

A Guide to Applying for Premises Licences and Permits

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Introduction

The law on gambling is changing.

On the 1st September 2007, the Gambling Act 2005 will supersede the following Acts.

- Betting, Gaming and Lotteries Act 1963
- Gaming Act 1963
- Lotteries and Amusement Act 1976

Existing licences, registrations, certificates and permits under these pieces of legislation will be replaced by Premises Licence and Permits. Most types of gambling or the provision of gaming machines will require a Premises Licence or Permit. However, the government is at present consulting on some limited gaming in alcohol licensed premises which maybe legal without the need for licences or permits, but this will not come into affect until after 1st September 2007.

Every premises that requires a Premises Licence will also need an Operators Licence. Many will also require Personal Licences, though there are some exemptions for small operators. Applications will need to be made to the Gambling Commission for these licences. Contact details:

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP
Tel: 0121 230 6666
Fax: 0121 233 1096
info@gamblingcommission.gov.uk
www.gamblingcommission.gov.uk

If you have not applied for Operators or Personal Licences, it is important that you contact the Gambling Commission or visit their website for advice.

South Hams District Council, as the Licensing Authority, is responsible for Premises Licences and Permits within its District. Holders of existing Amusement Arcade Permits (AWP's) may apply to the Licensing Authority before the 30th July 2007 for 'Continuation Rights' so they may continue trading with affect from 1st September 2007, when the new Act comes into force. Other AWP permits (for example, those in public houses) will continue for three years from when they were originally granted before they need replacing under the new Act.

The aim of this document is to explain the transitional procedure for conversion applications as well as new applications for new Premises Licences and Permits.

The Act also introduces Temporary Use Notices and Lotteries. Lotteries will be dealt with in a separate Guide.

Who needs a premises licence?

Under the Gambling Act 2005, a Premises Licence is required for any of the following types of premises:-

- Casino
- Bingo Hall
- Betting shop
- Betting (track) – sporting venues not just tracks
- Amusement Arcade (for adults only, or where adult machines are provided)

It should be noted that “premises” includes ‘any place’ in particular vehicles and vessels.

There are five types of Premises Licences.

- Casino Premises Licence
- Bingo Premises Licence
- Betting Premises Licence, including tracks and premises used by betting intermediaries
- Adult Gaming Centres (for category B3, C and D gaming machines)
- Family Entertainment Centres (for category C and D gaming machines)

In addition there are Unlicensed Family Entertainment Centres, which only needs a Permit, see section D, but can only have Category D gaming machines. Category D gaming machines are the existing Section 34(1)'s (£5 cash / £8 prizes), while Category C gaming machines are the section 34(5)(e)'s (£25 / £35 payout).

For further information see Sections B and C, for information on the transitional arrangements and how to make an application.

Who needs a permit?

There are five types of permits and one notification that are relevant to the South Hams.

- (Unlicensed) Family Entertainment Centre (FEC) Gaming Machine Permit
- Club Machine Permit
- Club Gaming Permit

- Alcohol Licensed Premises Gaming Machine Permit
- Prize Gaming Permit
- Notification of up to 2 gaming machines in Alcohol Licensed Premises

Unlicensed FEC's can have unlimited Category D machines, and would be typically centres catering for families, but without the higher gaming machines.

Club Machine Permits, are Social Clubs or miner's welfare institutions where up to 3 machines of B4, C or D gaming machines are permitted.

Club Gaming Permits is as Club Machine Permits, but with the addition of the Prize Gaming, which used to be covered by section 16 permits of the Lotteries and Amusements Act 1976.

Alcohol Licensed Premises Gaming Machine Permit, has a Premises Licence issued under the Licensing Act 2003, where there is a bar used 'wholly or mainly for the sales or consumption of alcohol'. These premises can have the number of category C or D gaming machine issued on the permit.

Prize Gaming Permit, is again the replacement for the present section 16 permits.

Lastly are the Alcohol Licensed Premises, where there is simply a notification process for an entitlement for up to two Category C or D machines.

All these have applications forms and fees, though the length or permit and frequency of the fee vary, so please see Section F – Fees.

Types of Gaming Machine Permits under Gambling Act 2005

Four classes of machines, one subdivided

- A – unlimited stake/prize
- B1 –Maximum stake £2, maximum prize £4,000
- B2 – Maximum single stake £100, maximum prize £500
- B3 – Maximum stake £1, maximum prize £500
- B4 – Maximum stake £1, maximum prize £250
- C – Maximum stake 50p, maximum prize £35
- D – Maximum stake 10p, maximum prize £5 (or 30p/non money prize £8)

The A gaming machines will not apply to South Hams District Council as they will only be allowed in the Regional Casino. The B1-B4 gaming machines will only be allowed in premises, with

Premises Licences, and what is allowed in terms of machine type and numbers varies for each type of Premises Licence.

