

# Guidance notes



## Gambling Act 2005 – premises licences

Updated March 2015

### Premises licence

Where an individual or company proposes to offer gambling for which an operating licence is required, and which is premises based, that individual or company will also need to apply for a premises licence.

Premises licences are issued by the licensing authority with responsibility for the area in which the premises are situated.

The Gambling Commission also provides advice and guidance to assist applicants.

### Operating licence

Individuals and companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. These licences cover the principal commercial forms of gambling operation.

### Gambling activities

Premises licences can authorise the provision of facilities on:

- casino premises
- bingo premises
- betting premises, including tracks and premises used by betting intermediaries
- adult gambling centre premises
- family entertainment centre premises

### Meaning of premises

Premises is defined as including 'any place'. This prevents more than one premises licence applying to any place. A single building could be subject to more than one premises licence, provided they are for different parts of the building and these parts can be reasonably regarded as being different premises.

The Gambling Act permits premises licences to be granted for passenger vessels. Separate application forms need to be used - see application forms section below.

A vessel is anything (other than a sea plane or amphibious vehicle), designed or adapted for use on water, a hovercraft, anything, or part of any place, situated on or in water.

Vehicles (trains, road vehicles, aircraft, sea planes and amphibious vehicles, other than a hovercraft) may not be the subject of a premises licence and therefore all forms of commercial betting and gaming are unlawful in a vehicle in Great Britain.

## **Premises licence type**

### **Casino premises (new)**

It is not currently possible to make an application for a new casino licence in the North Devon Council area. Specific councils only have the permission to issue such licences. If you need any further information regarding casinos, please contact the licensing team - contact details listed towards the bottom of this web page.

### **Bingo**

Bingo licensed premises may offer both cash and prize bingo and may also make available for use up to four category B machines (sub categories B3 and B4); any number of category C machines and any number of category D machines. No person under the age of 18 is permitted to play bingo on the premises and if bingo halls admit under-18s they must have measures in place to prevent their access to any category B and C machines. The admission charges, the charges for playing a game and the rules of the game must be prominently displayed. Any ATM available for use in the premises must be sited so that customers have to stop gambling to use it.

### **Betting premises (off track)**

There are two types of premises which require licensing for betting but we refer here to off-track betting, that is betting that does not take place on a race course and is the traditional 'bookmaker's shop'. These licences have mandatory conditions, including one that requires the terms on which a bet may be placed to be prominently displayed. No person under the age of 18 is allowed in betting premises and the consumption of alcohol is also prohibited. Neither is music, dancing or other entertainment permitted. If there is an ATM on the premises it must be sited so that customers have to leave any gaming machine in order to use it. Up to four gaming machines of category B (B2, B3 and B4), C and D may be provided.

### **Adult gaming centres**

Adult Gaming Centres (AGCs) are a new category of premises and we could describe them as amusement arcades for adults as no person under the age of 18 is allowed to enter one. An AGC may have up to four category B machines; any number of category C machines and any number of category D machines. The category B machines are restricted to B3 and B4 machines. Consumption of alcohol is prohibited and if there is an ATM on the premises it must be sited so that customers have to stop gambling to use it. AGCs may offer prize gaming which includes prize bingo.

## Licensed family entertainment centres

Licensed Family Entertainment Centres are a second new category of premises and are amusement arcades that offer category C and category D machines. Children and young persons are allowed to come in and to play category D machines. There must be a clear separation from the category C machines, which may only be played by people over the age of 18. Over-18 areas must be separated by a barrier with prominently displayed notices stating that under-18s are not allowed in that area and the area must be supervised to ensure that under-18s do not access the area. Consumption of alcohol is prohibited and if there is an ATM on the premises it must be sited so that customers have to stop gambling to use it. Licensed FECs are also able to offer prize gaming, which includes prize bingo.

Please note that this information is provided purely for guidance and should not be treated as a definitive statement of law.

