

GAMBLING ACT 2005 PREMISES LICENCE GUIDANCE NOTES

Introduction

In this document we are going to talk you through the application process for some of the licences permitted and enforced under this Act.

We are here to help you through the application process and are happy to advise you on the best course of action. Please contact us should you require any further information, have any questions or require any general advice.

Email: licensing@gravesham.gov.uk

Gambling Act 2005

The GA05 contains three licensing objectives which are of equal importance, and they must be addressed when licensing functions are undertaken. They are as follows:

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

What is a Premises Licence?

A premises licence authorises premises to be used for:

- Bingo
- Betting
- Adult Gaming Centres
- Race courses/sporting arenas (where betting takes place)
- Family Entertainment Centre

Except in the case of a track, a Premises Licence may not authorise the use of premises for activities of more than one of the types listed above.

Who can apply for a Gambling Act Premises Licence?

An application for a Premises Licence may only be made by persons (which include companies or partnerships):

1. Who have the right to occupy the premises; and
2. Who have an Operating Licence which allows him/her to carry out the proposed activity, or have applied for an Operating Licence (the Premise Licence may only be issued once the Operating Licence has been issued from the Gambling Commission)
3. An applicant for a Premises Licence must be over the age of 18.

Submitting a Premises application

1. Application form

If you have opened up new premises you will need to complete this form.

'Application for a premises licence under the Gambling Act 2005'.



If the premises already has a licence on it, but you wish to change the details of the licence such as opening hours you will need to complete this form.

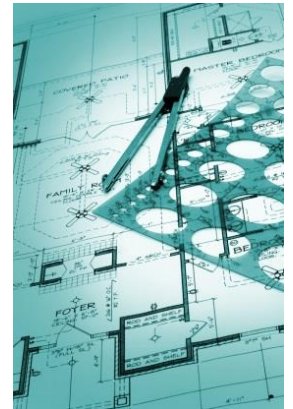
'Application to vary a premises licence under the Gambling Act 2005'

2. Operators Licence

As an application for a premises licence may only be made by a person who holds an operator's licence or has made an application, which has not yet been determined. The applicant must provide details of the Operating licence.

3. Plans of premises

You must enclose a set of plans of the premises set out in accordance with the regulations as follows:



Plan requirements

Plans must be drawn to a suitable scale showing:

- a) The extent of the boundary or perimeter of the premises.
- b) Where the premises include, or consist of, one or more buildings, the location of any external or internal wall of each such building.
- c) Where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises.
- d) Where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and any internal walls of the vessel, which are included in the premises.
- e) The location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

In addition to the above the plan must also show:

For a Bingo Premises licence

- a) The location and extent of any part of the premises which will be used to provide facilities for gaming in reliance on the licence.
- b) The location and extent of any part of the premises in which category B or C gaming machines will be made available for use in reliance on the licence
- c) The nature and location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises

For a Betting Premises Licence (other than a track)

- a) The plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

For an Adult Gaming Centre Premises licence

- a) The plan must show the location and extent of any part of the premises in which gaming machines will be made available for use in reliance on the licence.

For a Track Betting Premises Licence

- a) The location and extent of any part of the premises which is five times rule betting area (this means, in relation to a track, any part of the track in respect of which, in accordance with conditions attached under section 167, the charge for admission to that part of the track payable by betting operators may not exceed five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track)
- b) The location and extent of any part of the premises in which category B or C gaming machines will be made available for use in reliance on the licence
- c) The location and extent of any part of the premises in which category B or C gaming machines will be made available for use in reliance on the licence
- d) The nature and location of any barrier or other thing separating any part of the premises in which category B or C gaming machines will be made available for use from any other part of the premises.

For a Family Entertainments Centre Premises Licence

- a) The location and extent of any part of the premises in which Category C gaming machines will be made available for use in reliance on the licence
- b) The location and extent of any part of the premises in which category D gaming machines will be made available for use in reliance on the licence
- c) The nature and location of any barrier or other thing separating any part of the premises in which category C gaming machines will be made available for use from any other part of the premises

4. Fees

Fees must be included with the application. The fee will depend on what type of application is applied for.

