	
Qualifying alcohol licensed premises with Gaming Machine Permit						Number as specified on Permit	
Travelling Fair							No limit on Category D machines

APPLICATION PROCESS

This guidance covers those aspects that are the responsibility of the Licensing Authority only; guidance on aspects dealt with by the Gambling Commission can be obtained via the following link: - www.gamblingcommission.gov.uk

PREMISES LICENCES

A Premises Licence is required for any premises where gambling activity is carried out of a type requiring Personal and Operators' Licences to have been issued by the Gambling Commission.

An application may only be made by persons having the right to occupy the premises and who have, or have applied for, an Operating Licence allowing the proposed activities to be carried out. The Premises Licence cannot be granted until the necessary Operator's Licence has been issued.

Premises Licences are issued by the Licensing Authority and are required for Casinos, Bingo premises, Betting premises (including tracks and premises used by betting intermediaries) Adult Gaming Centres and Family Entertainment Centres providing category C gaming machines.

A licence is restricted to one premises only. However one set of premises may have separate licences issued in respect of different parts of the building.

Licensing Authorities are obliged to grant an application for a Premises Licence, provided the application is made in accordance with the Act, the Gambling Commission's guidance and the Licensing Authority's Gambling Licensing Policy Statement. Licences will be subject to mandatory and default conditions applied by regulations issued under the Act.

Premises Licences are valid indefinitely from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the Licensing Authority.

BINGO, BETTING, ARCADES (Adult Gaming Centres & Licensed Family Entertainment Centres)

New Licences or Permissions

Applicants wishing to commence operating on or after 1 September 2007 may apply from 1 January 2007 to the Gambling Commission for an Operator's Licence and from 31 January 2007 to the Licensing Authority for a Premises Licence.

TRACKS

An Operator's Licence is not required from the Gambling Commission to operate a track but a Premises Licence from the Licensing Authority is required. A number of Premises Licences may be granted for one track, provided each is for a different part of the track.

Betting is usually divided into on-course, off-course and pool betting, the provision of which requires operators to hold either a general Betting Operator's Licence or a Pool Betting Operating Licence from the Commission.

Pool betting on tracks may only be offered by the Tote (in relation to horse tracks) and by the Premises licenceholder (in relation to dog tracks). Pool betting may not be provided elsewhere.

Gaming machines, consisting of a maximum of 4 machines of categories B2 – D, may be operated at a track by the Premises licenceholder provided they hold a Pool Betting Operator's Licence (for siting and other special considerations in respect of gaming machines at tracks, see 'the Gambling Commission's guidance' at www.gamblingcommission.gov.uk).

Betting machines may also be operated at tracks (see 'Betting machines').

The licensing process is the same as for other premises described above.

BETTING MACHINES

Betting machines are used for accepting bets on live events such as racing, in place of making bets at a counter, e.g. in a betting shop or on a track. These machines are not classed as gaming machines. The Licensing Authority may impose a limit on the number of betting machines that may be used in conjunction with a premise's licence.

GAMING MACHINE SUPPLY & REPAIR

These activities require Operators' Licences to be issued by the Gambling Commission. For advice on applying for licences from the Commission, see their website at www.gamblingcommission.gov.uk.

GAMING MACHINES IN LICENSED PREMISES

Premises Licences issued under the Act automatically authorise the provision of gaming machines, according to the type of premises and gambling activities permitted (but see also 'Tracks').

The Act introduces new classes of gaming machines, as shown in figure 1 below. The category and number of machines that may be operated under a Premises Licence are shown in figure 2 below.

