

## **Gambling Act 2005**

- Premises Licences
- Permits
- Provisional Statements
- Temporary Use Notices
- Occasional Use Notices
- Small Lotteries
- Further Information

The Gambling Act 2005 (the Act) replaces most of the existing law concerning gambling in Great Britain and puts in place an improved, more comprehensive structure of gambling regulation.

The Act introduces a unified regulator for gambling in Great Britain, the Gambling Commission, and a new licensing regime for commercial gambling (to be conducted by the Commission or by the Council, depending on the matter to be licensed).

The Act removes from Licensing Justices all responsibility for granting gaming and betting permissions, which they exercised previously. Instead, the Commission and the Council will share between them responsibility for all those matters previously regulated by Licensing Justices.

Premises and Permit Licence holders, the Council and other agencies must all work to promote the three Gambling Licensing objectives which 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

There will be a transitional changeover from existing legislation to the new regime and we are required to produce a Statement of Gambling Licensing Policy prior to taking the first applications in April 2007.

We will undertake various regulatory functions in relation to a number of gambling activities and we will be responsible for:

- The issuing of Premises Licences for the provision of gambling activities;
- The issuing of Permits for Unlicensed Family Entertainment Centres, Club Gaming, Club Machines, Licensed Premises Gaming Machines and Prize Gaming;
- The issuing of Provisional Statements;
- The receiving and endorsing of Temporary Use Notices;
- The receiving of Occasional Use Notices; and,
- The registering of Small Lotteries

### **Premises licences**

A Premises Licence will be required for any premises where it is intended to provide gambling facilities (these are separate from the Premises Licences required under the Licensing Act).

The types of Licence that will be available are as follows:

- Casino Premises Licence
- Bingo Premises Licence
- Adult Gaming Centre Premises Licence (enabling Category B gaming machines to be made available for use at the premises)
- Family Entertainment Centre Premises Licence (enabling Category C gaming machines to be made available for use at the premises)
- Betting Premises Licence (enabling the provision of facilities for betting, by making or accepting bets or by acting as a betting intermediary)

An application for a Premises Licence will only be able to be made by a person (which includes companies or partnerships) who:

1. has the right to occupy the premises; and
2. has an Operating Licence which allows him/her to carry out the proposed activity, or who has applied for an Operating Licence (the Premises Licence may only be issued once the Operating Licence has been issued by the Gambling Commission).

Premises Licences will have no expiry date but will be subject to the payment of an annual fee.

### **Permits**

The types of Permit that will be available are as follows:

- Family Entertainment Centre Gaming Machine Permit
- Club Gaming Permit
- Club Machine Permit
- Licensed Premises Gaming Machine Permit
- Prize Gaming Permit

## **Family Entertainment Centre Gaming Permits**

Family Entertainment Centres (FEC's) will most commonly be located at seaside resorts, in airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons.

Any FEC Permit granted will last for 10 years and will be subject to the payment of an annual fee

## **Club Gaming & Club Machine Permits**

These Permits relate to members' clubs and miners' welfare institutes (but not commercial clubs).

Either Permit granted will last for 10 years and will be subject to the payment of an annual fee.

## **Licensed Premises Gaming Machine Permits**

Section 282 of the Act provides an automatic entitlement to make available two gaming machines for use in alcohol licensed premises. To take advantage of this entitlement, the Licensing Act Premises Licence Holder will give notice to the Authority of their intention to make gaming machines available for use, and must pay the prescribed fee.

Any Licensed Premises Gaming Machine Permit granted will have no expiry date but will be subject to the payment of an annual fee.

## **Prize Gaming Permit**

A Prize Gaming Permit is a permit that will be issued by the Council to authorise the provision of facilities for gaming with prizes on specified premises.

An application for a Permit can only be made by a person who occupies or plans to occupy the relevant premises and, if the applicant is an individual, s/he must be aged 18 or over. An application for a Prize Gaming Permit cannot be made if a Premises Licence or Club Gaming Permit is in effect for the same premises.

Any Permit granted will last for 10 years and will be subject to the payment of an annual fee.

## **Provisional Statements**

Section 204 of the Act provides for a person to make an application to the Council for a Provisional Statement in respect of premises that s/he:

1. expects to be constructed;
2. expects to be altered; or
3. expects to acquire a right to occupy

Developers may wish to apply for Provisional Statements before they enter into a contract to buy or lease property or land to judge whether or not a development is worth taking forward in light of the need to obtain a Premises Licence.

Applicants for Premises Licences will have to fulfil the criterion of having an Operating Licence issued by the Gambling Commission in place. This restriction will not apply in relation to an application for a Provisional Statement.

### **Temporary Use Notices**

These will allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice (TUN) would include hotels, conference centres, and sporting venues.

The same set of premises may not be the subject of a TUN for more than 21 days in any 12-month period, but may be the subject of several Notices provided that the total does not exceed 21 days.

### **Occasional Use Notices**

These notices provide that, where there is betting on a track on 8 days or less in a calendar year, betting may be permitted by way of an Occasional Use Notice without the need for a Premises Licence.

Provided that the Notice will not result in betting facilities being available for more than the 8 days permitted then there is no provision for counter-notices or objections to be submitted.

### **Small Lotteries**

These are non-commercial societies as defined in section 19, which states a society is non-commercial if it is established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than private gain.

There is no expiry on the registration, however it will be subject to an annual fee.