

Gambling and lottery licences

Introduction to the Gambling Act 2005

The Gambling Act 2005 will begin to take effect from 1st January 2007 coming into full force on 1st September 2007. From this date onwards all Premises Licences will be granted by Oadby & Wigston Borough Council (The Licensing Authority) rather than the Magistrates Courts. The Act will be regulated by the Gambling Commission, who are also responsible for issuing some of the other associated licences.

Licensing Objectives

The new Gambling Act focuses on three licensing objectives.

- 1) Preventing gambling from being a source of crime, being associated with crime 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.

Licence Types

Under the Gambling Act 2005 there are three types of licences that are required to run facilities for gambling.

An Operators Licence

Required by individuals or companies who intend to provide facilities for gambling. These are granted and issued by the Gambling Commission.

A Personal Licence

Required by the directors / managers (Personal Management Licence) and by those performing operational functions e.g. croupiers (Personal Functional Licence). All Personal Licences are granted and issued by the Gambling Commission.

A Premises Licence

This is issued by Oadby & Wigston Borough Council, for all premises within the borough, and is required for the premises where the gambling will take place. Licences last indefinitely and an annual fee will be payable.

The following premises will require a Premises Licence: -

Casino

Bingo Premises

Adult Gaming Centre (AGC) e.g. amusement arcade.

Betting Premises (Tracks) e.g. horse racecourse.

Family Entertainment Centre (FEC)

Betting Premises (Other) e.g. betting shops.

A number of permits may be granted under the Act

Oadby & Wigston Borough Council will be responsible for issuing permits for:

Gaming Machines on alcohol-licensed premises
Gaming machines for members clubs
Unlicensed Family Entertainment Centre (Category D machines only)
Prize Gaming
Small Society Lottery Registrations

Other Permissions:-

Oadby & Wigston Borough Council (The Licensing Authority), will also:
Grant Temporary Use Notices (TUNs)
Grant Occasional Use Notices (OUNs)
Grant provisional statements (for premises not yet built)
Keep a register of all licences, permits, notices and registrations

The Act sets out a number of Licensing Authority activities relating to premises licences and provides for the determination and payment of fees in respect of those activities.

The Government announced in September 2004 that in England and Wales, Licensing Authorities would determine their own fees for premises licences but that the Secretary of State would prescribe the maximum fee payable for each category of licence and activity.

Under Section 212 of the Gambling Act 2005, Licensing Authorities discretion to determine their own fees will be limited to setting fees on a cost recovery basis, for carrying out their functions under the Act. This will include the cost of administration (including hearings and appeals) inspections and enforcement. The cost of determining and issuing premises licences will be met through a one-off application fee. Once the licence is issued it will be of infinite duration. Annual fees will be payable to cover the cost of ongoing administration, inspection and enforcement activity required under the Act.

The Licensing Authority is responsible for: -

The monitoring and enforcement of the authorisations they issue.

Setting fees within bands, a copy of the table of fees for Premises Licence can be found on this web site.

The Magistrates will hear any Premises Licence appeals.

In dealing with Gambling Act applications the Council will follow their **Statement of Principles, a copy of which can be found on this website**. This policy will be reviewed every three years. The Council will also abide by the Gambling Commission Code of Practice.

Transitional Arrangements for Premises Licences

The transitional period runs from 1st September 2006 until 31st August 2007. Existing operators have two rights under the transitional arrangements: -

- 1) The right to continuation rights. This means that you can continue to operate after 1st September 2007 even if the new licence has not yet been granted. In order to qualify for continuation rights you must ensure that Oadby & Wigston Borough Council (The Licensing Authority) receive your application between 30th April 2007 and 31st July 2007.

- 2) The right to grandfather rights. This means that you are automatically granted the equivalent standard permission for your premises type as you receive under the current legislation. The type of licence granted would be the closest equivalent allowed by the new Act, this permits the same type of gambling activity, although the rights are not identical to those under the former act. Grandfathering only applies to Premises Licences.