Category C machines are the same as the existing section 34(5E) gaming machines, while Category D machines are the low-stake machines that are at present better known as section 34(1) machines, and can be played by all age groups.

Gambling Statement of Principles

South Hams District Council is the Licensing Authority for its area, dealing with all licensing functions relating to the above-mentioned activities. As part of the Council's new responsibility it has prepared and published a Gambling Statement of Principles, which explains the factors that the Council will consider when examining applications for licences and for monitoring compliance with licence conditions. This policy also explains how the Council expects applicants to meet the national Licensing Objectives. These are:-

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

When determining applications for licences the Council can only consider matters that will impact on one or more of these objectives.

Premises licences, once granted, will last for the life of the business provided that there are no changes applied for, or it is reviewed, revoked or surrendered. It will therefore not need to be renewed annually, although an annual fee will be payable.

The Statement of Principles can be viewed on the Councils website www.southhams.gov.uk or is available from the Licensing Office at South Hams District Council.

The contents of these pages are provided as an information guide only. They are not a full and authoritative statement of the law and do not constitute professional or legal advice.

Section B – Transitional Period

Introduction

The transitional period has been running from the 1st August 2006, and continues through to the 30th July 2007. The key dates are as follows.

1st August 2006 – no further applications can be made for section 34 permits unless they were in a premises licensed by the Gambling Commission; were in a bar (and a bar means “any place which, by virtue of a premises licence, may be used for the supply of alcohol and which is exclusively or mainly used for the supply and consumption of alcohol”.) i.e. S34(5E)’s or in an amusement machine premises (arcade).

1st September 2006 – the licences issued by the Gambling Commission under Gaming Act 1968, permits issued under section 34 of the Gaming Act for amusement machine premises and all permits issued under section 16 of the Lotteries and Amusements Act 1976 (prize gaming permits) will be deemed to have been renewed, with no fee, if they expired between this date and 31st August 2007.

1st January to 27th April 2007 – application needs to be made for an **Operational Licence** with the Gambling Commission.

1st January to 29th June 2007 – application needs to be made for a **Personal Licence** with the Gambling Commission.

28th April 2007 – no new applications can be made for **licences or section 34 permits** (for amusement machine premises) under Gaming Act 1968 or under section 16 Lotteries and Amusements Act 1976.

21st May to 30th July 2007 – application needs to be made to South Hams District Council for a **Premises Licence; a Family Entertainment Centre Gaming Machine Permit or a Prize Gaming Permit by conversion**. This means that existing licences and permits get continuation rights and can be converted into one of the above Premises Licences or a Family Entertainment Centre Gaming Machine Permit. With regard to permits, this only applies to Section 16 Permits and section 34 permits, for amusement machine premises.

21st May 2007 – New applications can be made for Premises Licences under Gambling Act 2005.

1st September 2007 – Gambling Act 2005 replaces all previous legislation.

Useful additional material is available on the Department of Culture, Media and Sports website. www.culture.gov.uk. The key document is the Gambling Act 2005 Transitional Arrangements December 2006, though it is important to note that in all areas where the date 30th April 2007 is used with regard to premises Licences, the date 21st May 2007 should be substituted, as this was amended by an Order by Parliament.

The other useful two page information sheet also issued by the Department of Culture, Media and Sports, are for Arcades and Betting Shops. They were issued in May 2007, and the dates are correct in these. They are again available on www.culture.gov.uk and are called:

- Arcades - The Gambling Act 2005: Changes that Affect your Business
- Betting Premises - The Gambling Act 2005: Changes that Affect your Business

Applications

There are three ways to apply for a new Premises Licence or Permit. New, Fast Track and Non-Fast Track applications. The easiest and cheapest is to apply for Fast Track, providing that the business meets all the criteria. This is a simply conversion and an application has to be made between 21st May and 30th July 2007. In simple terms a Premises Licence will be issued, but with the Mandatory and Default conditions added.

Mandatory and Default conditions are those conditions that the Government requires be added to all Premises Licences. The Mandatory ones are not optional, with a series of them being drawn up for each Premises type.

Default conditions relate to hours of operation. These can be challenged, either during the transitional period or at a later date. During the transitional period, the way to challenge these is by making a Non-Fast Track application. This is more expensive, and is more complex a process. The Non-Fast Track application will also have all the Mandatory conditions added.

The final method is to make a New application. These can be made from 21st May 2007, but can not be operational until either 1st September 2007, or the date on which the Premises Licence or Permit is granted.

Forms for making such an application are available from the South Hams District Council's website www.southhams.gov.uk or can be obtained from the Council's Licensing Office.

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Section C – Premises Licences

Introduction

As stated in the previous section there are three ways to apply for a new Premises Licence or Permit. New, Fast Track and Non-Fast Track applications. The easiest and cheapest is to apply for Fast Track, providing that the business meets all the criteria. This is a simply conversion and an application has to be made between 21st May and 30th July 2007. In simple terms a Premises Licence will be issued, but with the Mandatory and Default conditions added.

