

16 APRIL 2007

**REPORT OF CORPORATE DIRECTOR CITY DEVELOPMENT
GAMBLING ACT 2005 - PRIZE GAMING PERMITS, FAMILY ENTERTAINMENT
CENTRE GAMING MACHINE PERMITS AND LICENSED PREMISES GAMING
MACHINE PERMITS**

1.0 SUMMARY

This report seeks approval of various application forms and procedures with regards to certain types of permit application.

2.0 RECOMMENDATIONS

IT IS RECOMMENDED that

- 2.1 Committee approve the application forms attached at appendix 1 and require that all applications for such permits are
- made on these forms, and
 - accompanied by the documents referred to in these forms together with the appropriate fee; and
- 2.2 With regard to Prize Gaming Permits and Family Entertainment Centre Gaming Machine Permits, it is recommended that for new applications and renewals (but not conversions):-
- a. Applicants are required to obtain an enhanced disclosure from the Criminal Records Bureau as part of the application process in accordance with the Authority's Statement of Gambling Policy;
 - b. Where it is proposed that the application be granted, the Safeguarding Children Board shall be consulted together with the police;
 - c. The Authority shall take into account any relevant convictions as prescribed by Schedule 7 of the Gambling Act 2005 as amended as it feels appropriate when determining such applications;
 - d. Without prejudice to the Authority's wide discretion in relation to such applications, regard shall be had to the Licensing Objectives when determining applications.

3.0 BACKGROUND

- 3.1 Whilst the Act and regulations prescribe the procedures and applications for the majority of the different types of application which may be made under the Gambling Act, Licensing Authorities may devise their own procedures and application forms for prize gaming permits, family entertainment centre gaming machine permits and licensed premises gaming machine permits.

4.0 PROPOSALS

- 4.1 Members should note that whilst they are being asked to approve and adopt the initial procedures to be followed for these types of application, the report on delegations which follows later in today's agenda will allow these to be subsequently amended by Officers if appropriate.
- 4.2 It is proposed that the application forms attached at appendix 1 be used by the Authority. The application forms are based on a general template provided by the Local Authority Co-ordinators, LACORS which have been adapted for use by the Nottinghamshire Authorities Licensing Group and will be adopted by all authorities in Nottinghamshire for consistency. The form of the permits themselves is prescribed by regulations.
- 4.3 Licensing authorities may adopt a statement of principles that they propose to apply when exercising their functions in considering applications for prize gaming permits and family entertainment centre gaming machine permits. In particular they may set out the matters that they will take into account in determining the suitability of the applicant. Given that such premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, licensing authorities will want to give weight to child protection issues. For this reason the Authority's Policy indicates that applicants for such permits will be required to obtain an enhanced disclosure from the Criminal Records Bureau as part of the application process. It is also proposed that consultation takes place with the Safeguarding Children's Board as well as the police to assess the suitability of the applicant to be granted a permit in accordance with the aims of the Policy. Similar requirements were not however felt to be necessary or proportionate in relation to applicants for licensed premises gaming machine permits as the designated Premises Supervisor and any other (Licensing Act) personal licence holders at the premises will already have undergone criminality checks as part of their Licensing Act application.
- 4.4 Under the Gambling Act transitional provisions, existing permit holders must be granted a permit so long as they comply with a prescribed procedure. As the

Licensing Authority has no discretion in such circumstances it is not felt appropriate to require applicants applying for licence conversion to produce a CRB disclosure or to consult with the Safeguarding Children Board.

- 4.5 With regard to Licensed Premises Gaming Machine Permits the Authority is obliged to have regard to both the licensing objectives and any relevant guidance issued by the Gambling Commission. However, for Prize Gaming Permits and Family Entertainment Centre Gaming Machine Permits the Authority has discretion as to whether regard is had to the licensing objectives. It is felt appropriate that regard should be had to the licensing objectives but that the Authority's wide discretion to grant or refuse is retained.

5.0 FINANCIAL IMPLICATIONS

- 5.1 Fees levied under the Act are intended to cover the cost of the application process.

