

# Gambling Act 2005

## Guidance Note – New application



### Purpose

This guidance relates to the Gambling Act 2005 (the Act) and is aimed at businesses or individuals that wish to provide gambling facilities at the following types of premises:

- Bingo halls
- Casinos
- Bookmakers
- Amusement arcades
- Race courses/sporting arenas (where betting takes place)

The guidance note explains how to make an application to vary a new premises licence, the advertising requirements and information on how the application will be determined.

### The Gambling Act 2005

#### The Licensing Objectives

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.

#### Leeds City Council's 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, especially if you plan to submit an application to alter or exclude a default condition.

This document is available on the Leeds City Council website at <http://www.leeds.gov.uk/licensing> or you can request a paper copy from us. Our contact details are at the end of this document.

#### 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.

### The Application Process

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 the mandatory conditions imposed by the Act, other default condition or conditions which were attached to your licence by the authority when the licence was first granted and in accordance with a plan of tour

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:

- 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 (e.g. 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 standards 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 1287(2) of the Act states that a licence may not varied so as to relate to premises o 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.

### 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 about your application during the statutory 28 day notice period, then we will arrange a licensing sub-committee hearing to determine your application.

### Advertisement

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 using the **GNOTICE2A** for an individual applicant or **GNOTICE2B** for an organisation of multiple persons.

You will also have to advertise your application by displaying a notice on the premises for 28 days. The notice period runs from the day on which the application is made to the council. The notice must be made using the Government prescribed form **GNOTICE1**.

You must 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 our requirements so as to reduce the chances of this happening.

As well as placing a notice at the premises you must also advertise the 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 on the day after the day on which you made your application to the council. It must contain the same information as the notice placed on your premises but does not need to use the same dimension or font size.

### Plans

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

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 <sup>1</sup>five times rule betting area

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<sup>1</sup> "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 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.

- (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
- (a) 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
- (b) 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.

Hearing

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 usually be notified around 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.

**Contact details**

Address	Contacts
<p><b>The Gambling Commission</b>            Victoria Square House            Victoria Square            Birmingham            B2 4BP</p>	<p>Tel: 0121 230 6666            Fax: 0121 233 1096  <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a></p>
<p><b>West Yorkshire Police</b>            Leeds District Licensing Officer            Millgarth Police Station            Leeds            LS2 7HX</p>	<p>T: 0113 241 4023</p>

<p><b>Leeds City Council</b>  City Development  Planning Compliance Service  The Leonardo Building  2 Rossington Street  Leeds, LS2 8HD</p>	
<p><b>Leeds Safeguarding Childrens Board</b>  Childrens Services  Enterprise House  12 St Pauls Street  Leeds LS1 2LE</p>	<p>T: 0113 247 8543  <a href="mailto:administrator@leedsiscb.org.uk">administrator@leedsiscb.org.uk</a></p>
<p><b>West Yorkshire Fire and Rescue Service</b>  District Fire Safety Officer  Leeds Fire Station  Kirkstall Road  Leeds  LS3 1NF</p>	<p>T: 0113 290 4800</p>
<p><b>Leeds City Council</b>  Health and Environmental Action Service  Millshaw Office  Millshaw Park Way  Churwell  Leeds  LS11 0LS</p>	<p>T: 0113 247 6026</p>
<p><b>HM Revenue and Customs</b>  National Registration Unit  Portcullis House  21 India Street  Glasgow  G2 4PZ</p>	<p>T:0141 555 3633  <a href="mailto:nru.betting&amp;gaming@hmrc.gsi.gov.uk">nru.betting&amp;gaming@hmrc.gsi.gov.uk</a></p>
<p><b>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:</b></p> <p><b>Leeds City Council</b>  Entertainment Licensing Section  Civic Hall  Leeds  LS1 1UR  T: 0113 247 4095 / F: 0113 224 3885                      E: <a href="mailto:entertainment.licensing@leeds.gov.uk">entertainment.licensing@leeds.gov.uk</a></p>	

## Checklist

1. Complete the enclosed form labelled **GPREM1**
2. Prepare the following documents to accompany your application form:
  - A plan of the premises (*if possible please submit two copies of the plan*)
  - The correct fee
3. Send your complete application (including all of the above documents) to Entertainment Licensing
4. Upon sending your application to the council you will then need to advertise your application **GNOTICE1**
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 <sup>2</sup>made to the council. You must use one of the prescribed forms which are enclosed with this pack. Use

<sup>2</sup> See definition at footnote on page 4.

the form labelled **GNOTICE2A** if you are a single applicant and use the form labelled **GNOTICE2B** if there are multiple applicants.

## Fees

Premises Licence Type	Application Fee	First annual fee
Bingo club	£3,500	£1,000
Adult gaming centre	£2,000	£1,000
Track betting premises licence	£2,500	£1,000
Family entertainment centre	£2,000	£750
Betting premises eg. Bookmakers	£3,000	£600

## 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 make cheques payable to Leeds City Council.



Please note we will be happy to accept one payment at the time of application to cover both your application fee and your first annual fee. In the event that your application is refused, we will refund your annual fee as a matter of urgency.

## Use of personal data

Leeds City Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

## Contact details and address to send application to:

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](http://www.leeds.gov.uk/licensing)  
Email: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)

**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 Licensing Act 2003 and associated regulations for full details of the law.**

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