Fig. 1

<u>Category of machine</u>	<u>Maximum Stake £</u>	<u>Maximum Prize £</u>
<u>A</u>	<u>Unlimited</u>	<u>Unlimited</u>
<u>B1</u>	<u>2</u>	<u>4000</u>
<u>B2</u>	<u>100</u>	<u>500</u>
<u>B3</u>	<u>1</u>	<u>500</u>
<u>B4</u>	<u>1</u>	<u>250</u>
<u>C</u>	<u>.50p</u>	<u>35</u>
<u>D</u>	<u>10p or 30p when non-monetary prize</u>	<u>£5 cash or £8 non-monetary prize</u>

Fig. 2

Premises Type	<u>Machine category</u>						
	<u>A</u>	<u>B1</u>	<u>B2</u>	<u>B3</u>	<u>B4</u>	<u>C</u>	<u>D</u>
<u>Large casino (machine/ table ratio of 5-1 up to maximum)</u>		<u>Maximum of 150 machines</u> <u>Any combination of machines in categories B to D, within the total limit of 150 (subject to table ratio)</u>					
<u>Small casino (machine/ table ratio of 2-1 up to maximum)</u>		<u>Maximum of 80 machines</u> <u>Any combination of machines in categories B to D, within the total limit of 80 (subject to table ratio)</u>					
<u>Pre-2005 Act casinos (no machine/ table ratio)</u>		<u>Maximum of 20 machines categories B to D or C or D machines instead</u>					
<u>Betting premises and tracks occupied by Pool Betting</u>			<u>Maximum of 4 machines categories B2 to D</u>				
<u>Bingo Premises</u>				<u>Maximum of 8 category B3 or B4 machines</u>		<u>No limit on category C or D machines</u>	
<u>Adult gaming centre</u>				<u>Maximum of 4 category B3 or B4 machines</u>		<u>No limit on category C or D machines</u>	
<u>Family entertainment centre (with premises licence)</u>						<u>No limit on category C or D machines</u>	

TEMPORARY USE NOTICES (TUN's)

A TUN may only be issued by a person or company holding an Operating Licence relevant to the proposed temporary use of the premises and may be issued in respect of a 'set of premises' for a maximum of 21 days in any 12 month period. (NB. A TUN may not be issued in respect of a vehicle).

A 'set of premises' is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a notice in respect to different parts.

In considering whether a place falls within the definition of 'a set of premises', the Licensing Authority will consider, amongst other things, the ownership/ occupation and control of the premises.

The Licensing Authority will generally aim to permit gambling activities under a TUN but will 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.

Issue

Not less than 3 months and 1 day prior to the day on the which the gambling event is to take place, a TUN must be given to: -

- the Licensing Authority
 - the Chief Officer of Police
 - HM Commissioners for Revenue and Customs
and, if applicable,
 - any other Licensing Authority in whose area the premises are situated
- The notice must include details of: -
- the date the notice is given
 - the gambling activity to be carried on
 - the premises where it will take place
 - the dates and times it will take place
 - any periods during the preceding 12 months that a TUN has had effect for the same premises, and
 - any other information prescribed by Regulations

If there are no objections, the notice will be endorsed by the Licensing Authority and returned to the issuer for display upon the premises at the time the activity takes place.

Objections

Having regard to the Licensing Objectives, those Authorities upon whom the TUN is served may make objections to the gambling activity taking place within 14 days of the date of the notice. Objections must be made to the Licensing Authority and TUN issuer.

Modifications to the notice may be suggested by those objecting to it. If accepted by the issuer, a new notice must be issued. It should be noted that the 3 month, 1 day time limit and a new fee will not apply to the new notice, nor may the original objector[s] object to the new notice.

A Hearing must be held before the Premises/Personal Licences Sub-Committee to hear representations from all parties, unless agreement is reached that a Hearing is unnecessary [e.g. by modification of the notice] within 6 weeks of the date of the notice.

Following a Hearing the Licensing Authority must issue a counter notice setting out whether or not the TUN will have effect, any limitations to the activities permitted, the time period when activities may take place and any conditions that are imposed.

OCCASIONAL USE NOTICES (OUN'S)

Occasional Use Notices may only be issued in relation to tracks that are used on eight days or less in a calendar year.

A track can be any part of a premises on which a race or other sporting event takes place or is intended to take place. Tracks need not be a permanent fixture.

OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. An OUN dispenses with the need for a Betting Premises Licence for the track.

Issue

The notice may be issued by the person responsible for the administration of events on the track or the occupier of the track. **The notice must be served on the Licensing Authority and a copy on the Chief Officer of Police.**

Objections

Generally objections may not be made to the issue of an OUN, except the Licensing Authority must issue a counter notice where the effect of the OUN would result in betting facilities being made available for more than 8 days in a calendar year.

