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A Guide to applying for a Licence/Permit

Gambling Act 2005

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GUIDANCE NOTES TO APPLICANTS

GENERAL

Gambling Policy – Applicants must ensure they read the relevant parts of the Licensing Authority’s Gambling Policy prior to completing applications. All Statement of Principles are included within the Gambling Policy, including information regarding Tracks.

Licensing Objectives

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

Types of Licence – The types of licence under the Gambling Act 2005 available will be 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)

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

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

An applicant for a Premises Licence must be over the age of 18.

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. A licence may not be issued in respect of premises if those premises already have a Premises Licence in effect.

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Provisional Statements

Where a person wishes to make an application 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.

Once the premises have been built, altered or acquired, the holder of the Provisional Statement should then apply for a full Premises Licence. This application will be treated in a different way to an application by a person who does not hold a Provisional Statement. When determining whether or not to grant such an application in these circumstances the Licensing Authority is unable to take into account any further representations from Responsible Authorities or Interested Parties, unless they concern matters which could not have been addressed at the Provisional Statement stage, or they reflect a change in the applicant's circumstances.

Similarly, the Licensing Authority may refuse the Premises Licence (or grant it on terms different to those attached to the Provisional Statement) only by reference to matters which could not have been addressed in representations at the Provisional Licence stage or, in the Licensing Authority's opinion, reflect a change in the operator's circumstances.

If the Licensing Authority do not consider the premises were constructed or altered in accordance with the plans and information submitted with the application for the Provisional Statement, then the restrictions mentioned above will no longer be applicable.

Tracks – Where betting at race tracks, sporting events or point to point racing takes place a Betting Premises Licence (Tracks) is required.

Occasional Use Notice (OUNs) - These Notices will provide that where there is betting on a track on 8 days or less in a calendar year, betting maybe permitted by way of an Occasional Use Notice without the need for a full Premises Licence.

The use of such Notices will be for where the event upon which the betting is to take place is of a temporary, infrequent nature. The use of such a Notice dispenses with the need for a betting Premises Licence for the track in question. (More detailed information is available later in this document).

Vessels

Premises licences are issued by the Licensing Authority with responsibility for the area in which the vessel is usually moored or berthed. The Act permits premises licences to be granted for passenger vessels. The definition of a vessel is:

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- Anything (other than a seaplane or amphibious vehicle), designed or adapted for use on water
- A hovercraft; or
- Anything, or part of any place, situated on or in water.

Displaying of Licences – The holder of a premises licence has to:

- a) Keep the licence on the premises, and
- b) Arrange for it to be made available on request to:
 - (i) a constable;
 - (ii) an enforcement officer;
 - (iii) an authorized local authority officer.

The holder must also display the Summary in a prominent place within the premises.

Fast Track Conversion applications – An application to convert where there are no changes.

Non Fast Track Conversion applications - An application to convert where changes are to be made to the default conditions. There is still a requirement to notify Responsible Authorities and publish the application. An applicant cannot make both a fast track and a non fast track application for the same premises. If the Licensing Authority receives both, it will reject the non fast track application.

Clubs and Fast Track Applications

There is a fast track application procedure for Club Premises Certificate Holders where they do not wish to change any default conditions.

- The Licensing Authority must grant the Permit.
- The Gambling Commission and Police do not have to be consulted.
- There will therefore be no opportunity for objections and as a result no hearings

APPLICATION FORMS AND REQUIREMENTS

Documents to accompany (new) Premises Licence

- Relevant application form and application fee
- Plan of the premises
- **Send Notification of Application (Annex A or B) to all Responsible Authorities**
- **Publish Notice (see below)**

Documents to accompany Provisional Statement (including Vessels)

- Relevant application form and application fee
- Plan of the premises
- **Send Notification of Application (Annexe A or B) to all Responsible Authorities**
- **Publish Notice (see below)**

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Documents to accompany Premises Variation (including Vessels)

- Relevant application form and application fee
- Plan of the premises, if application relevant to plan
- Existing Premises Licence
- If it is not practicable to enclose the existing premises licence then:
 - A statement explaining why it is not reasonably practicable
 - An application under Section 190 of the Gambling Act for the issue of a copy Licence and application fee
- **Send Notification of Application (Annex A or B) to all Responsible Authorities**
- **Publish Notice (see below)**

Documents to accompany Premises Transfer

- Relevant application form and application fee
- Plan of the premises
- Existing Premises Licence
- If it is not practicable to enclose the existing premises licence then:
 - A statement explaining why it is not reasonably practicable
 - An application under Section 190 of the Gambling Act for the issue of a copy Licence and fee
- **Send Notification to FIVE Responsible Authorities (see below)**
- **No requirement to Publish**

