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Gambling Act 2005

Guidance Note

**Guidance on applying
to vary a premises
licence under the
Gambling Act 2005**

Contents

Subject	Page
Section 1 - The purpose of this guidance	1
Section 2	
The Gambling Act 2005	1
- The licensing objectives	1
- Leeds Gambling Act 2005 – Statement of Licensing Policy	1
- Responsible authorities	1
Section 3	
Applying to vary a premises licence	2
- What is an application to vary?	2
- Overview of the application process	2
- Fees	3
- Requirement to advertise applications	3
- Plans	4
- How to apply to vary a premises licence	5
- Hearings	6
Section 4 – Applications fees	6
Section 5 – Contact details – responsible authorities	7
Section 6 – Example notice of application	8
Section 7 – Mandatory and default conditions	9-13

**Entertainment Licensing Section
Leeds City Council
Civic Hall
Leeds
LS1 1UR**

**Phone: 0113 247 4095
Fax: 0113 224 3885**

Website: www.leeds.gov.uk/licensing

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entertainment.licensing@leeds.gov.uk**

SECTION 1 - The purpose of this guidance

This guidance relates to the Gambling Act 2005 (the Act) and is aimed at businesses or individuals that wish to vary their existing premises licence in respect of a:

- bingo hall
- casino
- bookmakers
- amusement arcade
- race course / sporting arena (where betting takes place)

The guidance note explains how to submit the application, the requirements for advertising the application and information on how the application will be determined.

SECTION 2 - The Gambling Act 2005

2.1 The licensing objectives

As you will be aware the Gambling Act 2005 (the Act) contains three licensing objectives which are central to the regulatory regime created by the Act. They are:

- preventing gambling from being a source of crime or disorder, being associated with crime or 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.

2.2 Leeds Gambling Act 2005 - Statement of Licensing Policy

In accordance with Section 349 of the Act the council has published a 'Statement of Licensing Policy' which sets out how we will approach our functions under the Act. It is important that you read and familiarise yourself with this document before submitting your application.

This document is available on the Leeds City Council website at www.leeds.gov.uk/licensing or you can request a paper copy from the Entertainment Licensing Section.

2.3 Responsible authorities

Responsible authorities are agencies that have been given certain powers under the Act. You will be required to send a notice of your application to each of the responsible authorities. These agencies are then entitled to make representations about your application which will usually focus on the licensing objectives. At section 5 of this document you can find contact details for all the responsible authorities.

SECTION 3 – Applying to vary a premises licence

3.1 What is an application to vary

If you already have a premises licence issued by Leeds City Council then you will have some form of authorisation to carry out gambling activities in line with certain mandatory conditions imposed by the Act, other default conditions or conditions which were attached to your licence by the authority when the licence was first granted and in accordance with a plan of your premises. You can at any time make an application under section 187 of the Act to vary your premises licence. The Act specifies that a premises licence holder may apply to:

- add, amend or remove a licensable activity
- amend another detail of the licence
- exclude a [default] condition attached by virtue of section 168 of the Act
- add, amend or remove a condition attached to the licence under section 169 (eg. a condition imposed by the licensing authority.)

Examples of cases where a variation might be required are as follows:

- **A casino** that wishes to expand the table gaming area and relocate the gaming machines into a different room in the building.
- **A bookmakers** that wishes to alter a default condition so that they can be open to accept bets at non standard times, beyond those specified by the Act.
- **An Adult Gaming Centre** that wishes to remove conditions which were originally imposed by the authority because a school was located next to the arcade, and are now unnecessary because the school has been closed.
- **A bingo hall** that wishes to move its category B and C gaming machines and change the nature of the barrier that separates the area where the machines are located from the rest of the premises.

It is important to note that you will not be able to operate the varied licence until and if your application is granted by the Licensing Authority. If your application receives representations during the application process this could take up to two months. It is also important to note that Section 187(2) of the Act states that a licence may not be varied so as to relate to premises to which it previously did not relate. This means a variation may not be used to transfer a licence to a different address and that any substantial building extensions to an existing premises may require a new premises licence application to be made and that this, may involve in the first instance, a provisional statement application.