Continuation Rights (criteria to allow Fast Track and Non - Fast Track applications)

There are two criteria that apply to converting the existing Licences and Permits (section 34 for amusement machine premises) that were issued under the Gaming Act 1968. This is to apply for a Fast Track or Non-Fast Track Premises Licence.

The first is to be an existing premises operator (this has nothing to do with applications for Operators Licences) and to be an existing premises operator, 'the applicant', must hold a casino, bingo or betting office licence or for a section 34(5)(e) permit for an amusement machine premises when they make the application between 21st May and 30th July 2007.

The second is to still hold that casino, bingo or betting office licence or for a section 34(5)(e) permit for an amusement machine premises on the 31st August 2007, i.e. it has not been cancelled or revoked.

In addition the application and accompanying plan must comply with those aspects of the application process, and if the applicant fails to address the issue after the Licensing Authority serves a notice (minimum 14 days) then they will lose their continuation rights. These are

- The prescribed application form and relevant documents under section 159 (6) (a) & (b) Gambling Act
- The plan of the premises which is compatible with the Mandatory conditions under section 167 Gambling Act

The Fast Track Applications

Premises licences, once granted, will last for the life of the business and therefore will not need to be renewed, although an annual fee will be payable.

The application for Fast Track is one that will be granted by South Hams District Council, with the Mandatory and Default Conditions attached providing it complies with the paragraph above and includes the following:-

- Completed application form.
- A scale plan of the premises – for more information please see below.
- The fee (see section F).

There is no requirement to advise the responsible authorities or advertise the application by notice or by advert in the local paper.

Plan

Regulations state that the plan of the premises must be in standard scale, though doesn't specify what scale that has to be.

The regulations specify the plan must show in all premises:-

- a) the extent of the boundary or perimeter of the building;
- b) where the premises includes, or consists of, one or more buildings, the location of any external and internal walls of each such building;
- c) where the premises form part of a building, the location of any external and internal walls of the building which are included in the premises;
- d) 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;
- e) 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;
- f) any other matter required in accordance with the following provisions.

Application for Casino Premises Licence, the plan must show

- 1) the principal entrance to the premises of those identified in accordance with paragraph (e) above;
- 2) the location and extent of any part of the premises which will be a table gaming area

- 3) the location and extent of any other part of the premises which will be used for providing facilities for gambling in reliance on the licence; and ;
- 4) the location and extent of any part of the premises which will be a non-gambling area;

Application for Bingo Premises Licence, in respect of a premises to which children or young persons will be permitted to have access, the plan must show

- 1) the 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);
- 2) 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; and
- 3) the nature or 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.

Application for 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.

Application for Family Entertainment Centre Premises Licence, the plan must show

- 1) 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;
- 2) 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; and
- 3) the nature or 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.

Application for 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.

Application for Betting Premises Licence, in respect of a track, the plan must show

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

- 3) 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;
- 4) the nature or 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.

Forms for making such an application are available from the South Hams District Council's website www.southhams.gov.uk or can be obtained from the Council's Licensing Office.

The application form for a Premises Licence is 'Application for Premises Licence_Transitional Conversion' is on our website.

Non - Fast Track Applications

Premises licences, once granted, will last for the life of the business and therefore will not need to be renewed, although an annual fee will be payable.

The application for Non-Fast Track is very similar to a Fast Track application, except the applicant wishes to alter the Default conditions. Default conditions relate solely to operational times for Casino's, Bingo and Betting premises. There are no default conditions on Premises Licence's for Family Entertainment Centres or Adult Gaming Centres.

Unlike Fast Track applications there is a requirement to send a notice to the responsible authorities and to advertise the application. However unlike New applications the only matter that representations can be made upon is the one that relates to the hours of operation (Default condition) and that at any subsequent hearing it is only this matter where conditions can be attached to the Premises Licence. Otherwise the Premises Licence will be granted by South Hams District Council, with the Mandatory Conditions attached providing it complies with the paragraphs under the Continuation Rights section above and includes the following:-

- Completed application form.
- A scale plan of the premises – for more information please see below.
- The fee (see section F).
- The applicant must give notice to each of the responsible authorities, (see section E).
- The application must be advertised (see below).

Plan

Regulations state that the plan of the premises must be in standard scale, though doesn't specify what scale that has to be.

The regulations specify the plan must show in all premises:-

- a) the extent of the boundary or perimeter of the building;
- b) where the premises includes, or consists of, one or more buildings, the location of any external and internal walls of each such building;
- c) where the premises form part of a building, the location of any external and internal walls of the building which are included in the premises;
- d) 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;
- e) 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;
- f) any other matter required in accordance with the following provisions.