## Categories of gaming machine

The Gambling Act has defined four classes of gaming machine with further subdivisions in category B. Different types of premises are allowed different numbers and types of gaming machine so a table summarising what they are is set out below:

Category of Machine	Maximum Stake	Maximum Prize
B1	£5	£10,000
B2	£100 (multiples of £10)	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D non-money prize (other than crane grab machine)	30p	£8
D non-money prize (crane grab machine)	£1	£50
D money prize	10p	£5
D combined money and non-money prize (not coin pusher or penny falls)	10p	£8 (of which no more than £5 may be a money prize)

machines)		
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

## The application process

An application for a premises licence may only be made by persons (which includes companies or partnerships):

- who have the right to occupy the premises
- who have an operating licence, which allows them to carry out the proposed activity, for example a bingo operating licence for a bingo premises, or have applied for an operating licence (the premises licence can not be determined until an operating licence has been issued)

The exception to this is an applicant for a premises licence to allow a track to be used for betting, as these applicants are not required to hold an operating licence if they are merely providing space for other people to provide betting (and those other people hold valid betting operating licences). However, if a track owner is also acting as a betting operator or running pool betting he will have to have the relevant type of operating licence.

An applicant for a premises licence must be 18 or over.

The application must be made using the prescribed form (see application forms section below) and must be accompanied by:

- the prescribed fee
- a plan of the premises - needs to be to scale, although a specific scale is not prescribed (preferred 1:100)
- Any other additional information required as per the council's statement of principles

The applicant is required to publish notice of their application and to notify responsible authorities and other persons about the application. This will allow representations to be made.

Notice must be given in three ways:

- a notice placed outside the premises for 28 consecutive days in a place where it can be read conveniently
- in a newspaper or newsletter of local relevance, on at least one occasion within ten days of the application being made
- to all responsible authorities within seven days of the application being made.

## **Advert**

A template to be used by applicants when advertising details of application in the local press can be found on our website.

## **Responsible authorities and interested parties**

Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations in relation to applications for, and in relation to, premises licences. All representations made by responsible authorities are likely to be relevant representations if they relate to the three core objectives.

The responsible authorities are listed in Appendix A of the council's statement of principles. Again, this can be found on the council website.

An interested party is a person who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities
- has business interests that might be affected by the authorised activities
- represents persons in either of these two groups

Interested parties can be people who are democratically elected such as councillors and MPs. Where appropriate, this will include county, parish and town councillors.

Other than these persons, authorities should require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

## **Representations**

Responsible authorities and interested parties have 28 consecutive days from the date of application to make representations to the licensing authority.

The licensing authority will determine the relevance of the representation. To be relevant, they should usually relate to the licensing objectives. Vexatious or frivolous representations will not be considered.

## **Hearings**

A hearing will not be held if all parties have come to an agreement (mediation) or if the authority feels the representation is vexatious or frivolous.

Otherwise a hearing will be held to determine the outcome of the application.

## **Determination**

On considering an application for a premises licence (whether at a hearing or not), a licensing authority shall either grant it or reject it.

## **Grant**

On grant of the application, the licensing authority shall as soon as is reasonably practical give notice to:

- the applicant
- the Gambling Commission
- any person having made a representation
- Chief Officer of Police
- Customs and Excise

Issue the premises licence to the applicant, together with a summary of the terms and conditions of the licence.

## **Reject**

On rejection of the application, the licensing authority shall as soon as is reasonably practical give notice to:

- the applicant
- the Gambling Commission
- any person having made a representation
- Chief Officer of Police
- Customs and Excise

A notice will also be given to the above detailing the reasons for rejection.

## **Appeal**

An applicant appealing against the rejection or a responsible authority/interested party appealing against the grant of a premises licence has 21 days from receipt of the notice of decision from the licensing authority in which to make an appeal.

The appeal should be lodged with the magistrates court that covers the area in which the premises are situated.

## **Conditions**

The council's statement of principles, under the conditions section, provides further information.

## **Fees**

Fees relating to Gambling Act 2005 can be found on the council's website.

## **Register**

Current applications for the grant of a premises licence and those previously completed can be viewed on the Premises Licence public register, listed together with other 'events' held against a given premises.

## **Complaints**

If you want to make a complaint about a licensed premises, please contact us.

If you feel we have failed to provide you with good service or are concerned about the progress of your application, please contact Customer Services. The Licensing team will aim to resolve any concerns you may have. The council also has a formal complaints procedure.