There is also a legal requirement to pay a 'first annual fee' – this fee will become payable 30 days after the date of the grant of the licence. Additionally you will be required to pay an annual renewal fee to the licence in force.

The premises licence fees, which vary between premises, have been set from within predefined bands set by the Secretary of State. You can find the current fees on our website.

5. Submitting the application:

The full application with required supporting documents must be sent to:

❖ Licensing

Licensing
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Email: licensing@gravesham.gov.uk

6. Notice of application to Responsible Authorities (RA)

Responsible authorities are agencies that have been given certain powers under the Act. You will need to send a notice of your application to the responsible authorities.

There are prescribed forms which must be used to notify the RA within 7 days of the application date.

The RA's are then entitled to make representations about your application which will usually focus on the licensing objectives.

❖ **Police:**

North Kent Police Licensing
Medway Police Station
Purser Way
Gillingham
Kent
ME7 1NE

Email: licensing.north.division@kent.police.uk

Telephone: 01634 79 27 33

❖ **Fire and Rescue:**

West Kent Fire Safety Office
Dartford Fire Station
Watling Street
Dartford
Kent
DA2 6EG

Email: tfs.westgroup@kent.fire-uk.org

Telephone: 01322 22 42 29

❖ **Health and Safety:**

For premises where H&S is enforced by the council (e.g. shops, pubs, clubs, restaurants, hotels):

Commercial Section (Health & Safety)

Email:

commercialhealth.admin@gravesham.gov.uk

Gravesham Borough Council
Regulatory Services
Windmill Street
Gravesend
Kent, DA12 1AU

Telephone: 01474 33 73 34 Civic Centre

For premises where H&S is enforced by the Health Safety Executive (e.g. hospitals and schools):

Health & Safety Executive
Phoenix House
23-25 Cantelope Road
East Grinstead
West Sussex
RH19 3BE

Email: eselicensing@hse.gsi.gov.uk

Telephone: 01342 33 42 00

❖ **Planning:**

Planning and Regeneration Services
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Email: planning.admin@gravesham.gov.uk

Telephone: 01474 33 73 91

❖ **Environmental Health**

Environmental Protection
Gravesham Borough Council
Regulatory Services
Civic Centre
Windmill Street

Email: ep@gravesham.gov.uk

Telephone: 01474 33 73 34

Gravesend
Kent
DA12 1AU

❖ **Child Protection:**

Rodica Cobarzan
Integrated Family Services Manager
Specialist Children's Services
Kent County Council
Joynes House
New Road
Gravesend
Kent
DA11 0AT

Email: Rodica.Cobarzan@kent.gov.uk

Office: 03000 411515

❖ **HM Revenue and Customs**

National Registration Unit
Betting and Gaming
Portcullis House
21 India Street
Glasgow
G2 4PZ

Email: NRUBetting&Gaming@HMRC.gsi.gov.uk

Telephone: 03000 51 60 23

❖ **Gambling Commission**

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Email: info@gamblingcommission.gov.uk

Telephone: 01212 30 66 66

7. Advertising the application

New applications and variations must be advertised in two ways. The applicant is responsible for this and regular checks will be made by the Licensing Authority.

- a) For a period of no less than 28 consecutive days starting on the day after the application was given to the Licensing Authority you must display a notice about your application on the premises to which the application relates. The notice must be placed in a position where it can easily be read by passers-by.
- b) A notice must be placed in a local newspaper circulating in the vicinity of the premises on at least one occasion during the period of 10 working days starting on the day after the application or which the application was given to the Licensing Authority. It must contain the same information as the notice placed on your premises.