PREMISES LICENCES

PREMISES WHERE AN OPERATOR'S LICENCE HAS BEEN GRANTED TO OPERATE A CASINO, BINGO PREMISES, BETTING PREMISES, ADULT GAMING CENTRE OR LICENSED FAMILY ENTERTAINMENT CENTRE

AFTER 1 SEPTEMBER 2007

1. Attach required documentation
2. Pay prescribed fee

1. Licence lasts indefinitely unless surrendered, lapsed etc.
2. Annual charge payable to licensing authority

GAMING PERMITS

Certain types of gambling are authorised by permits issued by the Licensing Authority. The permits generally authorise low stake gambling for small prizes by: -

- Gaming machines in alcohol-licensed premises, Members' Clubs, unlicensed Family Entertainment Centres (FEC's) and certain other premises, e.g. taxi offices (see 'Other premises' below)
- Equal chance gaming, games of chance and gaming machines in Members' Clubs, and
- Prize gaming, e.g. at Travelling Fairs.

GAMING MACHINES

The Act introduces new classes of gaming machines that may be operated under a permit, as shown in figure 3 below.

Fig. 3

<u>Category of machine</u>	<u>Maximum Stake</u> <u>£</u>	<u>Maximum Prize</u> <u>£</u>
<u>B4</u>	<u>1</u>	<u>250</u>
<u>C</u>	<u>50p</u>	<u>35</u>
<u>D</u>	<u>10p or 30p when non-monetary prize</u>	<u>£5 cash or £8 non-monetary prize</u>

The category and number of machines that may be operated under a premise's licence are shown in Figure 2 above.

Fig. 4

<u>Premises Type</u>	<u>Machine category</u>							
	<u>A</u>	<u>B1</u>	<u>B2</u>	<u>B3</u>	<u>B3(A)</u>	<u>B4</u>	<u>C</u>	<u>D</u>
<u>Clubs or Miners' Welfare Institutes with permits</u>					<u>Maximum of 3 category B3(A) to D machines</u>			
<u>Qualifying alcohol licensed premises upon notification</u>							<u>Automatic entitlement of 1 or 2 category C or D machines</u>	
<u>Qualifying alcohol licensed premises with gaming machine permit</u>							<u>Unlimited entitlement of 1 or 2 category C or D machines</u>	
<u>Family Entertainment Centre (with permit)</u>								<u>Unlimited category D machines</u>
<u>Travelling Fair</u>								<u>Unlimited category D machines</u>

ALCOHOL-LICENSED PREMISES

Certain types of gambling may take place on alcohol-licensed premises under the Licensing Act 2003 without any authorisation being required. Generally these consist of the playing of cribbage, dominoes and other games for low stakes.

Premises holding a Premises Licence may be authorised to operate machines of Class C or D provided the Premises Licence authorises the sale and supply of alcohol for consumption on the premises without it being a condition that the sale and supply of alcohol has to be accompanied by food.

The following paragraphs apply only to those premises.

Automatic Entitlement

The Act gives an automatic entitlement for the holder of a Premises Licence under the 2003 Act to provide up to two gaming machines on their premises.

An application for a permit is not required but Premises Licence holders must notify their Licensing Authority in writing of their intention to provide the machines and pay the prescribed fee.

The entitlement may be withdrawn if:-

- provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives
- gaming has taken place on the premises that has breached a condition of the Act, e.g. they do not comply with siting and operation requirements
- the premises are mainly used for gaming; or where an offence under the Gambling Act 2005 has been committed on the premises.

The Licensing Authority may not exercise their powers to remove the entitlement without first giving the permit-holder the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

New permits

Where the holder of a Premises Licence wishes to provide more than two gaming machines, an application for a permit must be made to the Licensing Authority with the prescribed fee. There is no restriction on the number of machines that may be applied for and applications to vary the number of machines may be made at any time.

