

GAMBLING ACT 2005

GUIDANCE FOR APPLICANTS – PREMISES LICENCES

Background

These guidance notes are for persons applying, or thinking of applying, to Erewash Borough Council for the grant of the following licences:

- **Premises Licences**
- **Provisional Statement**
- **Variation of a Premises Licence**
- **Transfer of a Premises Licence**
- **Re-instatement of a Premises Licence**

This guidance aims to give applicants information as to the different types of applications that may be made under the Gambling Act 2005 and the processes which should be followed. It mirrors both the requirements of the Act and the current regulations accompanying it. Regard is also given to the Council's Statement of Gambling Policy that describes the matters the Licensing Authority will take into account when considering an application.

HOW TO APPLY FOR A LICENCE

As from 1 September 2007, the Gambling Act 2005 came into effect. Applications for a Premises Licence are therefore now required for the following classes of premises:

- **Betting Premises (including Tracks)**
- **Casino Premises**
- **Bingo Premises**
- **Adult Gaming Centres**
- **Licensed Family Entertainment Centres**

Any person that wishes to operate gambling premises requires an Operator's Licence from the Gambling Commission. In addition, certain specified individuals will also require personal licenses from the Gambling Commission. The Commission will carry out extensive investigations into the suitability of individuals.

Contact details for the Gambling Commission are available in the appendix attached to this document.

When considering the application the Licensing Authority will focus on the use of the premises and consider the three licensing objectives of:

- **Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime**
- **Ensuring gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable people from being harmed or exploited by gambling**

Application for a new Premises Licence

An application for a Premises Licence must be made to the relevant Licensing Authority, that is, the authority within whose area the premises is situated. To make an application you must submit:

- A properly completed application form
- A plan of the premises (see Guidance relevant to plans)
- The correct fee
- Proof of your right to occupy the premises or may expect to acquire such a right (this refers to a track application).
- A Notice is to be given to all the Responsible Authorities. (Form A to be used if one applicant, Form B used if more than one applicant). A full list of the Responsible Authorities is available in the appendix attached to this document). Notice must be given within a period of 7 days beginning on the date on which the application is made. **It is the applicant's duty to send copies of the relevant notice to the Responsible Authorities.**

If the notice is not served the Licensing Authority may not grant a Premises Licence until the notice requirements have been adhered to and the Responsible Authorities have been given the relevant period in which to respond.

The Gambling 2005 Act also requires you to advertise your application for a Premises Licence. This occurs in two ways, both of which must be satisfied:

- By placing an advertisement in a local newspaper on at least one occasion during the period of ten working days starting with the day after the day which the application is made to the authority; and
- By displaying a notice on the premises to which the application relates

- in a place at which it can be conveniently be read by members of the public from the exterior of the premises;
- For a period of no less than 28 consecutive days starting on the day on which the application is made to the licensing authority.

If the advert is not placed or displayed the Licensing Authority may not grant a Premises Licence until the advertising requirements have been adhered to and interested parties have been given the relevant period in which to respond.

Determination of the Application

The Act places a duty on the licensing authority to aim to permit the use of premises for gambling provided the authority considers your application to be in accordance with:

- **The Codes of Practice**
- **The Gambling Commissions Guidance**
- **The Statement of Gambling Policy**

and your application is made in accordance with the licensing objectives.

Only Responsible Authorities, the Licensing Authority and Interested Parties can make representations against your application. If there are no representations made, the licence will ordinarily be granted subject to Mandatory Conditions.

Mandatory Conditions will appear on all Premises Licences as prescribed by regulation for each type of licence.

If there are relevant representations made, the licensing authority will inform the applicant who may be invited to seek discussions in order to seek to negotiate a satisfactory outcome.

Where a hearing is needed guidance on the licensing authority's 'hearing procedure' can be found on guidance notes on the website.

The Licensing Authority will issue a Notice of Grant or Rejection for each application made.

In addition, Default Conditions have been prescribed by regulation and the Licensing Authority may add or remove these from the Premises Licence. If the Licensing authority considers it appropriate to vary the default conditions or add further conditions you will be notified prior to the application being determined and a hearing will take place.

Each application will be considered on its own merit.

Application for Provisional Statement

An application for a Premises Licence must be made to the relevant Licensing Authority, that is, the authority within whose area the premises is situated. To make an application you must submit:

- A properly completed application form
- A plan of the premises (see Guidance relevant to plans)
- The correct fee
- A Notice is to be given to all the Responsible Authorities. (Form A to be used if one applicant, Form B used if more than one applicant). A full list of the Responsible Authorities is available in the appendix at the end of this document. Notice must be given within a period of 7 days beginning on the date on which the application is made.
- It is the applicant's duty to send copies of the relevant notice to the Responsible Authorities.