Application for Casino Premises Licence, the plan must show

- 1) the principal entrance to the premises of those identified in accordance with paragraph (e) above;
- 2) the location and extent of any part of the premises which will be a table gaming area
- 3) the location and extent of any other part of the premises which will be used for providing facilities for gambling in reliance on the licence; and ;
- 4) the location and extent of any part of the premises which will be a non-gambling area;

Application for Bingo Premises Licence, in respect of a premises to which children or young persons will be permitted to have access, the plan must show

- 1) the 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);
- 2) 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; and

- 3) the nature or 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.

Application for 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.

Application for Family Entertainment Centre Premises Licence, the plan must show

- 1) 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;
- 2) 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; and
- 3) the nature or 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.

Application for 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.

Application for Betting Premises Licence, in respect of a track, the plan must show

- 5) the location and extent of any part of the premises which is a five times rule betting area;
- 6) the location and extent of any part of the premises which will be used for providing facilities for betting in reliance on the licence;
- 7) 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;
- 8) the nature or 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.

Notice to Responsible Authorities

The applicant has to send a 'Notice' to each of the responsible authorities, which are listed in section E. This must be done within a period of 7 days beginning on the date on which the application is made. Details of the form required are given in bold at the bottom of this section.

Matters included in square brackets in the 'Notice' are intended to indicate and explain the information to be specified in the notice but are not required to be included in the notice.

Advertisement of applications

In the case of an application for a premises licence, **the applicant** must advertise the application.

- 1) For a period of no less than 28 consecutive days starting on the day after the day on which the application was made to South Hams District Council, by displaying a notice on the premises, in a place at which it can be conveniently read by members of the public from the exterior of the premises;

and

- 2) by publishing a notice:-

- (i) in a local newspaper circulating in the vicinity of the premises (ie. Western Morning News / Totnes Times / Gazette series).

- (ii) on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to South Hams District Council.

Details of the notice specified for both the site notice and the advertisement is given in bold at the bottom of this section. Matters included in square brackets in the 'Notice' are intended to indicate and explain the information to be specified in the notice but are not required to be included in the notice.

Forms for making such an application are available from the South Hams District Council's website www.southhams.gov.uk or can be obtained from the Council's Licensing Office.

The application form for a Premises Licence is '[Application for Premises Licence_Transitional Conversion](#)' is on our website.

Notice to responsible authorities' forms for one applicant is '[Notice of application to Responsible Authorities single applicant Form A](#)' or for two applicants or more please use '[Notice of application to Responsible Authorities 2 or more applicants Form B](#)' which are both on our website.

An example of the press and site notice is also on our website '[Press & Site Notice to be published for a premises application](#)'.

New Applications (for those who don't currently have a licence or permit)

Premises licences, once granted, will last for the life of the business and therefore will not need to be renewed, although an annual fee will be payable to keep the licence live.

You will need to complete an 'Application for a premises licence to be granted under the Gambling Act 2005'. There are two forms, the 'Standard' Form for all Premises, except Vessels, which have their own application form. Details of the form required are given in bold at the bottom of this section.

The application will need to include the following:-

- Completed application form.
- A scale plan of the premises – for more information please see below.
- The fee (see section F).
- The applicant must give notice to each of the responsible authorities, (see section E).
- The application must be advertised (see below).

Plan

Regulations state that the plan of the premises must be in standard scale, though doesn't specify what scale that has to be.

The regulations specify the plan must show in all premises:-

- a) the extent of the boundary or perimeter of the building;
- b) where the premises includes, or consists of, one or more buildings, the location of any external and internal walls of each such building;
- c) where the premises form part of a building, the location of any external and internal walls of the building which are included in the premises;
- d) 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;
- e) 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;
- f) any other matter required in accordance with the following provisions.

Application for Casino Premises Licence, the plan must show

- 1) the principal entrance to the premises of those identified in accordance with paragraph (e) above;
- 2) the location and extent of any part of the premises which will be a table gaming area
- 3) the location and extent of any other part of the premises which will be used for providing facilities for gambling in reliance on the licence; and ;
- 4) the location and extent of any part of the premises which will be a non-gambling area;

Application for Bingo Premises Licence, in respect of a premises to which children or young persons will be permitted to have access, the plan must show

- 1) the 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);
- 2) 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; and
- 3) the nature or 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.

Application for 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.

Application for Family Entertainment Centre Premises Licence, the plan must show

- 1) 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;
- 2) 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; and
- 3) the nature or 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.

Application for 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.

Application for Betting Premises Licence, in respect of a track, the plan must show

- 9) the location and extent of any part of the premises which is a five times rule betting area;
- 10) the location and extent of any part of the premises which will be used for providing facilities for betting in reliance on the licence;
- 11) 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;
- 12) the nature or 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.

Notice to Responsible Authorities

The applicant has to send a 'Notice' to each of the responsible authorities, which are listed in section E. This must be done within a period of 7 days beginning on the date on which the application is made. Details of the form required are given in bold at the bottom of this section.

Matters included in square brackets in the 'Notice' are intended to indicate and explain the information to be specified in the notice but are not required to be included in the notice.