In determining an application for an increase in the number of machines, the Licensing Authority will consider: -

- the size of the premises
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons
- any documentary evidence [e.g. supporting statistical evidence providing details of usage, etc.]
- each application on its own merits
- the Codes of Practice or Guidance issued under the Gambling Act 2005

Where the Authority grants the application, a permit will be issued for the number of machines authorised, which will include the automatic entitlement of 2 machines.

Where the Authority intends to refuse an application, or grant it for a different number or category of machines to that requested, the applicant will be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary

Where the Premises Licence is transferred, the gaming machine permit must also be transferred or it will lapse. In all other cases the permit will last indefinitely, unless surrendered or revoked.

Although the permit will not need to be renewed, an annual charge will have to be paid to the Licensing Authority.

Transitional Arrangements

A permit issued under section 34 that is in force on 1 September 2007 will continue to have effect until its natural expiry date.

Where a 'section 34 permit' for 2 or less machines expires after 1 September 2007, at least 2 months before its expiry the Premises Licence holder must notify the Licensing Authority in writing of their intention to provide 2 (or less) machines and pay the prescribed fee.

Where a 'section 34 permit' for more than 2 machines expires after 1 September 2007, the Premises Licence holder must apply for a new permit at least 2 months before its expiry and pay the prescribed fee. A new permit must be issued for the same number of machines the previous permit authorised.

MEMBERS' CLUBS

The Act permits a Members' Club holding a Club Premises Certificate issued under the Licensing Act 2003, or Miners' Welfare Institute, to hold a **Club Gaming Permit** allowing participation in equal chance gaming or playing games of chance (see Annex C for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of 3 machines of either Class B3(A), B4, C or D.

The Act also permits a Members' Club holding a Club Premises Certificate or a Commercial Club holding a Premises Licence under the Licensing Act 2003 to operate a maximum of 3 machines of either Class B3(A), B4, C or D under a **Club Machine Permit**.

New Permits

Applications for a permit for premises already holding a Club Premises Certificate are subject to a 'fast track' procedure that prevents the making of objections, and restricts the ability of the Licensing Authority to refuse the application.

An application under this process may be refused if the club is established primarily for gaming (other than that permitted); if, in addition to the permitted gaming, facilities are provided for other gaming; or that a club machine permit issued to the applicant within the preceding 10 years has been cancelled.

An application and payment of the prescribed fee is required. A permit has effect for 10 years unless surrendered or revoked.

Applications for a permit for premises not holding a Club Premises Certificate e.g. a Commercial Members' Club with a Premises Licence, may be refused by the Licensing Authority on the grounds that:-

- the applicant does not fulfil the requirements for a Members' or Commercial Club
- the premises are used wholly or mainly by children and/or young persons; an offence under the Act or 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 10 years
- an objection has been made by the Police or Gambling Commission

Permits may be varied at any time to meet changing circumstances, other than an increase above 3 to the number of machines. Licensing Authorities may only refuse a variation if, on consideration of the proposed variation as a new application, they would refuse a permit.

A permit will lapse if the holder no longer qualifies as a Members' Club or no longer qualifies under the 'fast track' system, or the permit is surrendered. A permit may be cancelled if the premises are used wholly or mainly by children and/or young persons or where an offence under the Act or breach of a permit condition has been committed by the applicant in the course of gaming activities.

Permits are valid for 10 years from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the Licensing Authority.

A registration that is in force on 1 September 2007 will continue to have effect until its natural expiry date. Upon expiry a club will be entitled to apply for either a Club Gaming Permit or Club Machine Permit irrespective of the type of registration previously held.

An application for a new Club Machine Permit must be made at least 2 months before the existing registration expires, together with the prescribed fee.

OTHER PREMISES (TAXI OFFICES, TAKE-AWAY RESTAURANTS, ETC.)

Premises holding a permit under section 34 of the Gaming Act 1968 are prohibited from obtaining a new gaming machine permit under the Act and will be unable to operate gaming machines of any kind after their current permit expires.

UNLICENSED FAMILY ENTERTAINMENT CENTRES

The Licensing Authority may grant an application for a permit for category D gaming machines in an unlicensed Family Entertainment Centre (FEC) provided it is satisfied the premises will be used as an unlicensed FEC and that the Chief Officer of Police has been consulted. There are no limits to the number of machines that may be applied for in an unlicensed FEC.