If the notice is not served the Licensing Authority may not grant a Premises Licence until the notice requirements have been adhered to and the Responsible Authorities have been given the relevant period in which to respond

The 2005 Act also requires you to advertise your application for a Premises Licence. This occurs in two ways, both of which must be satisfied:

- By placing an advertisement in a local newspaper on at least one occasion during the period of ten working days starting with the day after the day which the application is made to the authority; and
- By displaying a notice
 - Which is as near as reasonably practicable to the premises or proposed premises, and
 - Where it can be conveniently be read by members of the public for a period of no less than 28 consecutive days starting on the day on which the application is made to the licensing authority.

If the advert is not placed or displayed the Licensing Authority may not grant a Provisional Statement until the advertising requirements have been adhered to and interested parties have been given the relevant period in which to respond.

Determination of the Application

Only Responsible Authorities, the Licensing Authority and Interested Parties can make representations against your application. If there are no representations made, the Provisional Statement will ordinarily be issued indicating the relevant terms upon which a subsequent application for a premises licence would be granted, (subject to there not being any relevant changes to the application or circumstances).

If there are relevant representations made, the licensing authority will inform the applicant who may be invited to seek discussions in order to seek to negotiate a satisfactory outcome.

Where a hearing is needed guidance on the licensing authority's 'hearing procedure' can be found on guidance notes on the website

The Licensing Authority will subsequently issue a Notice of Grant or Rejection for each application made and where appropriate indicate the relevant terms upon which a subsequent application for a premises licence would be granted, (subject to there not being any relevant changes to the application or circumstances).

Each application will be considered on its own merits.

Application to Vary a Premises License

An application for a Premises License must be made to the relevant Licensing Authority, that is, the authority within whose area the premises is situated. To make an application you must submit:

- A properly completed application form
- A plan of the premises (see Guidance relevant to plans)
- The correct fee
- A Notice is to be given to all the Responsible Authorities. (Form A to be used if one applicant, Form B used if more than one applicant). A full list of the Responsible Authorities is available in the appendix at the end of this document. Notice must be given within a period of 7 days beginning on the date on which the application is made.
- It is the applicant's duty to send copies of the relevant notice to the Responsible Authorities.

If the notice is not served the Licensing Authority may not grant a Premises Licence until the notice requirements have been adhered to and the Responsible Authorities have been given the relevant period in which to respond

The 2005 Act also requires you to advertise your application for a Premises License. This occurs in two ways, both of which must be satisfied:

- By placing an advertisement in a local newspaper on at least one occasion during the period of ten working days starting with the day after the day which the application is made to the authority; and
- By displaying a notice on the premises to which the application relates
 - in a place at which it can be conveniently be read by members of the public from the exterior of the premises;
 - for a period of no less than 28 consecutive days starting on the day on which the application is made to the licensing authority.

If the advert is not placed or displayed the Licensing Authority may not grant a Provisional Statement until the advertising requirements have been adhered to and interested parties have been given the relevant period in which to respond.

Determination of the Application

Only Responsible Authorities, the Licensing Authority and Interested Parties can make representations against your application. If there are no representations made, the variation will ordinarily be granted.

If there are relevant representations made, the licensing authority will inform the applicant who may be invited to seek discussions in order to seek to negotiate a satisfactory outcome.

Where a hearing is needed guidance on the licensing authority's 'hearing procedure' can be found on guidance notes on the website

The Licensing Authority will issue a Notice of Grant or Rejection for the variation applied for.

Each application will be considered on its own merits.

Application for Transfer of Premises License

An application for a Transfer of Premises must be made to the relevant Licensing Authority, that is, the authority within whose area the premises is situated. To make an application you must submit:

- A properly completed application form
- The correct fee
- Premises Licence (or statement explaining why it has not been reasonably practicable to produce licence and a copy should be requested)
- A Notice is to be given to all the Responsible Authorities. (Form A to be used if one applicant, Form B used if more than one applicant). A full list of the Responsible Authorities is available in the appendix attached to this document. Notice must be given within a period of 7 days beginning on the date on which the application is made.
- It is the applicant's duty to send copies of the relevant notice to the Responsible Authorities.

If the notice is not served the Licensing Authority may not grant a Premises Licence until the notice requirements have been adhered to and the Responsible Authorities have been given the relevant period in which to respond

Determination of the Application

Only Responsible Authorities can make representations against your application. If there are no representations made, the transfer will ordinarily be granted.

If there are relevant representations made, the licensing authority will inform the applicant who may be invited to seek discussions in order to seek to negotiate a satisfactory outcome.

Where a hearing is needed guidance on the licensing authority's 'hearing procedure' can be found on guidance notes on the website

The Licensing Authority will subsequently issue a Notice of Grant or Rejection for the transfer applied for.

Each application will be considered on its own merits.