Documents to accompany Premises Reinstatement

- Relevant application form and application fee
- Plan of the premises
- Existing Premises Licence
- If it is not practicable to enclose the existing premises licence then:
 - A statement explaining why it is not reasonably practicable
 - An application under Section 190 of the Gambling Act for the issue of a copy Licence and fee
- **Send Notification to FIVE Responsible Authorities (see below)**
- **No requirement to Publish**

PLAN REQUIREMENTS

The scaled plan must show:

In all cases:

- Extent of boundary or perimeter of premises
- Where premises include, or consist of, one or more buildings, location of any external or internal walls for each such building

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- Where premises form part of building, the location of any external or internal walls of the building included in the premises
- 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 (and relevant to each premises):

Bingo

- Location and extent of any part of the premises which will be used to provide facilities for gaming in reliance on the licence (other than those parts which include Category B or C gaming machines)
- Location and extent of any part of the premises in which Category B or C gaming machines will be made available for use.
- 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

Licensed Family Entertainment Centre

- Location and extent of any part of the premises in which Category C gaming machines will be made available
- Location and extent of any part of the premises in which Category D gaming machines will be made available
- 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

Adult Gaming Centre

- Location and extent of any part of the premises in which gaming machines will be made available

Vessels, or part of a Vessel

- Location of any part of the sides of the vessel and of any internal walls of the vessel which are included in the premises

Casinos

- Location of principal entrance to the premises
- Location and extent of any part of the premises which will be a table gaming area
- Location and extent of any other part of the premises to be used for providing facilities for gambling in reliance on the licence
- Location and extent of any part of the premises which will be a non gambling area

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Betting (other than track)

- Location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence

Betting (track)

- Location and extent of any part of the premises which is a five times rule* betting area
- Location and extent of any other parts of the premises which will be used for providing facilities for betting
- Location and extent of any part of the premises in which Category B or C gaming machines will be made available
- 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

** Five Times Betting area means 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 authorized to enter that part of the track”.*



A Summary of gaming machine categories and entitlements can be found in the Gambling Commission’s Guidance to Licensing Authorities or obtained from Licensing Services.

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RESPONSIBLE AUTHORITIES

<u>Responsible Authority</u>	<u>Name</u>	<u>Contact Details</u>
Scarborough Borough Council's Licensing Authority	Licensing Manager	Scarborough Borough Council Town Hall Scarborough YO11 2HG Telephone: 01723 232323 e-mail: licensing.services@scarborough.gov.uk www.scarborough.gov.uk
Gambling Commission	The Director of Licensing	Victoria Square House Victoria Square Birmingham B2 4BP Telephone: 0121 2306500 e-mail: info@gamblingcommission.gov.uk www.gamblingcommission.gov.uk
North Yorkshire Police	Police Licensing Officer	Alcohol Licensing Unit North Yorkshire Police Fulford Road York YO10 4BY
North Yorkshire Fire & Rescue Service	The Fire Officer	Fire Safety Officer North Yorkshire Fire & Rescue Service Area Fire Safety Officer 84 Castle Road Scarborough YO11 1TG
Planning *	Head of Planning	Planning Authority Scarborough Borough Council Scarborough YO11 2HG e-mail: planning.services@scarborough.gov.uk

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<p>OR</p> <p>* There are 2 Planning Authorities – you need send notification to only ONE and will need to be aware which is your Planning Authority. If you are in any doubt as to which your Planning Authority is please contact the Planning Department at Scarborough Borough Council.</p>		
<p>Planning * – North Yorkshire Moors</p>	<p>Planning Officer</p>	<p>North York Moors National Park Authority The Old Vicarage Bond Gate Helmsley York YO62 5BP Telephone: 01439 770657 e-mail: dc@northyorkmoors-mpa.gov.uk</p>
<p>Environmental Health – Environmental Regulation</p>	<p>Senior Environmental Health Officer</p>	<p>Environmental Regulation Scarborough Borough Council Town Hall Scarborough YO11 2HG Telephone: 01723 232514 e-mail: ehs@scarborough.gov.uk</p>
<p>Environmental Health – Food & Occupational Safety</p>	<p>Senior Environmental Health Officer</p>	<p>Food and Occupational Safety Scarborough Borough Council Town Hall Scarborough YO11 2HG Telephone: 01723 232514 e-mail: ehs@scarborough.gov.uk</p>
<p>OR in respect of Local Authority/County Council owned and operated premises:</p>		
<p>Health and Safety - harm to human health</p>	<p>The Operations Manager</p>	<p>Health and Safety Executive Marshall Mill Marshall Street Leeds LS11 9YJ Telephone: 0113 2834200 e-mail: keith.king@hse.gsi.gov.uk</p>
<p>Children</p>	<p>Director of Children & Young People's Service</p>	<p>North Yorkshire County Council Room 122 County Hall Racecourse Lane</p>