3.2 Overview of the application process

The variation application process follows a similar format to a new premises licence application and involves submitting the prescribed application form, plan, and fee to the council. After you have submitted your application you will then be required to notify each of the responsible authorities about your application including the Gambling Commission and you will also have to advertise your application by displaying a notice on the premises as well as advertising the

application in a local newspaper. If representations are made about your application during the statutory 28 day notice period, then we will arrange a licensing sub-committee hearing to determine your application. (see section 3.7 – hearings)

3.3 Fees

You will be required to pay a fee when you submit your application. This fee will depend on the category of premises licence you hold. The fees for premises licence variations, which vary between premises, have been selected from within predefined fee bands set by the Secretary of State. (see section 4 – Application Fees)

3.4 Requirement to advertise applications

Applications for premises licence variations must be advertised as followed:

3.4.1 Advertising the application at the premises

You must display a notice about your application on the premises to which the application relates. The notice must be displayed for 28 days. The 28 days run from the day on which the application is *made to the council. The notice must be made by filling out the government prescribed form. At section 6 of this guidance note you will find a sample notice filled in. You will also find in this application pack a blank notice for you to fill out and use labelled GNOTICE3.

Do not obscure the notice in any way or make it difficult to read. Others must be able to read the notice from outside your premises. If your premises is within a complex or its own grounds and the public will be unable to view the notice or notices from the exterior of the site then you should also display a notice at the nearest public thoroughfare (such as at the entrance to the complex/site) so the notice is easily read by the passing public.

Once you have sent us your application one of our enforcement officers will visit your site to inspect the notice. If it is found that the notice or its positioning does not meet the requirements of the Act then we may ask you to redisplay the notice and we may reset your 28 day notice period or even return your application. Please feel free to contact us before you submit your application to clarify what our requirements will be in this regard so as to reduce the chances of this happening.

3.4.2 Advertising the application in a newspaper

You must also publish a notice about your application in a local newspaper which covers the area where the premises is located. The notice should appear on at least one occasion within 10 working days starting with the day after the day on which you *made your application to the council. It must contain the same

* We will treat your application as being made when it is received by us complete with the appropriate form, accompanying documents and the fee. If you hand deliver the forms to us then the day the application is made is the day we receive it. If you post the application to us by 1st class post it is made two working days after you post it.

information as the notice placed on your premises but does not need to use the same dimensions, or font size.

3.5 Plans

If your application relates to changes to the layout of the building or other features which rightly require a change to the plan attached to your existing premises licence then a revised plan must be submitted with your variation application.

1) Plans must be drawn to a suitable scale showing:

- (a) the extent of the boundary or perimeter of the premises;
- (b) where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building;
- (c) where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- (d) where the premises are a vessel or a 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; and

2) In addition to the above the plan must also show...

For a Bingo Premises Licence...

- (a) the location and extent of any part of the premises which will be used to provide facilities for gaming in reliance on the licence
- (b) 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
- (c) the nature and location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises.

For an Adult Gaming Centre Premises Licence...

- (a) 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

For a Betting Premises Licence (other than a track)...

- (a) 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.

For a Track Betting Premises Licence...

- (a) the location and extent of any part of the premises which is a [†]five times rule betting area

[†] "five times rule betting area", in relation to a track, means any part of the track in respect of which, in accordance with conditions attached under section 167, the charge for

- (b) the location and extent of any other parts of the premises which will be used for providing facilities for betting in reliance on the licence
- (c) 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
- (d) the nature and location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises.

for a Family Entertainment Centre Premises Licence...

- (a) 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
- (b) 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
- (c) the nature and location of any barrier or other thing separating any part of the premises in which Category C gaming machines will be made available for use from any other part of the premises.

3.6 How to apply to vary a premises licence:

1. Complete the enclosed form labelled GPREM3
2. Prepare the following documents to accompany your application form:
 - A plan of the premises (If required - see section 3.5 plans)

NB: If possible please submit two copies of the plan.

 - The correct fee. (see section 4 - application fees)
 - The existing premises licence or a statement explaining why it is not reasonably practicable to produce the licence and an application under section 190 of the Gambling Act 2005 for the issue of a copy of the licence.
3. Send your complete application (including all of the above documents) to the Entertainment Licensing Section, Leeds City Council.
4. Upon sending your application to the council you will then need to advertise your application (see section 3.4)
5. You must also give notice of your application to each of the responsible authorities within a period of seven days beginning on the date on which your application was [‡]made to the council. (You must use one of the prescribed forms which are enclosed with this pack. Use the form labelled GNOTICE3A if you are a single applicant and use the form labelled GNOTICE3B if there are multiple applicants.) See section 5 for the addresses of the responsible authorities.

admission to that part of the track payable by betting operators may not exceed five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track.

[‡] See definition at footnote on page 5.