Advertisement of applications

In the case of an application for a premises licence, **the applicant** must advertise the application.

- 2) For a period of no less than 28 consecutive days starting on the day after the day on which the application was made to South Hams District Council, by displaying a notice on the premises, in a place at which it can be conveniently read by members of the public from the exterior of the premises;

and

- 3) by publishing a notice:-
 - (j) in a local newspaper circulating in the vicinity of the premises (ie. Western Morning News / Totnes Times / Gazette series).
 - (ii) on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to South Hams District Council.

Details of the notice specified for both the site notice and the advertisement is given in bold at the bottom of this section. Matters included in square brackets in the 'Notice' are intended to

indicate and explain the information to be specified in the notice but are not required to be included in the notice.

Forms for making such an application are available from the South Hams District Council's website www.southhams.gov.uk or can be obtained from the Council's Licensing Office.

The application forms for a Premises Licence is '[Application for a Premises Licence – Standard form](#)'. Application forms for vessels are not on the website. Please contact the licensing office.

Notice to responsible authorities' forms for one applicant is '[Notice of application to Responsible Authorities single applicant Form A](#)' or for two applicants or more please use '[Notice of application to Responsible Authorities 2 or more applicants Form B](#)' which are both on our website.

An example of the press and site notice is also on our website '[Press & Site Notice to be published for a premises application](#)'.

Mandatory and Default Conditions

These conditions are added to all granted Premises Licences irrespective of whether they are new, Fast Track or Non-Fast Track applications.

They vary depending on the premises type. The list is quite extensive so they are available as a separate document on our website.

The contents of these pages are provided as an information guide only. They are not a full and authoritative statement of the law and do not constitute professional or legal advice.

Section D - Permits

What is it and what does it mean to me?

There are five types of permits and one notification process. These are

- (Unlicensed) Family Entertainment Centre (FEC) Gaming Machine Permit
- Club Machine Permit
- Club Gaming Permit
- Alcohol Licensed Premises Gaming Machine Permit
- Prize Gaming Permit
- Notification of up to 2 gaming machines in Alcohol Licensed Premises

These permits replace section 34(1) and section 34(5E) permits, and Part II and Part III registrations under the Gaming Act 1968 and section 16 permits Lotteries and Amusements Act 1976. Some must be applied for during the conversion window, between 21st May and 30th July 2007, while others will be replaced as they become due for renewal.

If your permit or registration is due for renewal before the 1st September 2007, then for **alcohol licensed premises** you must apply to the licensing authority to renew the section 34 permit in the normal way, under the Gaming Act 1968. For section 34's for **amusement machine premises**, they have been deemed to be renewed until and including the 31st August 2007, so there is no need to do anything. For **Prize Gaming and Club Machine Permits** then applications need to be made to the licensing magistrates.

If your existing permit does not convert into one of the above permits, see more information below under each section, then your existing permit cannot be renewed. This will mainly relate to gaming machine that are at present in hotel lobbies (i.e. not in the bar), fish and chip chops, canteens etc. South Hams District Councils existing policy prevents section 34 machines in most of these locations already so it will not affect very many permit holders. If you have any doubts please ring and speak to a member of the Licensing staff. You will be able to keep your permit until the renewal date shown and then it will simply expire.

(Unlicensed) Family Entertainment Centre Gaming Machine Permit – continuation rights

This type of arcade only has a permit and therefore could be deemed as low level gaming. These premises are only allowed Category D machines, at present called section 34(1)'s.

Holders of existing AWP's (s.34(1) & s.34(5)(e)) machines for amusement arcades will have to make application between 21st May and 30th July 2007 for a new style permit to secure continuation rights after 31/9/07 when the existing permits will become void. The application process is a simple one

- To complete an application form
- The fee (see Section F)

You will be automatically entitled to the new permit, providing the application process is completed correctly. South Hams District Council have one month to issue the permit, otherwise it will be deemed as issued. The permit will last for ten years.

Forms for making such an application will be available from South Hams District Council's website www.southhams.gov.uk or can be obtained from the Council's Licensing Office.

The application form for a Family Entertainment Centre Gaming Machine Permit is '[Application Unlicensed family gaming machine permit](#)' is on our website.

(Unlicensed) Family Entertainment Centre Gaming Machine Permit – New Application

This type of arcade only has a permit and therefore could be deemed as low level gaming. These premises are only allowed Category D machines, as they are for families only.

An application can only be made by a person who occupies or proposes to occupy a premises. The application process is simple

- To complete an application form
- The fee (see Section F)

South Hams District Council will consult with the Chief Officer of Police. If there are no representations the permit will be issued. The permit will last for ten years.

Forms for making such an application are available from the South Hams District Council's website www.southhams.gov.uk or can be obtained from the Council's Licensing Office.

The application form for a Family Entertainment Centre Gaming Machine Permit is '[Application Unlicensed family gaming machine permit](#)' and is on our website.