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		Northallerton DL7 8AE Telephone: 01609 780780 e-mail: licensingofficer.children@northyorks.gov.uk
HM Revenue & Customs	Officer in Charge of Licensing	National Registration Unit Portculis House 21 India Street Glasgow G2 4PZ Telephone: 0141 555 3633 e-mail: nru.betting&gaming@hmrc.gsi.gov.uk
ONLY APPLICABLE TO VESSELS		
Vessels	The Surveyor in Charge	Maritime & Coastguard Agency Crosskill House Mill Lane Beverley HU17 9JB (no e-mail)

NOTICE OF APPLICATION TO RESPONSIBLE AUTHORITIES

- Fast Track conversion applications do not require to send notices of applications to Responsible Authorities.
- Transfers / Reinstatements – Notice of Application must be sent to the following Responsible Authorities:
 - (1) Licensing Authority in whose area the whole/part of the premises is situated
 - (2) Gambling Commission
 - (3) Chief Officer of Police
 - (4) Children & Young People's Service
 - (5) HM Customs & Excise
- All other applications must be sent to all the statutory Responsible Authorities, listed above.
- Notice must be sent within **7 days starting on the date on which the application was made.**
- Form A must be used where there is only one applicant.
- Form B must be used where there are two or more applicants.

Failure to give proper notice of applications to a Responsible Authority will result in your application being rejected – Potential reasons for failure:

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- Failure to use correct form
- Failure to notify Responsible Authorities
- Failure to give notification within the specified time frame

PUBLISHING OF APPLICATIONS

All Premises applications, Variations and Provisional Statements must be published in the following manner (excluding fast track/transfer/reinstatement applications):

- Publish the Notice in a local newspaper or, if there is none, a local newsletter, circular or similar document circulating within the area. This must be published on at least one occasion during the period of 10 working days starting with the day after the application is made to the Licensing Authority.
- Display the Notice on the premises:
 - In a place at which it can conveniently be read by the public from the exterior of the premises; and
 - For a period of no less than 28 consecutive days starting on the day on which the applications is made to the Licensing Authority. If there is any doubt, contact the Licensing Authority.

The form of Public Notice is in a prescribed form and available with the application pack or by downloading it from the Council's web site at www.scarborough.gov.uk.

No requirements for Publishing applications

- Fast Track Applications do not need to be published.
- Transfers and Reinstatement applications do not need to be published

PERMITS

1. Unlicensed Family Entertainment Centre Permit

- Duration: 10 years
- No First Annual/Annual Fee

Documents to accompany Unlicensed FEC Permit application

- Application Form and Fee
- Scaled 1:100 plan of the premises (see requirements below)
- Basic CRB check (see requirements below)
- Original/certified copy of Public Liability Insurance documentation
- Additional Information as listed in the Principles below

N.B. Copy of Application Form and all accompanying documentation must be sent to the Chief Officer of Police.

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Unlicensed FEC Statement of Principles: Section 2.88 of the Gambling Policy. In addition applicants must:

- 1.1 Demonstrate that they and their staff have a full understanding of the maximum stakes and prizes of the gambling that are permissible;
 - 1.2 State the number of gaming machines proposed;
 - 1.3 Provide a basic CRB check – dated within one calendar month of the date of the application submitted to the Licensing Authority. However, where an applicant provides evidence that he has an Operating Licence then a CRB check will not be required;
 - 1.4 Where an applicant is a company or organisation who does not hold an Operating Licence, then the proposed Manager of the premises will be required to produce a CRB check as above;
 - 1.5 Provide evidence of staff training by way of a Premises Log book which should be signed and dated by staff to prove that training has been undertaken and understood;
 - 1.6 Provide Policies and procedures in place to protect children from harm. Harm not being limited to gambling but wider child protection considerations. (See 2.88.8 of the Gambling Licensing Policy)
 - 1.7 State the amount of space around gaming machines
 - 1.8 Provide evidence of Proof of Age Policy
 - 1.9 Provide evidence of compliance with health and Safety and Fire Safety legislation
 - 1.10 State opening hours;
 - 1.11 Supply details of external appearance of premises;
 - 1.12 State numbers of staff employed;
 - 1.13 Supply current Public Liability Insurance documents.
2. **Club Gaming Permit and Club Machine Permit**
- Duration: 10 years
 - First Annual/Annual Fee applicable

Documents to accompany Club Gaming Permit and Club Machine Permit application

- Application Form and Fee
- Club Premises Certificate Holders applying for Fast-Track Procedure: Original Club Premises Certificate issued under Section 72 of the Licensing Act 2003

N.B. Copy of Application Form and all accompanying documentation must be sent to the Gambling Commission and Chief Officer of Police. This must be sent within a period of 7 days beginning on the date on which the application is made.