The Authority will apply its Gambling Policy Licensing Statement in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

The Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority Officer has been refused access to the premises without

reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives.

Where the Authority intends to refuse an application, the applicant will be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

A permit will last for 10 years unless it ceases to have effect because it is surrendered, it lapses or it is renewed. There is no annual charge payable to the Licensing Authority.

Unlicensed FEC's may also offer equal chance gaming under the authority of their Gaming Machine Permit.

Applications for new permits to begin operating on or after 1 September 2007 may be made to the Licensing Authority from 31 January 2007.

PRIZE GAMING

Prize gaming may be carried on in premises under a permit issued by the Licensing Authority. A Prize Gaming Permit will not authorise the use of gaming machines.

The Authority may apply its Gambling Licensing Policy Statement in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

The Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority Officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Criminal Records Bureau or its equivalent in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the CRB certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

Where the Authority intends to refuse an application, the applicant must be given the opportunity to make written or oral representations or both. A Hearing will be held before the Premises/Personal Licences Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

A prize gaming permit will last for 10 years unless it ceases to have effect or is renewed. There is no annual charge payable to the Licensing Authority.

New permits

Applications for new permits to begin operating on or after 1 September 2007 may be made to the Licensing Authority from 31 January 2007.

Prize gaming without a permit

Prize gaming without a Prize Gaming Permit may be carried on in any premises with a Premises Licence issued under the Act, except that casinos may not offer prize bingo.

Unlicensed FEC's may also offer equal chance gaming only, under the authority of their gaming machine permit.

Travelling Fairs may also offer equal chance gaming only without a permit provided the facilities for gaming are ancillary amusements to the fair.

TRAVELLING FAIRS

Travelling Fairs do not require a permit to provide gaming machines but must comply with codes of practice on how they are operated.

Travelling fairs may provide an unlimited number of category D machines and prize gaming in the form of equal chance gaming provided that facilities for gambling amount to no more than ancillary amusement at the fair.

ALCOHOL LICENSED PREMISES

PREMISES WHERE THE LICENCE PERMITS THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AND THE SALE IS NOT CONDITIONAL UPON FOOD BEING SOLD MAY HAVE GAMING MACHINES OF CLASS C OR D



AFTER 1 SEPTEMBER 2007

UP TO 2 MACHINES

1. Automatic entitlement to 2 machines
2. Notify Licensing Authority in writing of proposed intention to operate machines.
3. Pay prescribed fee

MORE THAN 2 MACHINES

1. Apply to Licensing Authority
2. Attach statistical justification showing 'need'
3. Attach plan of premises showing location of machines
4. Pay prescribed fee

1. Permit has effect from date of grant unless surrendered or cancelled
1. Annual charge to be paid to Licensing Authority

1. Licensing Authority can withdraw entitlement for 2 machines where their provision is not consistent with Licensing Objectives; gaming has taken place in breach of a condition; premises are used mainly for gaming; an offence under the Act has been committed.
2. Licensing Authority can cancel a permit where the premises are used wholly or mainly by children or young persons or an offence under the Act has been committed.

BUT

1. Permit holder must withdraw or cancel
2. Hearing must be held
3. Withdrawal where no person is being served

MEMBERS' CLUBS

MAXIMUM OF 3 CATEGORY B4, C OR D MACHINES

AFTER 1 SEPTEMBER 2007

↓

Applications for new permits and renewals must be made to Licensing Authority

↓

ATTACH TO APPLICATION

1. Club Premises Certificate (for fast track applications)
2. Rules of club (if not CPC)
3. Plan of premises showing location of machines
4. Prescribed fee

↓

1. Copy of application and accompanying documents to Police and Gambling Commission
2. Objections may be made (except to 'fast track' applications)
3. Permit lasts 10 years

↓

Application for grant may be refused if: -

1. Applicant does not qualify as a Members' or Commercial Club or Miners' Welfare Institute.
2. The premises are used wholly or mainly by children or young persons.
3. An offence under the Act or a breach of a permit has been committed while providing gaming facilities.
4. A permit held by the applicant has been cancelled in previous 10 years.
5. An objection has been made by Police or Commission.