Club Machine and Club Gaming Permits – Who can apply?

Under the provisions of the Gambling Act 2005, gaming activities are provided on behalf of the members of a club are treated rather differently from commercial organisations. The reason for this is that organisations which have been formed by a group of people with a common interest and which are run for the benefit of members do not involve the public.

A Club operates under a set of rules, which are determined by the members. Generally, a Club must have a minimum of 25 members and a period of 2 days must elapse from the time the application for membership is made until the full benefits of membership can be made available. The management of the arrangements must be undertaken by a Committee, which is elected from within the membership.

Club Machine and Club Gaming Permit – Continuation rights

After the 1st September 2007, the registrations that clubs hold under Part Gaming Act 1968 will be treated as if they hold Club Gaming or Club Machine Permits until their registration expires. Holders of the registrations must apply to the licensing authority two months prior to the expiry of their existing registration and this will be converted into a Club Gaming or a Club Machine Permit.

It is important to note that if your registrations expire, for example, on the 2nd September then an application needs to be made before the 2nd July 2007. The application process is a simple one of

- To specify the premises to which the permit is sought
- The fee (see Section F)

The South Hams District Council will then grant the new permit. It will have been supplied with a list of registrations from the licensing magistrates at the commencement of the new Act so it will know who has what registrations. The permit will last for ten years.

Club Machine and Club Gaming Permit – New applications

Applications cannot be made until 1st June 2007. The regulations with respect to new applications have yet to be published so this document will be updated as soon as the information is available.

Alcohol Licensed Premises Gaming Machine Permits – Continuation rights

This permit is for those Alcohol Licensed Premises, which have more than two gaming machines and that the existing section 34 permit is in force (i.e. it has not been revoked or surrendered) on the 31st August 2007.

On the 1st September 2007, the section 34 permit will continue to have effect as if it is an Alcohol Licensed Premises Gaming Machine Permit, and you will still be entitled to the same number of gaming machines that you had on the section 34 permit before 1st September 2007. These can be either category C or category D machines, which are in effect section 34(5E) and section 34(1) machines respectively.

In practice you do not have to do anything until the renewal date is due and then you have to apply before the expiry date on the existing permit to renew that permit. Even though the section 34 has been renamed to an Alcohol Licensed Premises Gaming Machine Permit, it still only has a total life of three years before it must be renewed.

Providing the new permit has been applied for before the expiry of the old permit, then the old permit will remain in place until the new permit is issued or the application is withdrawn. You will be automatically entitled to what is on the existing permit at renewals, providing the application process is completed correctly.

The new Alcohol Licensed Premises Gaming Machine Permit will be for an unlimited duration, so you will not need to apply again unless your circumstances change.

The permit is subject to the conditions that

- The machines are located on a premises which contains a bar at which alcohol is served for consumption on the premises (without a requirement that alcohol is served only with food, and
- Can only be used when the timings on the Premises Licence issued under the Licensing Act 2003, allow alcohol to be sold.

Forms for making such an application are available from the South Hams District Council's website www.southhams.gov.uk or can be obtained from the Council's Licensing Office.

The application form for a Alcohol Licensed Premises Gaming Machine Permit is 'Application Notification for Alcohol Licenses Premises Machines' and is on our website.

Alcohol Licensed Premises Gaming Machine Permits – New applications

Until 31st August 2007, new applications for gaming machines in Alcohol Licensed Premises will still be dealt with under section 34 Gaming Act 1968.

On or after 1st September 2007 new applications for gaming machines, will either be for 1 or 2 machines whereby there will be a notification process (see below), or for more than 2 gaming machines an application will need to be made to South Hams District Council's Licensing Department. There is also an annual fee for more than two machines.

The permit will be subject to the conditions that

- The machines are located on a premises which contains a bar at which alcohol is served for consumption on the premises (without a requirement that alcohol is served only with food, and
- Can only be used when the timings on the Premises Licence issued under the Licensing Act 2003, allow alcohol to be sold.

The new Alcohol Licensed Premises Gaming Machine Permit will be for an unlimited duration, so you will not need to apply again unless your circumstances change.

This document will be updated before 1st September 2007 to give additional information on this. Updated information will be announced on our website.

Forms for making such an application are available from the South Hams District Council's website www.southhams.gov.uk or can be obtained from the Council's Licensing Office.

The application form for a Alcohol Licensed Premises Gaming Machine Permit is 'Application_Notification for Alcohol Licensed Premises Machines' and is on our website.

Alcohol Licensed Premises automatic entitlement – Maximum of two gaming machines

Section 282 Gambling Act 2005 allows an automatic entitlement to any alcohol licensed premises to one or two Category C or D gaming machines (see Section A for more information on types of gaming machines).

On the 1st September 2007, this will continue, and will entitle you to the same number of gaming machines that you had on the section 34 permit. These can be either category C or

category D machines, which are in effect section 34(5E) and section 34(1) machines respectively.