**Notice of application for a premises licence
Under the Gambling Act 2005**

Notice is hereby given that:

[Give the full name of applicant(s)]

Of the following address:

**Is/are applying for a premises licence under section 159 of the Gambling Act 2005
*[Insert kind of premises being applied for]***

The application relates to the following address:

[Give the trading name to be used at the premises, and the address of the premises (or, if none, give a description of the premises and their location)]

**The application has been made to:
*[Specify the name of the licensing authority to which the application has been made]***

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

Any of the following persons may make representations in writing to the licensing authority about the application:

- **A person who lives sufficiently close to the premises to be likely to be affected by the authorised activities**
- **A person who has business interests that might be affected but the authorised activities**
- **A person who represents someone in any of the above categories.**

Any representations must be made by the following date:

It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

9. Applicant's checklist

The application form contains a checklist for you to tick to be sure that you have included all the relevant documents, the required application fee and the copies of the application have been sent to all the relevant responsible authorities.

10. Consideration of Applications

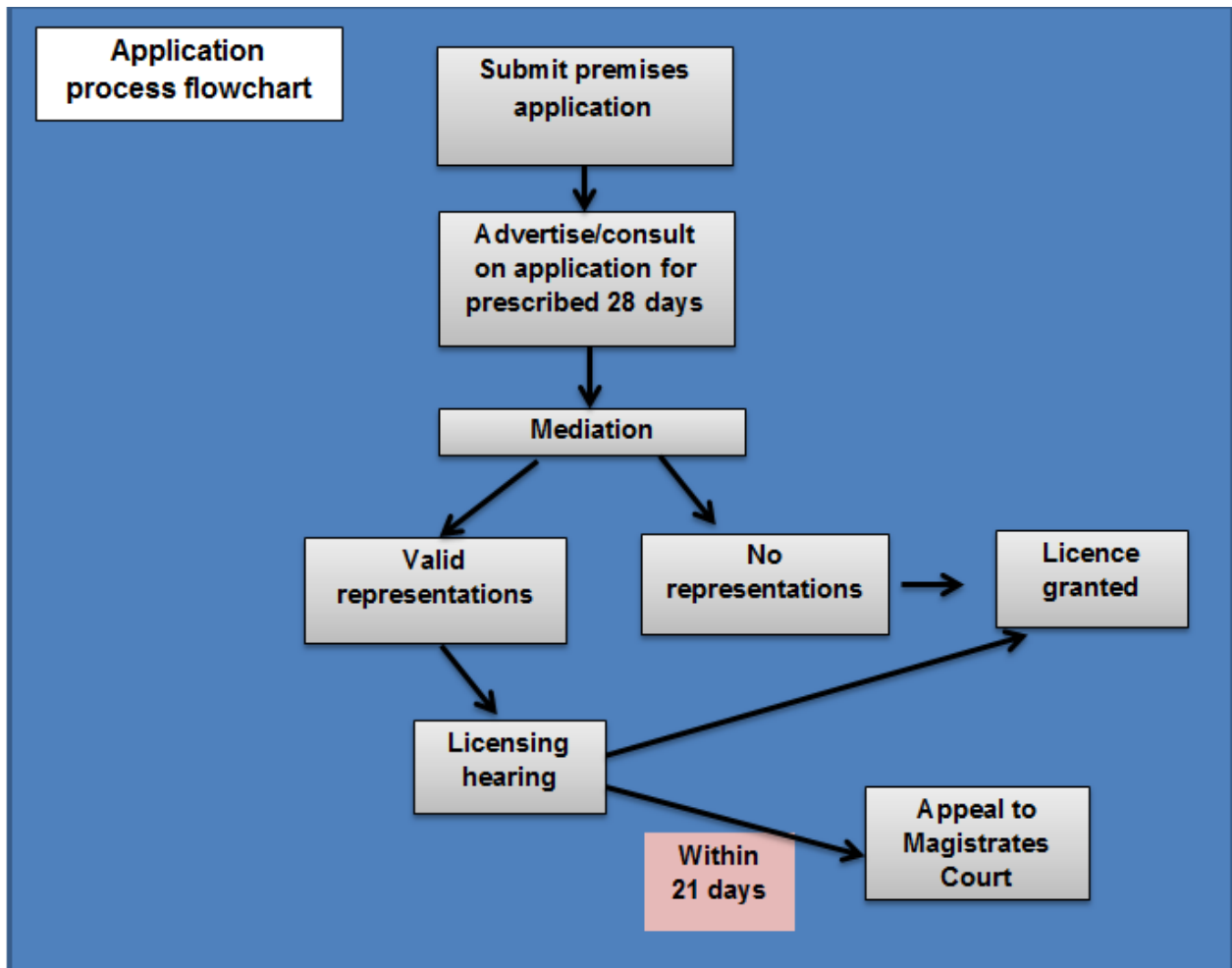
Applications are subject to objection by any of the responsible authorities or to representation by local residents and businesses.