6.0 LEGAL IMPLICATIONS

The proposals are within the discretion of the authority.

7.0 EQUAL OPPORTUNITIES IMPLICATIONS

The forms will be made available in alternative formats and will be accessible in person or upon request from the Licensing Service and the City Council's internet web site.

8.0 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

None

9.0 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

LACORS advisory guidance - Application Forms for Gaming Permits
Guidance to Licensing Authorities issued under the Gambling Act 2005 by the Gambling Commission

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BARRY HORNE
CORPORATE DIRECTOR
CITY DEVELOPMENT

Lawrence House, Talbot Street, Nottingham NG1 5NT

Contact Officer: Tim Coulson
Telephone number: 9156781
email: tim.coulson@nottinghamcity.gov.uk
Date: 28 March 2007

**APPLICATION FOR THE GRANT / RENEWAL OF A
PRIZE GAMING PERMIT AND CHANGE OF PERMIT HOLDER'S NAME
(FOR USE BY OCCUPIERS OF PREMISES WHERE FACILITIES FOR GAMING WITH PRIZES WILL
BE MADE AVAILABLE)**

Please refer to guidance notes at the end of this form before completing

To:
Nottingham City Council
Licensing Services
Lawrence House
Talbot Street
Nottingham
NG1 5NT



Section A – Applicant Details

- 1. Name of applicant
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- 2. Date of Birth or Company registration No. as applicable
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- 3. Address/registered office of applicant
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- 4. Telephone number (daytime) of applicant
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- 5. E-mail address of applicant
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- 6. Details of any previous names and/or addresses of the applicant within the last 3 years
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- 7. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant

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SECTION B – What do you want to do? *(Please tick as necessary)*

- 1. Apply to the licensing authority for a new prize gaming permit/ renew¹ an existing prize gaming permit

- 2. Convert an existing Section 16 permit issued under the Lotteries and Amusements Act 1976?

- 3. Request that the licensing authority changes the name of the permit holder²

If you choose option 3 please only complete Section D below

SECTION C – Premises Details

- 1. Name of premises
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- 2. Address of premises
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- 3. Telephone number of premises
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- 4. E-mail address of premises
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- 5. The nature of Prize Gaming for which the permit is sought (including details such as of the approximate number of machines to be used and the extent of the gaming e.g. “prize bingo for up to 50 people” etc)
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¹ Delete as appropriate
² Please note that this applies only where the permit holder has changed their name and that permits cannot be transferred to another person.

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6. What hours do you propose to use the premises for gaming? *(Please use 24 hour clock notation)*

Day	Open	Closed
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

7. Approximately how many staff will you employ and in what capacity?

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8. Explain what steps you intend to take to promote the licensing objectives³ (e.g. in relation to supervision of the premises, monitoring the use of the premises by children/vulnerable people etc).

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³ The licensing Objectives are:- Preventing Gambling from being a source of or associated with crime and disorder or being used to support crime; Ensuring that gambling is conducted in a fair and open way; Protecting children and other vulnerable persons from being harmed or exploited by gambling.

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SECTION D – Declaration, Fee and Signature(s) *(Please tick as necessary)*

1. I enclose

In all cases

- *the relevant fee*⁴

For new applications and renewals

- *A plan of the premises showing the location of the area where gaming is to take place, exits, entrances and location of staff offices*
- *Enhanced CRB application/certificate dated within the last 3 months*

For conversions

- *Existing Section 16 permit*

For change of name applications

- *Evidence of change of name enclosed (eg marriage certificate, company change of name forms etc)*
- *Existing permit*

2. I confirm that *(Please tick all boxes that apply)*

- *I occupy / propose to occupy the premises to which this application relates.*⁵
- *No premises licence, issued under the Gambling Act 2005, exists in relation to the premises to which this application relates*

⁴ £300 for new applications and renewals; £100 for conversion of a S16 Permit and £25 for change of name. Cheques should be made payable to "Nottingham City Council"
⁵ Delete as applicable