Application for Re-instatement of Premises License

An application for re-instatement of Premises License must be made to the relevant Licensing Authority, that is, the authority within whose area the premises is situated. To make an application you must submit:

- A properly completed application form
- The correct fee
- Premises Licence (or statement explaining why it has not been reasonably practicable to produce licence and a copy should be requested)
- A Notice is to be given to all the Responsible Authorities. (Form A to be used if one applicant, Form B used if more than one applicant). A full list of the Responsible Authorities is available in the appendix at the end of this document. Notice must be given within a period of 7 days beginning on the date on which the application is made.
- It is the applicant's duty to send copies of the relevant notice to the Responsible Authorities.

If the notice is not served the Licensing Authority may not grant a Premises Licence until the notice requirements have been adhered to and the Responsible Authorities have been given the relevant period in which to respond

Determination of the Application

Only Responsible Authorities, can make representations against your application. If there are no representations made reinstatement will ordinarily be granted .

If there are relevant representations made, the licensing authority will inform the applicant who may be invited to seek discussions in order to seek to negotiate a satisfactory outcome.

Where a hearing is needed guidance on the licensing authority's 'hearing procedure' can be found on guidance notes on the website

The Licensing Authority will subsequently issue a Notice of Grant or Rejection for the transfer applied for.

Each application will be considered on its own merits.

The plan must show:

- The extent of the boundary or perimeter of the premises;
- Where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building;
- 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.
- Where the premises are a vessel or part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises;
- 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 and;
- Any other matter required in accordance with the following provisions of this regulation.

Plan requirements to VARY a premises licence

Where the application includes an application to vary the plan which forms part of the premises licence under section 151(1)(g), the application must be accompanied by a scale plan which shows the matters that would be required if the application were for the issue of a new premises licence

- **Of the same type as that to which the application relates;**
- **And which includes the variations specified in the application**

Where the application is for a BINGO premise licence in respect of which children or young persons will be permitted access, the plan must show;

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

Where the application is for an ADULT GAMING CENTRE premises licence, 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.

Where the application is for a FAMILY ENTERTAINMENT LICENCE premises licence, the plan must show;

- 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;
- 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;
- 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.

Where the application is for a BETTING premises licence, other than in respect of a track, 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;

Where the application is for a premises licence in respect of a TRACK, the plan must show;

- The location and extent of any part of the premises which is a five times betting rule area;
- The location and extent of any part of the premises which will be used for providing betting facilities in reliance on the licence;
- 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;
- 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

("five times betting rule area", in relation to a track, 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 authorised to enter that part of the track);

Plan requirements for a provisional statement

An application under section 204 for a provisional statement must be accompanied by a scale plan which complies with the requirements for a premises licence.

Where the application relates to premises which the applicant expects to be constructed or altered, any reference to the premises to which the application relates is to have effect for the purposes of this regulation as a reference to those premises as they are expected to be when constructed or altered.

Any reference to an application for a particular kind of premises licence is to have effect for the purposes of this regulation as a reference to an application for a provisional statement in respect of premises whose use would require the same kind of premises licence.

GAMBLING ACT 2005 – RESPONSIBLE AUTHORITIES

EREWASH BOROUGH COUNCIL	Erewash Borough Council Licensing Department Civic Centre Derby Road Long Eaton Derbyshire NG10 1HU	Tel: 0115 9072244 Fax: 0115 9072267 licensing@erewash.gov.uk
POLICE	Derbyshire Constabulary D Division Headquarters Prime Park Way Chester Green Derby DE1 3AB	Tel: 01332 613255 Email: derby.licensing@derbyshire.pnn.police.uk Fax: 01332 613087
FIRE AUTHORITY	Derbyshire Fire and Rescue Service - East Area Office, Ilkeston Fire Station, Derby Road, Ilkeston, Derbyshire, DE7 5EZ	Tel: 0115 9320222 / 0115 9326832 Fax: 0115 9447506
ENVIRONMENTAL PROTECTION	Environmental Protection Team Erewash Borough Council Merlin House Merlin Way Ilkeston Derbyshire DE7 4RA	Tel: 0115 9316030 Fax: 0115 9316079 Email: environmentalhealth@erewash.gov.uk
THE GAMBLING COMMISSION	Victoria Square House Victoria Square Birmingham B2 4BP	Tel: 0121 2306666 Fax: 0121 2306720 Email: info@gamblingcommission.gov.uk
HM REVENUE AND CUSTOMS	National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ	Tel: 0141 5553633 Email: Nrubetting&gaming@hmrc.gsi.gov.uk
PLANNING	Development Control Section Erewash Borough Council The Civic Centre Derby Road Long Eaton Derbyshire, NG10 1HU	Tel: 0115 9072240 Fax: 0115 9072267 Email: planning@erewash.gov.uk
CHILD PROTECTION UNIT	Jayne Hallam 384 North Block County Hall Matlock Derbyshire DE4 3AG	Email: jayne.hallam@derbyshire.gov.uk Direct Line: 01629 532178