↓

Application for renewal must be sent to Licensing Authority with fee between 3 and 6 weeks before permit expires and may only be refused on the same grounds as for original grant.

Duration of the permit is 10 years. There is an appeal against a refusal to renew if outstanding.

PERMIT MAY BE ISSUED FOR PREMISES WHOSE PRIMARY USE IS AS AN UNLICENSED FAMILY ENTERTAINMENT CENTRE TO HAVE AN UNLIMITED NUMBER OF GAMING MACHINES OF CLASS D

↓

NEW PERMIT TO OPERATE AFTER 1 SEPTEMBER 2007

- ↓
1. Attach information required by Gambling Licensing Policy Statement
 1. Attach plan of premises showing location of machines
 2. Consult Chief of Police
 3. Pay prescribed fee
 4. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the licensing objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding

Permits will lapse if: -

1. Licensing Authority notifies holder premises are no longer being used as an unlicensed FEC
2. Holder no longer occupies premises
3. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
4. Court orders holder to forfeit permit
5. Holder surrenders or fails to renew

PRIZE GAMING PERMIT

PRIZE GAMING PERMITS MAY ONLY BE ISSUED IN RESPECT OF PREMISES FOR WHICH THERE IS NO PREMISES LICENCE OR CLUB GAMING PERMIT ISSUED UNDER THE GAMING ACT 2005

**NEW PERMIT TO OPERATE
AFTER 1 SEPTEMBER 2007**

-
- ```
graph TD; A[] --> B[1. Attach information required by Gambling Licensing Policy Statement
2. Attach plans of premises
3. Pay prescribed fee
4. Permit lasts for 10 years]; B --> C[Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the Licensing Objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.]; C --> D[Permits will lapse if: -
1. Holder no longer occupies premises
2. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
3. Court orders holder to forfeit permit
4. Holder surrenders or fails to renew];
```
1. Attach information required by Gambling Licensing Policy Statement
  2. Attach plans of premises
  3. Pay prescribed fee
  4. Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the Licensing Objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to Licensing Authority with fee between 2 and 6 months before permit expires and may only be refused if an Authorised Officer has been refused access to the premises without reasonable excuse, or renewal would not be reasonably consistent with the Licensing Objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding.

Permits will lapse if: -

1. Holder no longer occupies premises
2. Holder dies, becomes mentally incapacitated, bankrupt or, in case of a company, ceases to exist or goes into liquidation
3. Court orders holder to forfeit permit
4. Holder surrenders or fails to renew

**LOTTERIES**

A lottery is unlawful unless it is run in accordance with an Operating Licence issued by the Gambling Commission, or it is exempt. This advice covers only those categories of lottery that are exempt. For more information on the licensing requirements for lotteries, see the Gambling Commission's website on [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

The Act defines 4 categories of lottery that are exempt from needing an operating licence: -

- Incidental non-commercial lottery
- Private lottery
- Customer lottery
- Small society lottery

Only a small society lottery is required to be registered with the Licensing Authority.

Applications must be made by the promoting society to the Licensing Authority for the area in which the principal address of the society is located. The Licensing Authority must record details of the society in a register and notify the applicant and the Gambling Commission of the registration.

The Licensing Authority will require applicants to declare: -

- the purposes for which the society is established
- that they represent a bona fide non-commercial society, and
- that they have no relevant convictions

The Licensing Authority may refuse an application if: -

- it considers the applicant is not a non-commercial society
- any person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with an application is false or misleading

An application shall be refused if an Operating Licence held or applied for by the applicant has been revoked or refused in the previous 5 years.

The Licensing Authority may revoke a registration where it believes the grounds exist that would permit or require it to refuse an application for registration.

Where the Licensing Authority intends to refuse or revoke the registration application it will give the society: -

- details of the reasons,
- evidence upon which it reached the decision, and
- the opportunity to make written and/or oral representations.

## **NEW REGISTRATIONS**

An application for registration with the prescribed fee must be made to the Licensing Authority under the Act. The registration will be valid indefinitely with an annual fee being payable to the Licensing Authority.