In practice you do not have to do anything until the renewal date is due and then you have to apply before the expiry date on the existing permit to notify the licensing authority that you wish to have only the automatic entitlement of one or two machines. The section 34 permit still only has a total life of three years before it must be renewed.

The notification will be subject to the conditions that

- The machines are located on a premises which contains a bar at which alcohol is served for consumption on the premises (without a requirement that alcohol is served only with food, and
- Can only be used when the timings on the Premises Licence issued under the Licensing Act 2003, allow alcohol to be sold.

Forms for making such an application are available from the South Hams District Council's website www.southhams.gov.uk or can be obtained from the Council's Licensing Office.

The application form for a Alcohol Licensed Premises Gaming Machine Permit is 'Application_Notification for Alcohol Licenses Premises Machines' and is on our website.

Prize Gaming Permit – Continuation rights

Prize gaming replaces the existing section 16 permits issued under the Lotteries and Amusements Act 1976. Prize gaming is where there is a prize, which is not determined by the number of people participating or the amount paid or raised by the gaming.

The applicant will need to already hold a section 16 permit for the same premises and will therefore occupies or proposes to occupy the premises.

The application process is a simple one

- To complete an application form
- The fee (see Section F)

You will be automatically entitled to the new permit, providing the application process is completed correctly. South Hams District Council have one month to issue the permit, otherwise it will be deemed as issued. The permit will last for ten years.

Forms for making such an application are available from the South Hams District Council's website www.southhams.gov.uk or can be obtained from the Council's Licensing Office.

The application form for a Prize gaming Permit is '[Application for Prize gaming](#)' and is on our website.

Prize Gaming Permit – New Applications

Prize gaming is where there is a prize, which is not determined by the number of people participating or the amount paid or raised by the gaming.

The applicant will need to demonstrate that they occupy or proposes to occupy the premises. There cannot be any Premises Licence or Club Gaming Permit in place at the premises

The application process is a simple one

- To complete an application form
- The fee (see Section F)

South Hams District Council will consult with the Chief Officer of Police. If there are no representations the permit will be issued. The permit will last for ten years.

Forms for making such an application are available from the South Hams District Council's website www.southhams.gov.uk or can be obtained from the Council's Licensing Office.

The application form for a Prize gaming Permit is '[Application for Prize gaming](#)' and is on our website.

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Section E – Responsible Authorities

Consultation with relevant authorities for Premises Licence applications (except Fast Track)

All applications require the applicant to formally consult with ‘Responsible Authorities’ (specified below). This means that a notice must be served on each of them within 7 days of the application being submitted to the Licensing Authority. The **applicant** must do this and prove that this has occurred.

Our address is

The Licensing Manager

South Hams District Council

Follaton House

Plymouth Road

Totnes

TQ9 5NE

Tel: 01803 861336

Fax: 01803 861294

E-mail: licensing@southhams.gov.uk

List of Responsible Authorities

The Gambling Act 2005 requires notices to be sent to the following for all new and variation applications:

Contact details of Responsible Authorities

The Licensing Authority

The Licensing Manager

South Hams District Council

Follaton House

Plymouth Road

Totnes

TQ9 5NE

Tel: 01803 861336

Fax: 01803 861294

E-mail: licensing@southhams.gov.uk

Devon and Cornwall Police

The Licensing Office

Devon & Cornwall Constabulary

Ashburton Road

Totnes

TQ9 5JY

Tel: 01803 860421

E-mail: licensing.totnes@devonandcornwall.pnn.police.uk

Devon Fire and Rescue Service

(For Kingsbridge, Salcombe, Ivybridge and areas West of);

The Fire Safety Officer

Devon Fire & Rescue

Glenn Road

Plympton

Plymouth

PL7 3XT

Tel: 01752 333600

E-Mail: plymouthfs@dsfire.gov.uk

Devon Fire and Rescue Service

(For Dartmouth, Totnes and areas East of);

The Fire Safety Officer

Devon Fire & Rescue

Newton Road

Torquay

TQ2 7AD

Tel: 01803 653700

E-mail: iheywood@dsfire.gov.uk

Child Protection

The Children's Safeguarding Board

Social Services Directorate

Foxhole

Totnes

Devon

TQ9 6ET

Tel: 01392 386601

E-mail: CPChecks@devon.gov.uk

Environmental Health Department

Environmental Health Department (Control)

South Hams District Council

Follaton House

Plymouth Road

Totnes

TQ9 5NE

Tel: 01803 861234

E-mail: environmental.health@southhams.gov.uk

Planning & Building Control

Planning Department

South Hams District Council

Follaton House

Plymouth Road

Totnes

TQ9 5NE

Tel: 01803 861280

E-mail: development.control@southhams.gov.uk

Gambling Commission

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Tel: 0121 230 6500

E-mail: info@gamblingcommission.gov.uk

Her Majesty's Revenue and Customs

HM Revenue and Customs

National Registration Unit

Portcullis House

21 India Street

Glasgow

G2 4PZ

Tel: 0141 555 3633

E-mail: nru.betting&gaming@hmrc.gsi.gov.uk

Maritime & Coastguard Agency (Boats Only)

The Safety Policy Coordinator for Inland Waterways

Maritime & Coastguard Agency

Southampton Marine Office

Spring Place

105 Commercial Road

Southampton

SO15 1EG

Tel: 023 8032 9329

E-mail: helen.sharples@mcga.gov.uk

In addition, you may need advice on the whole Licensing processes from the Licensing team on 01803 861336:

All applications must also be publicly advertised. Please refer to relevant guidance above.