- No club gaming permit, issued under the Gambling Act 2005, exists in relation to the premises to which this application relates)
- All staff will be trained as to the limits of any stakes and prizes and the requirements of the Act, Guidance and any appropriate codes of practice or conduct

Note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

Dated

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Signed by or on behalf of the applicant

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Name (please print)

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NOTES
APPLICATION FOR THE GRANT / CHANGE OF NAME OF A
PRIZE GAMING PERMIT

(FOR USE BY OCCUPIERS OF PREMISES WHERE FACILITIES FOR GAMING WITH PRIZES WILL BE MADE AVAILABLE)

1. This form is to be used for an application for a grant (or to request a change of name) of a prize gaming permit under the Gambling Act 2005 Part 13 and Schedule 14. This form can be used for both new applications and for applications to convert an existing Section 16 permit under the Lotteries and Amusements Act 1976 in accordance with the Gambling Act 2005 Statutory Instrument 2006 / 3272.
2. A number of statutory conditions apply to prize gaming permits under Section 293 Gambling Act 2005 as follows:
 1. The first condition is compliance with such limits as may be prescribed in respect of participation fees (and those limits may, in particular, relate to players, games or a combination; and different limits may be prescribed in respect of different classes

or descriptions of fee).

- II. The second condition is that-
 - a) all the chances to participate in a particular game must be acquired or allocated on one day and in the place where the game is played,
 - b) the game must be played entirely on that day, and
 - c) the result of the game must be made public- (i) in the place where the game is played, and (ii) as soon as is reasonably practicable after the game ends, and in any event on the day on which it is played.
- III. The third condition is that a prize for which a game is played, or the aggregate of the prizes for which a game is played- (a) where all the prizes are money, must not exceed the prescribed amount, and (b) in any other case, must not exceed the prescribed value.
- IV. The fourth condition is that participation in the game by a person does not entitle him or another person to participate in any other gambling (whether or not he or the other person would also have to pay in order to participate in the other gambling).
3. The 'prescribed' 'amount' and 'value' are set-out in regulations, currently SI 2007 / available via <http://www.opsi.gov.uk> or from the Gambling Commission's website. The current regulations are:
 - amount = *(To be confirmed)*
 - value = *(To be confirmed)*
4. The permit's duration is 10 years. A renewal application can be made within 6 – 2 months before the expiry date of the permit.
5. The fee for a new application for grant is £300. The fee for the conversion of an existing Section 34 Gaming Act 1968 permit is £100. The fee for a change of name request is £25.
6. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonably practicable after that decision to grant / refuse has been made.
7. If an application has been made to convert an existing Section 16 Lotteries and Amusements Act 1976 permit before 31st July 2007, then the applicant can assume that, even where a decision has not been formally made by this licensing authority, his/her application is to be treated as granted from September 2007. Following this, a permit must be provided by this authority as soon as reasonably practicable.

**APPLICATION FOR THE GRANT / RENEWAL OF A
FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMIT AND CHANGE
OF PERMIT HOLDER'S NAME**

**(FOR USE BY OCCUPIERS OF PREMISES INTENDED TO BE USED BY THE APPLICANT AS
UNLICENSED FAMILY ENTERTAINMENT CENTRES)**

Please refer to guidance notes at the back of this form before completing

To:

Nottingham City Council
Licensing Services
Lawrence House
Talbot Street
Nottingham
NG1 5 NT



Section A – Applicant Details

1. Name of applicant

.....

2. Date of Birth or Company registration No. *(as applicable)*

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3. Address / registered office of applicant

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4. Telephone number (daytime) of applicant

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5. E-mail address of applicant

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6. Details of any previous names and/or addresses of the applicant within the last 3 years

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7. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant

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SECTION B – What do you want to do? *(Please tick as necessary)*

1. Apply to the licensing authority for a new family entertainment centre gaming machine permit/ renew⁶ an existing family entertainment centre gaming machine permit

2. Convert an existing Section 34 permit issued under Gaming Act 1968?

3. Request that the licensing authority changes the name of the permit holder⁷

If you choose option 3 please only complete Section D below

SECTION C – Premises Details

1. Name of premises

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2. Address of premises

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3. Telephone number of premises

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4. E-mail address of premises

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5. Approximate number of machines to be used at the premises

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⁶ Delete as appropriate

⁷ Please note that this applies only where the permit holder has changed their name and that permits cannot be transferred to another person.