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3. Licensed Premises Gaming Machine Permit

- Notification and fee for automatic entitlement of 2 gaming machines (You are entitled to 2 gaming machines but you must notify the Licensing Authority before your Permit expires and pay the appropriate fee). Failure to pay this fee will result in you forfeiting your automatic entitlement of 2 machines.
- Duration of automatic entitlement: Unlimited duration
- First Annual/Annual Fee applicable

Documents to accompany Licensed Premises Gaming Machine Permit application

- There is no requirement to complete an application form if you require 2 machines or less, however, a Notification of Automatic Entitlement must be submitted together with the appropriate fee.

For new applications over 2 machines

- Application Form and Fee
- All applications for over 2 machines will automatically go to a Hearing

4. Prize Gaming Permit

- Duration: 10 years
- No First Annual/Annual fee

Documents to accompany Prize Gaming Permit application

- Application Form and Fee
- Scaled Plan (see requirements below)
- Basic CRB check (see requirements below)
- Original/certified copy of Public Liability Insurance documentation
- Additional Information as listed in the Principles below.

N.B. Copy of Application Form and all accompanying documentation must be sent to the Chief Officer of Police.

Prize Gaming Statement of Principles: Section 2.102 of the Gambling Policy. In addition applicants must:

- 1.1 Provide a basic CRB check (dated within one calendar month of the date of the application submitted to the Licensing Authority). However, where an applicant provides evidence that he has an Operating Licence then a CRB check will not be required;
- 1.2 Where an applicant is a company or organisation who does not hold an Operating Licence, then the proposed Manager of the premises will be required to produce a CRB check as above;

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- 1.3 Provide evidence of staff training by way of a Premises Log book. The log book should be signed and dated by staff to prove that training has been undertaken and understood; (see 2.102.3 of the Gambling Policy)
- 1.4 Provide evidence that staff have a full understanding of the limits to stakes and prizes set out in the legislation
- 1.5 Provide evidence of Proof of Age Policy
- 1.6 Provide evidence of compliance with health and Safety and Fire Safety legislation
- 1.7 State opening hours;
- 1.8 Supply details of external appearance of premises;
- 1.9 State numbers of staff employed;
- 1.10 Supply current Public Liability Insurance documents;
- 1.11 State any other policies or procedures in place to protect children from harm.

OCCASIONAL USE NOTICES (FOR TRACKS) (OUN)

Where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers should note that the processes set out in the Act for applying for an occasional use notice are different to those for temporary use notices.

- An application form must be made by a person who is responsible for the administration of events on the track or by an occupier of the track
- The notice must specify the day on which it has effect
- OUNs may not be used for more than 8 days in a calendar year
- Notices may be given in relation to consecutive days, so long as the overall limit of 8 days is not exceeded in the calendar year
- The notice must be served on the Licensing Authority and copied to the Police for the area in which the track is located
- The fee must be sent with the application

TEMPORARY USE NOTICES (TUN)

- TUNs 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.
- A TUN can only be granted to a **person or company who hold an Operators licence.**
- The fee must be sent with the application.
- A premises cannot hold TUNs for more than 21 days in any 12 month period. There may be several TUNs requested for a premise provided the total number of days does not exceed 21.
- A TUN must be given to the Licensing Authority **not less than 3 months and 1 day before the day on which the gambling event is to take place.**
- A copy of the application must be sent to the following
 - (1) The Gambling Commission

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- (2) The Police
- (3) HM Commissioners for Revenue & Customs
- (4) Any other Licensing Authority in which the premises are situated.
- The applicant must ensure the notice and all copies are received by the recipients within 7 days of the date on the application.
- The Licensing Authority will send formal written acknowledgment of the TUN.
- There will then be a 14 day consultation period for the Licensing Authority and other bodies to consider whether they wish to object to the TUN
- If no objections are received within the 14 day consultation period the TUN will be considered valid and signed by the Licensing Authority and returned to the applicant
- A copy of the TUN must be displayed prominently on the premises whilst any gambling is taking place.
- Please note it is an offence not to produce the notice when requested to do so by a constable, an officer of Revenue & Customs or an authorised Local Authority Officer

If the period is exceeded the Licensing Authority will issue a counter-notice that has the effect of stopping the TUN coming into effect; failure to comply with the counter-notice will be an offence under the Gambling Act 2005.

SMALL SOCIETY LOTTERIES

Detailed information is available from Licensing Services.

FEES

Note:

As well as your application fee, you must pay the annual fee for a Premises Licence and this must be paid 30 days from the issue of your Licence.