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Section F – Fees

Under the new Gambling Act premises will have to apply for a one-off Premises Licence then pay an annual fee a month after their licence is issued. The amount you will have to pay will be based on the type of Premises Licence. Permits vary on the length of time they are issued for and when and if an annual fee has to be paid.

Premises Licences

	Small Casinos (£)	Casino (existing) (£)	Bingo Premises (£)	Betting Premises (Tracks) (£)	Betting Premises (Other) (£)	Adult Gaming Centres (£)	Licensed FEC (£)
Fast Track appl. (transitional only)	n/a	n/a	150	150	150	150	150
Non-Fast Track application (transitional only)	n/a	n/a	1750	1250	1500	1000	1000
Application for new premises licence	8000	n/a	3500	2500	3000	2000	2000
Application to vary premises licence	4000	n/a	1750	1250	1500	1000	1000
Annual Fee	3250	n/a	650	650	390	650	520
Application to transfer the premises licence	1800	n/a	1200	950	1200	1200	950
Application for re-instatement of premises licence	1800	n/a	1200	950	1200	1200	950
Application for a provisional statement	8000	n/a	3500	2500	3000	2000	2000
Application for a premises licence for a premises which already has a provisional statement	3000	n/a	1200	950	1200	1200	950

Fees for permits, permitted temporary activities and miscellaneous

Permits, Temporary Events and Other:	FEE
Temporary Use Notice	£
Occasional Use Notice	£
Copy of the Premises Licence	£25
Notification of change of circumstances for Premises Licence	£40
Application for Prize Gaming Permit & Family Entertainment Centre Gaming Machine Permit	£300
Application for Prize Gaming Permit & Family Entertainment Centre Gaming Machine Permit (existing operator)	£100
Renewal of Prize gaming Permit & Family Entertainment Centre Gaming Machine Permit	£300
Change of name on Prize gaming Permit & Family Entertainment Centre Gaming Machine Permit	£25
Copy of Prize gaming Permit & Family Entertainment Centre Gaming Machine Permit	£15
Application for Club Gaming or Machine Permit	£200
Application for Club Gaming or Machine Permit (existing holder)	£100
Application for Club Gaming or Machine Permit (who holds a Club Premises Certificate under Licensing Act 2003)	£100
Renewal of a Club Gaming or Machine Permit	£200
Annual fee for Club Gaming or Machine Permit	£50
Application to Vary Club Gaming or Machine Permit	£100
Copy of Club Gaming or Machine Permit	£15

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Section G – What happens next?

Once you have sent your completed application, with all the necessary documentation to the Licensing Department of South Hams District Council and the notices to the statutory consultees, the statutory consultees then have 28 days to make any representations to the Licensing Department. You will also have advertised your application (if varying or applying for a new licence), allowing interested parties an opportunity to comment on your application.

Any representations received must relate to one of the three licensing objectives. The Council's Licensing Officer(s) can reject any representations that are vexatious, frivolous or repetitious.

If representations are received you will be notified of them. If this is the case, the application will have to go to a committee hearing, where a small group of South Hams District Councillors will hear all the facts of the matter and make a decision.

You will be notified of any hearings and given the opportunity to attend in person. This is done by sending you a letter and with it a 'notice' telling you of the time and place. A second notice is enclosed which you must return. This will be made clear at the time.

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Section H - And Finally

How to make sure your application progresses smoothly

In any application process there are inevitably forms, which need to be completed, and a number of supplementary documents which the statutory authority needs to see. The Gambling Act applications can be daunting, particularly as this is a brand new process and people are unfamiliar with the new system.

In order to give your application the best chance of success please take the time to ensure that you submit a complete package of information to the Licensing Department and all the other consultees. If any part of the application is incomplete, or a vital document is missing, then the application will be held and notice sent out for additional information, which will result in the application being rejected if these are not completed and returned. This is both time consuming and frustrating for you and the Licensing staff.

The Licensing Department and all the other consultees are able to give you a wealth of advice to assist applicants. Their aim is to provide you with help and assistance to ensure that your application is dealt with as expeditiously as possible. A range of information is available from South Hams District Council offices and at www.southhams.gov.uk,

Our direct line is 01803 861336.

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