3.7 Hearings

If necessary (because valid objections have been received about your application) we will arrange a Licensing Sub Committee hearing to determine your application. The Licensing Sub Committee will be made up of three councillors. You will be notified not more than 10 working days before the date of the hearing. You will be sent a report containing the representations that have been received in respect of your premises licence application. You will also be sent guidance explaining the format of the hearing. At the outcome of the hearing the Sub Committee will either:

- grant the licence as per the application
- grant the application subject to additional default conditions. (this might include a reduction to the hours applied for)
- refuse the application.

If you are not satisfied with the decision of the Sub Committee then you have a right of appeal to the Magistrates court. Information about how and when to make any appeal will be contained in your Sub Committee decision letter.

SECTION 4 - Application fees

Premises Licence Type	Variation Application Fee
Converted casino	£2,000
Bingo club	£1,750
Adult gaming centre	£1,000
Track betting premises licence	£1,250
Family entertainment centre	£1,000
Betting premises eg. Bookmakers	£1,500

Payment

We can accept payment by all major credit and debit cards at our St George House office. Please visit St George House, Great George Street, Leeds, LS1 3DL and report to our reception on the first floor. (Please check for reception opening times before visiting the office.)



Please make cheques payable to 'Leeds City Council'.

**SECTION 5 -
Contact details – responsible authorities**

Address	Contacts
<p>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p>	<p>Tel: 0121 230 6666 Fax: 0121 233 1096 info@gamblingcommission.gov.uk</p>
<p>West Yorkshire Police Robert Patterson Leeds District Licensing Officer Millgarth Police Station Leeds LS2 7HX</p>	<p>T: 0113 241 4023</p>
<p>Leeds Safe Guarding Children Board Merrion House 110 Merrion Centre Leeds LS2 8QB</p>	<p>T: 0113 247 8543 administrator@leedslscb.org.uk</p>
<p>West Yorkshire Fire and Rescue Service District Fire Safety Officer Leeds Fire Station Kirkstall Road Leeds LS3 1NF</p>	<p>T: 0113 244 0302</p>
<p>Leeds City Council - Environmental Health Services Millshaw Office Millshaw Park Way Churwell Leeds LS11 0LS</p>	<p>T: 0113 247 6026</p>
<p>HM Revenue and Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ</p>	<p>T:0141 555 3633 nru.betting&gaming@hmrc.gsi.gov.uk</p>
<p>NB: Please note for the purposes of the Act the Licensing Authority is also a responsible authority. This means that you must also send a copy of any notices to the following address:</p> <p>Leeds City Council Entertainment Licensing Section Civic Hall Leeds LS1 1UR T: 0113 247 4095 / F: 0113 224 3885 E: entertainment.licensing@leeds.gov.uk www.leeds.gov.uk/licensing</p>	

**SECTION 6 -
Example notice of application**

This notice is for illustrative purposes only. Actual notices must comply with the relevant regulations.



GNOTICE3

**NOTICE OF APPLICATION TO VARY A PREMISES LICENCE UNDER THE
GAMBLING ACT 2005**

Notice is hereby given that:

Leeds Bookies Ltd

Of the following address:

Leeds Bookies Ltd
Gambling House
Leeds Road
Leeds
LS1 5PA

Is/~~are~~ applying under section 187 of the Gambling Act 2005 to vary a Betting Premises Licence.

The application relates to the following premises:

Leeds Bookies
125 Leeds Road
Leeds
LS1 5PZ

The application is to vary the licence as follows:

To alter a default condition in order to extend the times at which the premises can be open to accept bets. We intend to open Monday to Sunday 07:00 – 23:00.

The application has been made to:

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds, LS1 1UR
T:0113 247 4095 E: entertainment.licensing@leeds.gov.uk
W: www.leeds.gov.uk/licensing

Information about the application is available from the licensing authority (at the above address) including the arrangements for viewing the details of the application.

Any of the following persons may make representations in writing to the licensing authority about the application:

- A person who lives sufficiently close to the premises to be likely to be affected by the authorised activities
- A person who has business interests that might be affected by the authorised activities
- A person who represents someone in any of the above two categories.

Any representations must be made by the following date: **28th September 2008**

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.

