



## **GAMBLING ACT 2005**

### **A brief guide to the legislation**

#### **Gambling Laws**

##### **The new legislation and how it could affect you.**

In 2002, the Government announced plans to reform gambling laws. These changes come fully into place on 1<sup>st</sup> September 2007

- Gaming
- Lotteries
- Betting

The Gambling Act 2005 changes the existing laws about the types of licences needed to provide any of the above facilities. Under the new system:

An **Operating Licence** which will be issued by the new Gambling commission, will be required for individuals and companies who intend to provide facilities for certain types of gambling. In general, these licences cover the principal commercial forms of gambling for example a casino operating licence, a bingo operating licence or a gaming machine operating licence.

A **Personal Licence** will be required for certain persons involved with gambling operations in either management or operational functions. It will be the responsibility of the Gambling Commission to decide which posts or persons will require a licence.

A **Premises Licence** will be issued by local authorities and may authorise the provision of facilities on casino premises, adult gaming centres and family entertainment centres. Premises licences may only be issued to people with a relevant gambling operating licence as detailed above. Premises licences are transferable to someone else holding a valid operating licence.

The Council will issue the following Premises licences

- Casino Premises licence
- Bingo Premises Licence
- Adult Gaming Centre Premises Licence
- Family Entertainment centre Premises licence
- Betting Premises Licence

### **Other Key Changes**

Licencees, the Council, the Police and other agencies must all work to promote the licensing Objectives (see below).

The Council and the Gambling Commission will deal with all of the above licences.

The three licensing objectives are:

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

The old and new licensing schemes will run alongside each other between 31<sup>st</sup> January 2007 and 27<sup>th</sup> April 2007 this will allow a smooth transition during which time current operators or potential operators can apply to local licensing authorities for a new premises licence or Permit.

New licences will come into effect on 1 September 2007 and licences issued under the old systems will cease to have effect on the same date except Section 34 permits which will continue until their current expiry date.

### **Premises Licences**

Where an individual or company proposes to offer gambling for which an operating licence is required, and which are premises based, that individual or company would also need to apply for a premises licence.

An application for a premises licence will only be able to be made by persons (which includes companies or partnerships) who:

1. have the right to occupy the premises, and
2. 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 by the Gambling Commission).

When applying for a premises licence, applicants will have to submit:

1. An application form which will need to be submitted to responsible authorities and other persons.
2. A plan of their building.
3. Their fee. An initial fee will be charged followed by annual fees, the Government will set the licence fees nationally and the Council will have no control over them.

The Council will have to grant licences unless there is a conflict with one of the licensing objectives, or that issues are raised under the Gambling Statement of Principles or the Gambling Commissions guidance or codes of practice.

The council may also impose conditions that promote the licensing objectives, for example requiring door supervisors in a casino or adult family entertainment centre to promote the gambling objective; protecting children and vulnerable persons from being harmed or exploited by gambling.

If representations are made about granting or changing a licence in any way the Council's Licensing Panel (made up of elected Councillors) will have to examine the application.

Betting, Bingo, Arcades, Casinos and some Prize Gaming Machines permissions now in force will be allowed to automatically convert to the new system. If you hold a licence now, you will be required to apply for a new licence in due course possibly starting in early 2007. If your current licence expires before that date, you will need to renew it under the existing licensing schemes.

### **Temporary Use Notices**

A Temporary Use Notice 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 would include hotels, conference centres, and sporting venues.

A temporary use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.

Gambling activities that may be specified in a temporary use notice will be prescribed by regulations to be published for consultation in 2006.

### **Objecting to Licences**

Local residents, ward councillors, resident associations and local businesses or business groups may make representations to the Council about the grant or change of a licence. The Police, Fire Service, Environmental Health, Planning and the Safeguarding Children Board may also make representations or object.

The Council's Licensing Panel – made up of elected members – will consider these representations, providing they are not irrelevant, frivolous or vexatious.

When a licence is first applied for, copies of the application will also have to be sent to the Police, Fire Authority, Environmental Health, Planning and the Safeguarding Children Board. Each of these authorities can make representations about the application that can lead to conditions being imposed, or the application being refused.

If someone wished to appeal against the Council's licensing decision, they will have the right to do so in the Magistrates Court. Rules will be laid down as to how this can be done.

### **Provisional Statements**

People who are considering opening gambling premises may apply for a provisional statement. This allows new premises to be prepared in the confidence that a full licence will be granted, providing it is built according to the provisional application and plans submitted to the Council.

### **Permits**

The Gambling Act also introduces a range of permits for gaming machines, which are granted by the Council. These permits will be required when premises provide gaming machines but either the stakes or prizes are very low or gambling is not the main function of the premises. The permits regulate the use of gaming machines in a specific premises.

#### **The Council will issue the following gaming permits:-**

- Family entertainment centre gaming machine permits
- Club gaming permits and club machine permits
- Alcohol licensed premises gaming machine permits

#### **Family Entertainment Centre Gaming Permit**

Family Entertainment Centres (FECs) 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 Permits and Club Machine Permit**

These permits relate to members', miners' welfare institutes and 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 Permit**

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 premise licence holder will give notice to the Authority of their intention to make gaming machines available for use, and must pay the prescribed fee.

## **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 full 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.
- 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.

## **Review Hearings**

Sometimes, the operation of licensed premises can lead to problems, such as crime and disorder and on the rare occasions this happens, the Council and Police will try and resolve the matter informally. However, any of the 'responsible authorities' or a local resident or business, or a residents or business association, can apply to the Council for the licence to be reviewed.

Providing a complaint is not 'irrelevant', 'frivolous' or 'repetitious'. the Council will hold a hearing at the Licensing Panel. The Panel may decide to do nothing, or to impose extra conditions on the licence. It can also suspend the licence for a period of up to three months or revoke the licence.

## **Statement of Principles**

Between August and October 2006 the Council will consult on its draft Statement of Principles that will set out how it will carry out this licensing work for the next three years. The Council will widely consult interested businesses, agencies and residents groups.

## **What Can I Be Doing?**

It may help you to start planning for the process by gathering together some useful information about your business:-

- Copies of existing licences/permits
- Detailed plans of your premises
- Details of your planning permission
- Details of how you run (or propose to run) your business safely
- Details of your opening times and the activities that go on in your premises

**Contact details:**

Licensing Section  
Environmental Health Service  
14 Beeching Road  
Bexhill-on-Sea  
East Sussex  
TN39 3LG  
01424-787550  
email – licensing @rother.gov.uk

[www.rother.gov.uk/licensing](http://www.rother.gov.uk/licensing)

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
0121-230-6500

[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

*This document is a guide only. You should read the Act, regulations and guidance etc. You may wish to take legal advice.*