

Guidance notes



Gambling Act 2005 – Gambling permits

Updated November 2015

Permits

Permits are required when premises provide a gambling facility, but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specified premises.

Permits are issued by the licensing authority with responsibility for the area in which the premises are situated and the permit is either granted without conditions or rejected.

Permit types:

- unlicensed family entertainment centres (UFEC)
- club gaming permits
- club machine permits
- licensed premises (alcohol) gaming machine permits
- licensed premises (alcohol) automatic entitlement
- prize gaming and prize gaming permits.

Unlicensed family entertainment centre

UFECs are commonly located at seaside resorts, airports and at motorway service stations, and cater for families, including unaccompanied children and young persons.

Only category D machines are permitted and without a limit on number.

Club gaming permits and club machine permits

A licensing authority may grant members clubs and miners welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines (as well as equal chance gaming and games of chance).

If a club does not wish to have the full range of facilities permitted by a club gaming

permit or if they are a commercial club, they may apply to the licensing authority for a club machine permit. This authorises the holder to have up to three gaming machines of categories B4, C or D (that is three machines in total).

Members clubs and miners welfare institutes (but not commercial clubs) are entitled to site category B3A gaming machines offering lottery games in their clubs. However, the limit of three machines in total remains.

Licensed premises (alcohol) automatic entitlement

There is provision for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. To enable this, the council must receive notification using the appropriate form, accompanied by the necessary fee.

You should be aware that only those premises which have a 'bar' (servery) at which alcohol is sold for consumption on the premises will be eligible for machines in the bar area of a premises. This means premises such as restaurants, which do not have a bar for serving drinks or those which can only sell alcoholic drinks as an ancillary to food, will not be eligible.

It is recognised that some alcohol-licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such applications would most likely need to be applied for and dealt with as an Adult Gaming Centre Premises Licence.

The licensing authority can remove the automatic authorisation in respect of any particular premises in prescribed circumstances, for example if the provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.

Licensed premises (alcohol) gaming machine permits (for three or more machines)

Licensing authorities may issue licensed premises gaming machine permits for any number of category C or D machines in alcohol licensed premises.

If a premises wishes to have more than two machines, then it needs to apply for a permit. The licensing authority will consider an application based upon the licensing objectives, such as guidance issued by the Gambling Commission and matters such as the need to protect children and vulnerable persons from being harmed or exploited by gambling. Where no concerns exist with an application, this will ordinarily be dealt with by officers. However, in certain cases (for example applications for large numbers of machines) applications may be referred to the council's Licensing Sub-Committee for determination.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

A plan must accompany applications, indicating where and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.

Applicants must satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines and be mindful of the need to comply with the Gambling Commission's Gaming Machines in Alcohol Licensed Premises Code of Practice (available on their website www.gamblingcommission.gov.uk).

Prize gaming and prize gaming permits

Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.

A prize gaming permit authorises the provision of facilities for gaming with prizes on specified premises.

Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed.

Any non-gambling premises (that is, one that has not got a premises licence under the Gambling Act 2005) that wishes to provide such gambling would need to apply for a prize gaming permit.

Prize gaming permits do not permit the provision of gaming machines and only certain equipment such as mechanised cash bingo equipment for example, may be used for prize gaming and not be treated as a gaming machine.

Some premises are already authorised by the Act to offer prize gaming, without needing a separate prize gaming permit. These are:

- holders of adult gaming centre premises licences
- holders of family entertainment centre premises licences
- holders of bingo premises licences
- holders of family entertainment centre gaming machine permits
- travelling fairs.

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 as follows:

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 machines)	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

The application process

The council's statement of principles provides further information relevant to the application process for the different permit types. This should be read carefully and referred to when making an application.

The information below provides a summary outline only and further information should be sought if required using the contacts section towards the bottom of this web page.

An application for a permit may only be made by persons (which includes companies or partnerships) who have the right to occupy the premises.

An applicant for a permit 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). Needed for UFECs, prize gaming and prize gaming permits
- other supporting documentation as detailed in the council's statement of principles (this can be found on the council's website)

Responsible authorities

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, permits (excluding alcohol licensed premises automatic entitlement). 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.

The relevant responsible authorities are:

- Chief Officer of Police
- The Gambling Commission.

Copies of the application must be sent to the relevant authorities within seven days of the application being received by the licensing authority.

- UFECs - a copy should only be sent to the Chief Officer of Police

- Club gaming and club machine permits - a copy should be sent to both of the above authorities.

- Licensed premises (alcohol) gaming machine permits - a copy should be sent to the Chief Officer of Police.

This process is not required for the other permit types.

Representations

Responsible authorities 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 permit (whether at a hearing or not), a licensing authority shall:

- 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 (if applicable)
- Chief Officer of Police (if applicable)
- Customs and Excise (if applicable)

Issue the permit to the applicant - no conditions are applicable to permits.

Reject

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

- the applicant
- the Gambling Commission (if applicable)
- Chief Officer of Police (if applicable)
- Customs and Excise (if applicable)

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

Not applicable where automatic entitlement applies.

Appeal

An applicant appealing against the rejection or a responsible authority appealing against the grant of a permit 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.

Register

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