**SECTION 7 –
Mandatory and default conditions**

Premises Licence Type	Mandatory Conditions	Default conditions
Bingo Premises Licence	<p>1. A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.</p> <p>2. No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect—</p> <ul style="list-style-type: none"> (a) a casino premises licence; (b) an adult gaming centre premises licence; (c) a betting premises licence other than a track premises licence; <p>and</p> <p>3. —(1) This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises.</p> <p>(2) Any area of the premises to which category B and C gaming machines are located—</p> <ul style="list-style-type: none"> (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose; (b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and (c) shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph (3). <p>(3) The reference to supervision in this paragraph means supervision by—</p> <ul style="list-style-type: none"> (a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or (b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area. <p>(4) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use.</p> <p>4. —(1) In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.</p> <p>(2) In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph (3) shall be displayed at the main point where payment for the charge is to be made.</p> <p>(3) The notice in sub-paragraph (2) shall include the following information—</p> <ul style="list-style-type: none"> (a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo; (b) in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and (c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it. <p>(4) The notice may be displayed in electronic form.</p> <p>(5) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of "prize gaming") applies.</p> <p>5. —(1) The rules of each type of game that is available to be played the premises other than games played on gaming machines shall be made available to customers within the premises.</p>	<p>1. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.</p> <p>2. The condition in paragraph 1 shall not apply to making gaming machines available for use.</p>

Premises Licence Type	Mandatory Conditions	Default conditions
	<p>(2) The condition in sub-paragraph (1) may be satisfied by—</p> <p>(a) displaying a sign setting out the rules,</p> <p>(b) making available leaflets or other written material containing the rules, or</p> <p>(c) running an audio-visual guide to the rules prior to any bingo game being commenced.</p> <p>6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.</p>	
Adult Gaming Centre Premises Licence	<p>1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.</p> <p>2. No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.</p> <p>3. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.</p> <p>4. —(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.</p> <p>(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.</p>	N/A
Family Entertainment Centre Premises Licence	<p>1. No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect— (a) a casino premises licence;</p> <p>(b) an adult gaming centre premises licence;</p> <p>(c) a betting premises licence other than a track premises licence.</p> <p>2. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.</p> <p>3. —(1) Where Category C gaming machines are made available for use on the premises, any area of the premises in which those machines are located—</p> <p>(a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;</p> <p>(b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and</p> <p>(c) shall be arranged in such a way so as to permit all parts of the area to be observed by the persons mentioned in sub-paragraph (2).</p> <p>(2) The reference to supervision in this paragraph means supervision by— (a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or</p> <p>(b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.</p> <p>(3) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category C gaming machines are made available for use.</p> <p>4. —(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.</p> <p>(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.</p>	N/A
Betting Premises Licence	<p>1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.</p> <p>2. —(1) Access to the premises shall be from a street or from other</p>	No facilities for gambling shall be provided on the premises between the hours of 10pm on one

Premises Licence Type	Mandatory Conditions	Default conditions
Betting Premises Licence cont...	<p>premises with a betting premises licence.</p> <p>(2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.</p> <p>3. Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.</p> <p>4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.</p> <p>5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—</p> <p>(a) communicating information about, or coverage of, sporting events, including—</p> <p>(i) information relating to betting on such an event; and</p> <p>(ii) any other matter or information, including an advertisement, which is incidental to such an event;</p> <p>(b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.</p> <p>6. No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.</p> <p>7. No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.</p> <p>8. —(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.</p> <p>(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.</p> <p>9. A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.</p>	<p>day and 7am on the next day.</p>
Track Betting Premises Licence.	<p><i>Mandatory conditions attaching to all track premises licences</i></p> <p>1. No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect—</p> <p>(a) a casino premises licence;</p> <p>(b) an adult gaming centre premises licence.</p> <p>2. A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises.</p> <p>3. The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.</p> <p>4. The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets—</p> <p>(a) will be operating under a valid operating licence; and</p> <p>(b) are enabled to accept such bets in accordance with—</p> <p>(i) the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or (ii) an authorisation under section 94 (horse-race pool betting operating licence) of that Act.</p> <p>5. The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.</p> <p>6. Any ATM made available for use on the premises shall be located</p>	<p>1. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of 10pm on one day, and 7am on the next day.</p> <p>2. The prohibition in paragraph 1 does not apply on days when a sporting event is taking place on the premises, in which case gambling transactions may take place at any time during that day.</p>