6. Is any Prize Gaming also to be offered at the premises? If so please provide details as to the nature and extent of the prize gaming.

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7. What hours do you propose to use the premises for gaming?

Day	Open	Closed
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

8. Approximately how many staff will you employ and in what capacity?

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9. Explain what steps you intend to take to promote the licensing objectives⁸ eg in relation to supervision of the premises, monitoring their use by children/vulnerable people etc:-

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⁸ The licensing Objectives are:-

- Preventing Gambling from being a source of or associated with crime and disorder or being used to support crime,
- Ensuring that gambling is conducted in a fair and open way

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SECTION D – Declaration, Fee and Signature(s)

2. I enclose (Please tick all boxes that apply)

In all cases

- the relevant fee⁹

For new applications and renewals

- A plan of the premises showing the location of the area where gaming is to take place, exits, entrances and location of staff offices
- Enhanced CRB application/certificate dated within the last 3 months

For conversions

- Existing Section 34 permit

For change of name applications

- Evidence of change of name enclosed (eg marriage certificate, company change of name forms etc)
- Existing permit

2. I confirm that

- I occupy / propose to occupy the premises to which this application relates.¹⁰

• Protecting children and other vulnerable persons from being harmed or exploited by gambling.

⁹ £300 for new applications and renewals; £100 for conversion of a S16 Permit and £25 for change of name. Cheques should be made payable to "Nottingham City Council"

¹⁰ Delete as applicable

- I propose to use the premises only as an unlicensed family entertainment centre and will only provide category D gaming machines for use in the premises.
- No premises licence, issued under the Gambling Act 2005, exists in relation to The premises to which this application relates
- No club gaming permit, issued under the Gambling Act 2005, exists in relation to The premises to which this application relates)
- All staff will be trained as to the limits of any stakes and prizes and the requirements of the Act, Guidance and any appropriate codes of practice or conduct

Note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

Dated

.....

Signed by or on behalf of the applicant

.....

Name (Please print)

.....

NOTES

**APPLICATION FOR THE GRANT / RENEWAL OF AN
UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMIT
 AND THE CHANGE OF NAME OF THE PERMIT HOLDER
 (FOR USE BY OCCUPIERS OF PREMISES INTENDED TO BE USED BY THE
 APPLICANT AS UNLICENSED FAMILY ENTERTAINMENT CENTRES)**

1. This form is to be used for an application for a grant (or to request a change of name) of a unlicensed family entertainment centre gaming machine permit under the Gambling Act 2005 Section 247 and Schedule 10. This form can be used for both new applications and for applications to convert an existing Section 34 permit under the Gaming Act 1968 in accordance with the Gambling Act 2005 Statutory Instrument 2006 / 3361.

2. An unlicensed family entertainment centre is entitled to provide an unlimited number of category D gaming machines available for use on the premises. Prize gaming may also be provided under this permit as long as it meets the provisions of S293 of the Gambling Act 2005.
3. The permit's duration is 10 years. A renewal application can be made within 6 – 2 months before the expiry date of the permit.
4. The fee for a new application for grant / renewal is £300. The fee for the conversion of an existing Section 34 Gaming Act 1968 permit is £100. The fee for a change of name request is £25.
5. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonably practicable after that decision to grant / refuse has been made.
6. If an application has been made to convert an existing Section 34 Gaming Act 1968 permit before 31st July 2007, then the applicant can assume that, even where a decision has not been formally made by this licensing authority, his/her application is to be treated as granted from September 2007. Following this, a permit must be provided by this authority as soon as reasonably practicable.

**APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION / TRANSFER OF A
LICENSED PREMISES GAMING MACHINE PERMIT
(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION
ON THE PREMISES)**

Please refer to guidance notes at the back of this form before completing

To:
Nottingham City Council
Licensing Services
Lawrence House
Talbot Street
Nottingham
NG1 5 NT



Section A – Applicant Details

1. Name of applicant

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2. Date of Birth or Company registration No. as applicable

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3. Address / registered office of applicant

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4. Telephone number (daytime) of applicant

.....

5. E-mail address of applicant

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6. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of
the applicant

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SECTION B – Premises Details

1. Name of premises

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2. Address of premises

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3. Telephone number of premises

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4. E-mail address of premises

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5. Licensing Act 2003 Premises Licence Number

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SECTION C – What do you want to do? *(Please tick as necessary)*

Please indicate what you would like to do:

a) Notify licensing authority that you intend to provide up to a maximum total of 2 gaming machines of category C and / or D. *If you choose this option then please complete section F.*

b) Apply to the licensing authority for more than 2 gaming machines. *If you choose this option then please complete sections D and F.*

c) Apply to vary an existing permit. *If you choose this option then please complete sections D and F.*

d) Request that the licensing authority transfers an existing permit to yourself. *If you choose this option then please complete sections E and F.*

SECTION D – Grant and variation requests

1. How many gaming machines are you currently authorised to provide and how many do you wish to provide? Please complete the boxes in the table.

Category machine	Number currently authorised to provide	Number wish to provide
C		
D		
Total		

2. If you are authorised to provide more than 2 machines, please provide your existing permit, or provide reasons stating why it cannot be provided.

Existing permit provided

Reasons why existing permit cannot be provided

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Section E – Transfer request

1. Name of person requesting the transfer

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2. Please confirm that an application to transfer the relevant Premises Licence under the Licensing Act 2003 has been:

Requested

Granted

3. Please provide your existing permit, or provide reasons stating why it cannot be provided.

Existing permit provided

Reasons why existing permit cannot be provided

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Section F – Fee and Signature(s) *(Please tick all parts that apply)*

3. I enclose

In all cases

- *the relevant fee*

For new applications and variations

- *A plan of the premises showing the location of the area where gaming is to take place, exits, entrances and location of staff offices*

2. I confirm that

- the premises where the machines are proposed to be located are licensed to supply alcohol for consumption on the premises and that there is a bar for serving alcohol to customers on the premises (without the requirement that alcohol is served only with food).
- I am aware of and will abide by the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission.
- All staff will be trained as to the limits of any stakes and prizes and the requirements of the Act, Guidance and any appropriate codes of practice or conduct

Note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

Dated

.....

Signed by or on behalf of the applicant

.....

Name (please print)

.....

* If you wish to have a maximum of 2 gaming machines then the fee payable is £TBC. If you wish to have more than 2 gaming machines then the fee payable is £TBC.

NOTES

APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION / TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT (FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

1. This form is to be used for the NOTIFICATION of up to 2 gaming machines of categories C and / or D under Section 282 of the Gambling Act 2005, or the GRANT / VARIATION / TRANSFER of a gaming machine permit under Section 283 and Schedule 13 of the Gambling Act 2005.

2 All references to 'Premises Licence' refer to a Premises Licence under the Licensing Act 2003 authorising the sale of alcohol for consumption on the premises.

3 The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises.

4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.

5. The gaming machines must be located on these licensed premises and there must be a bar for serving alcohol to customers on the premises, without the requirement that alcohol is served only with food.

6. The permit's duration is indefinite as it is linked to the Premises Licence. There is a first annual fee payable by and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £x.

7. Two types of gaming machines can be located in alcohol licensed premises. These are:

- Category C: Maximum stake = 50p / Maximum prize = £25
- Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary

8. The holder of a licensed premises gaming machine permit must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005. The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at: <http://www.gamblingcommission.gov.uk/> Should you be unclear as to the provisions of such a code of practice please contact your local licensing officer at the council address provided.

9. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonable practicable after that decision to grant / refuse has been made.