Existing operators have two different choices when they apply for grandfathered premises licences: -

- 1) A Fast track application. This is for a standard grandfathered premises licence containing the mandatory and default conditions only. The Licensing Authority will check that the application form has been completed correctly and that the rights documents are accompanying the application. If these are in order this application will be granted.
- 2) An application to vary the standard default conditions. The applicant is still guaranteed the grandfathered premises licence. However, the Licensing Authority will consider the application fully and is able to attach its own conditions as a result of the proposed changes. Responsible authorities or interested parties may object and this could lead to a hearing.

There are three types of conditions that can be attached to Premises Licences.

Mandatory Conditions

These are prescribed by the Secretary of State. They must be imposed and cannot be altered. Areas covered may include the display of notices and rules, access to the premises and layout of the premises.

Default Conditions

These are also prescribed by the Secretary of State. They can be removed or relaxed by The Licensing Authority however they are intended to be the industry norm. These may include the opening hours for premises.

Individual Conditions

These can be attached to a particular licence by The Licensing Authority. This could be as a result of a hearing to combat a specific problem.

Gaming Machine Permits for Alcohol Licensed Premises

Under the Gambling Act 2005 alcohol-licensed premises will have an automatic entitlement to provide one or two C or D category machines. To take advantage of this entitlement the premises licence holder must give notice of their intention to The Licensing Authority and must pay the prescribed fee. The Licensing Authority has no power to turn this notification down. The Licensing Authority is able to remove this automatic entitlement by making an order under Section 284 of the Gambling Act 2005.

A Licensed Premises Gaming Machine Permit may be applied for if a premises wishes to have more than two category C and D machines. This must be applied for two months before the current permit expires. This is subject to an annual fee.

Club Permits

Club Gaming Permit

This is available to Member's Clubs only. This permit authorises up to three B4, C or D category machines. This also allows very limited facilities for gambling subject to restrictions and conditions.

Club Machine Permit

This is available to both Member's Clubs and Commercial Clubs. This permit authorises up to three B4, C or D category machines, however no other form of gaming is permitted.

There is a fast track application procedure for the above applications for Clubs who hold a Club Premises Certificate under the Licensing Act 2003.

Small Society Lotteries

On 1st September 2007 existing registrations that are current on that date will be converted automatically into a registration under the new act. A similar system of registration will operate under the new act. The first annual fee under the new act will become due on 1st January 2008.

From 1st September 2007 you will be required to abide by all the rules relating to small society lotteries in the new Gambling Act 2005. Details of these will be forwarded onto affected societies as they become available.

Implementation Timetable

1st September 2006 - Existing permissions expiring after this date are automatically renewed until 31/08/2007 for AGC and FEC.

1st January 2007 - The Gambling Commission starts to accept Advance Applications for Operating and Personal Licences under the 2005 Act.

27th April 2007 - Advance applications to the Gambling Commission (as mentioned above) must have been made by this date to ensure continuation rights.

30th April 2007 - Oadby & Wigston Borough Council (The Licensing Authority) will start accepting advance applications for Premises Licences within the borough.

31st July 2007 - Advance applications to The Licensing Authority (as mentioned above) must have been made by this date to ensure continuation rights.

31st August 2007 - Licences and permits under the old legislation will expire.

1st September 2007 - The Gambling Act 2005 is now fully in force.

Please note if an advance application is not made then your business will have to cease trading on 1st September 2007 until the application is determined, as continuation rights will not apply.

For further information relating to this information you could look on the government website www.culture.gov.uk

or the Gambling Commission site www.gamblingcommission.gov.uk

The Gambling Act 2005 also provides new legislation regarding the following:-

Casinos, Tracks, Pool Promoters, Society Lotteries, External Lottery Managers, Gaming Machine Suppliers and Repairers, Supply and Maintenance of single machines, Prize Gaming Permits, Remote Gambling Operators, other betting based permissions.

Further information can be found on the government websites given above.