Premises Licence Type	Mandatory Conditions	Default conditions
Track Betting Premises Licence. Cont...	<p>in a place that requires any customer who wishes to use it to cease gambling in order to do so.</p> <p><i>Mandatory conditions attaching to track premises licences in respect of premises that are horse-race courses</i></p> <p>1. —(1) This paragraph shall apply to converted track premises licences in respect of premises that are horse-race courses.</p> <p>(2) The licence holder shall ensure that in respect of any part of the track, which immediately before 1st September 2007 was made available for the purposes of complying with a condition imposed under section 13(2) of the 1963 Act (which provides for conditions to be imposed on a certificate under section 13 relating to the places which are to be provided for enabling betting to take place on the track), that part shall continue to be made available for the purposes of enabling betting operators and betting operators' assistants to use it for carrying on business in connection with providing facilities for betting.</p> <p>(3) Sub-paragraph (2) is without prejudice to any application under section 187 of the 2005 Act (application to vary a premises licence) to change the location of the part of the track to which that sub-paragraph applies.</p> <p>(4) Where such an application is granted, sub-paragraph (2) is to have effect as if it required the licence holder to ensure that the part of the track identified in the application as the new location for the area referred to in that sub-paragraph is made available for the purposes of enabling betting operators and betting operators' assistants to carry on business in connection with providing facilities for betting.</p> <p>(5) References in this paragraph to an "existing betting area" are to any part of the track which is required to be made available in accordance with the preceding provisions of this paragraph for the purposes of enabling betting operators and betting operators' assistants to carry on business in connection with providing facilities for betting.</p> <p>(6) The charge for admission to an existing betting area for the purposes of carrying on business in connection with providing facilities for betting shall not exceed—</p> <p>(a) where payable by a betting operator, five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track; and</p> <p>(b) where payable by a betting operator's assistant, the cost of the highest charge paid by members of the public who are authorised to enter that part of the track.</p> <p>(7) A betting operator or betting operator's assistant shall not be charged, for admission to an existing betting area, an amount which differs from that charged to any other betting operator or betting operator's assistant for admission to that part of the track.</p> <p>(8) No charges may be made to betting operators and betting operators' assistants who are admitted to the existing betting areas of the track, other than—</p> <p>(a) the charge for admission in accordance with sub-paragraphs (6) and (7), and (b) charges levied to cover costs reasonably incurred in connection with enabling betting operators and betting operators' assistants to operate in the existing betting area.</p> <p>(9) This paragraph shall not apply after 31st August 2012.</p> <p>2. —(1) This paragraph shall apply to all track premises licences in respect of premises that are horse-race courses.</p> <p>(2) The licence holder shall provide a place on the premises where betting operators and betting operators' assistants, including small-scale operators, may carry on business in connection with providing facilities for betting and to which the public may resort for the purpose of betting.</p>	

Premises Licence Type	Mandatory Conditions	Default conditions
Track Betting Premises Licence. Cont...	<p>(3) The reference in this paragraph to "small-scale operators" shall have the same meaning as prescribed in The Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006[7].</p> <p>(4) This paragraph shall not apply to converted track premises licences before 1st September 2012.</p> <p>3. In this Part "converted track premises licence" means a premises licence issued in respect of a track where—</p> <p>(a) the holder of the licence held a certificate under section 13 of the 1963 Act, in respect of the same or substantially the same premises (referred to below as "the 1963 Act permission");</p> <p>(b) the 1963 Act permission had effect immediately before 1st September 2007; and</p> <p>(c) the holder of the licence was granted the premises licence, under transitional provisions made under paragraph 9 of Schedule 18 to the 2005 Act, by reason of his holding the 1963 Act permission.</p> <p><i>Mandatory conditions attaching to track premises licences in respect of premises that are dog racing tracks</i></p> <p>1. A totalisator on the premises shall only be operated—</p> <p>(a) while the public are admitted to the premises for the purpose of attending dog races and no other sporting events are taking place on the premises; and</p> <p>(b) for effecting with persons on the premises betting transactions on dog races taking place on the premises.</p> <p>2. —(1) At any time during which the totalisator is being lawfully used on the premises—</p> <p>(a) no betting operator or betting operator's assistant shall be excluded from the premises by reason only of the fact that he proposes to accept or negotiate bets on the premises; and</p> <p>(b) there shall be made available on the premises space for betting operators and betting operators' assistants where they can conveniently accept and negotiate bets in connection with dog races run on the premises on that day.</p> <p>(2) This paragraph is without prejudice to section 180 (pool betting on dog races) of the 2005 Act.</p> <p>3. For the purposes of this Part, "totalisator" means the apparatus for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.</p>	

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law.

Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Gambling Act 2005 and associated regulations for full details of the law.

You should seek you own legal advice on the matters raised in this guidance note.

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