Any such objection or representation must be based on one of the 3 Licensing objectives

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

Unless such objections are withdrawn e.g. following mediation, then the Licensing authority will hold a hearing to determine the application.

Premises cycle



Grant of licence

When your licence is granted it will consist of two parts. The Premises licence is made up as follows:

- Part 1 – Details of person to whom license is issued
- Part 2 – Details of the premises
- Part 3 – Premises licence details - includes the conditions attached and excluded.
- A Plan of licensable area will be attached

A Summary of the full licence and the terms and conditions of the licence are put on a second document which must be displayed within the premises at all times.

Premises Licence Conditions

Under the Act there are two different types of conditions which attach to premises licences; mandatory conditions and default conditions.

Mandatory conditions attach to certain classes of premises licences automatically and the council has no discretion to change, exclude or substitute these.

Default conditions are conditions which will be attached to a premises licence automatically unless the applicant asks for changes to the default conditions. Default conditions relate to the hours that the premises can be open to offer gambling to the public.

Enforcement of licence

Once the Premises Licence is granted the Licence holder must ensure that they familiarise themselves with the conditions on the licence and that they are implemented immediately.

Pro-active visits will be carried out to all premises. Non-compliance of the law and/or the conditions on the Premises Licence can lead to action being taken against the Premises Licence holder which could involve either a review of the Licence and/or prosecution.

Gravesham Licensing officers and Kent Police expect all staff to know about the granted permissions under the Gambling Act 2005 and the conditions of the licence.

Once the licence is granted....

Q. Do I display the granted premises licence?

Yes, when you receive your licence you must display the Summary and you must keep either the original or a certified copy of Part A on the premises.



Q. Do I have to renew my licence?

A. No, but there is a retainer fee due on a yearly basis. You will receive a yearly invoice from Gravesham Borough Council.

Gaming Machines

When a premise holds a licence under the Gambling Act 2005 it has an automatic entitlement to a certain number of gaming machines.

These machines are set out in categories depending on the stake and prize.

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Betting premises and tracks occupied by Pool Betting	x	x	Maximum of 4 machines categories B2 to D				
Bingo Premises	x	x	x	20% of total gaming machines #		No limit C or D machines	
Adult gaming centre	x	x	x	20% of total gaming machines #		No limit C or D machines	
Family entertainment centre (with premises licence)	x	x	x	x	x	No limit on Category C or D machines	

AGC or Bingo licences in force before 13/07/2011 or granted between 13/07/2011 and 01/04/2014 may provide 4 or 8 (respectively) category B machines, or up to 20% of the total number if this is greater.

(X = category of machines not permitted on this type of premises)

Categories of machines available

	Machine Category					
	A	B1	B2	B3	B4	C
Maximum charge to use	Unlimited	£5	£100	£2	£2	£1
Maximum Prize Value	Unlimited	£10,000	£500	£500	£400	£100

	D Money prize	D Non-money prize	D Mixed prize	D Crane grab	D Coin pusher
Charge	10p	30p	10p	£1	20p
Prize	£5	£8	£8 (max £5 money)	£50	£20 (max £10 money)