## **Lottery Requirements**

To ensure the main purposes of the lottery are met: -

- the society must apply a minimum of 20% of the proceeds of the lottery to the purposes of the society;
- no single prize may exceed £25000;
- rollovers may be permitted provided every lottery affected is also a small society lottery by the same society and the maximum single prize does not exceed £25000; and
- every ticket must cost the same and must be paid for before being entered into the draw.

## **Returns**

No later than 3 months after making the draw (or in the case of a rollover, the last draw), a return must be sent to the Licensing Authority that: -

- has been signed by 2 members of the society over 18 years of age who are appointed for the purpose in writing by the society or its governing body, if it has one,
- is accompanied by a copy of each member's letter of appointment,  
and include the following details: -
- the dates when tickets were available for sale;
- the dates of any draw and value of prizes, including any rollover;
- the proceeds raised;
- the amounts deducted for prizes and expenses incurred in organising the lottery;
- the amount applied or to be applied to the purposes of the promoting society; and
- whether any expenses incurred in connection with the lottery were paid for other than from the proceeds of the lottery and, if so, the amount and the source(s) from which they were paid.

## **EXTERNAL LOTTERY MANAGERS**

External Lottery Managers require Operators' Licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## **SMALL SOCIETY LOTTERIES**

**PROMOTED BY A NON-COMMERCIAL SOCIETY ESTABLISHED FOR CHARITABLE PURPOSES; FOR PURPOSE OF ENABLING PARTICIPATION IN OR OF SUPPORTING SPORT, ATHLETICS OR CULTURAL ACTIVITY; OR FOR OTHER NON -COMMERCIAL PURPOSES OTHER THAN PRIVATE GAIN**

**REGISTRATION TO OPERATE  
AFTER 1 SEPTEMBER 2007**

**1. Attach information required: -**

Braintree District CouncilApproved Fees for Applications made under the Gambling Act 2005

## Premises Licence Fees

| Premises Type                       | Transitional<br>Fast-Track<br>Application<br>£ | Transitional<br>Non-Fast Track<br>Application<br>£ | New<br>Application<br>£ | Annual Fee<br>£ |
|-------------------------------------|------------------------------------------------|----------------------------------------------------|-------------------------|-----------------|
| Existing Casinos                    | n/a                                            | n/a                                                | n/a                     | n/a             |
| New Small Casino                    | n/a                                            | n/a                                                | <b>5000</b>             | <b>3500</b>     |
| New Large Casino                    | n/a                                            | n/a                                                | <b>6500</b>             | <b>6500</b>     |
| Regional Casino                     | n/a                                            | n/a                                                | <b>10000</b>            | <b>10000</b>    |
| Bingo Club                          | n/a                                            | n/a                                                | <b>2000</b>             | <b>600</b>      |
| Betting Premises (excluding Tracks) | <b>200</b>                                     | <b>700</b>                                         | <b>1200</b>             | <b>300</b>      |
| Tracks                              | n/a                                            | n/a                                                | <b>1000</b>             | <b>550</b>      |
| Family Entertainment Centres        | <b>200</b>                                     | <b>400</b>                                         | <b>1000</b>             | <b>450</b>      |
| Adult Gaming Centre                 | <b>200</b>                                     | <b>400</b>                                         | <b>1000</b>             | <b>550</b>      |

|                                     | Application to Vary<br>£ | Application to Transfer<br>£ | Application for Re-Instatement.<br>£ | Application for Provisional Statement.<br>£ | Licence Application (provisional Statement holders.<br>£ | Copy Licence<br>£ | Notification of Change<br>£ |
|-------------------------------------|--------------------------|------------------------------|--------------------------------------|---------------------------------------------|----------------------------------------------------------|-------------------|-----------------------------|
| Existing Casinos                    | n/a                      | n/a                          | n/a                                  | n/a                                         | n/a                                                      | n/a               | n/a                         |
| New Small Casino                    | 2500                     | 1000                         | 1000                                 | 5000                                        | 1000                                                     | 25                | 50                          |
| New large Casino                    | 3000                     | 1500                         | 1500                                 | 6500                                        | 3250                                                     | 25                | 50                          |
| Regional Casino                     | 4125                     | 4275                         | 4275                                 | 9000                                        | 6000                                                     | 25                | 50                          |
| Bingo Club                          | 800                      | 500                          | 500                                  | 1500                                        | 500                                                      | 25                | 50                          |
| Betting Premises (excluding Tracks) | 700                      | 400                          | 400                                  | 1000                                        | 400                                                      | 25                | 50                          |
| Tracks                              | 800                      | 500                          | 500                                  | 1500                                        | 500                                                      | 25                | 50                          |
| Family Entertainment Centres        | 400                      | 250                          | 250                                  | 750                                         | 200                                                      | 25                | 50                          |
| Adult Gaming Centre                 | 400                      | 250                          | 250                                  | 750                                         | 200                                                      | 25                | 50                          |

## **Permits**

Unlike premises licence fees, permit fees are prescribed by the Government, with Braintree District Council having no discretion on setting the levels of fees to be charged for permits.

### **Licensed Premises Gaming Machine Permit**

| <b>Occasion on which fee may be payable</b> | <b>Fee</b>    |
|---------------------------------------------|---------------|
| <b>Grant</b>                                | <b>150.00</b> |
| <b>Existing operator Grant</b>              | <b>100.00</b> |
| <b>Variation</b>                            | <b>100.00</b> |
| <b>Transfer</b>                             | <b>25.00</b>  |
| <b>Annual Fee</b>                           | <b>50.00</b>  |
| <b>Change of Name</b>                       | <b>25.00</b>  |
| <b>Copy of Permit</b>                       | <b>15.00</b>  |

### **Licensed Premises Automatic Notification**

| <b>Occasion on which fee may be payable</b> | <b>Fee</b>   |
|---------------------------------------------|--------------|
| <b>On Notification</b>                      | <b>50.00</b> |

### **Club Gaming Permits and Club Machine Permit**

| <b>Occasion on which fee may be payable</b>     | <b>Fee</b>    |
|-------------------------------------------------|---------------|
| <b>Grant</b>                                    | <b>200.00</b> |
| <b>Grant (Club Premises Certificate Holder)</b> | <b>100.00</b> |
| <b>Existing operator Grant</b>                  | <b>100.00</b> |
| <b>Variation</b>                                | <b>100.00</b> |
| <b>Renewal</b>                                  | <b>200.00</b> |

|                                                   |               |
|---------------------------------------------------|---------------|
|                                                   |               |
| <b>Renewal (Club Premises Certificate Holder)</b> | <b>100.00</b> |
| <b>Annual Fee</b>                                 | <b>50.00</b>  |
| <b>Copy of Permit</b>                             | <b>25.00</b>  |

**Family Entertainment Centre Gaming Machine Permits**

| <b>Occasion on which fee may be payable</b> | <b>Fee</b>    |
|---------------------------------------------|---------------|
| <b>Grant</b>                                | <b>300.00</b> |
| <b>Renewal</b>                              | <b>300.00</b> |
| <b>Existing Operator</b>                    | <b>100.00</b> |
| <b>Change of Name</b>                       | <b>25.00</b>  |
| <b>Copy of Permit</b>                       | <b>15.00</b>  |

**Prize Gaming Permits**

| <b>Occasion on which fee may be payable</b> | <b>Fee</b>    |
|---------------------------------------------|---------------|
| <b>Grant</b>                                | <b>300.00</b> |
| <b>Renewal</b>                              | <b>300.00</b> |
| <b>Existing Operator</b>                    | <b>100.00</b> |
| <b>Change of Name</b>                       | <b>25.00</b>  |
| <b>Copy of Permit</b>                       | <b>15.00</b>  |

**Small Lottery Registration**

| <b>Occasion on which fee may be payable</b> | <b>Fee</b>   |
|---------------------------------------------|--------------|
| <b>Grant</b>                                | <b>40.00</b> |
| <b>Annual Fee</b>                           | <b>20.00</b> |

**MAP OF BRAINTREE DISTRICT**

