

## LICENSED PREMISES GAMING PERMITS - GUIDANCE NOTES

### 1. Is there an automatic entitlement to Gaming Machines?

Section 282 of the Gambling Act 2005 (“the Act”) provides an automatic entitlement to make available two gaming machines (of category C or D – see **4.** below for details) for use in alcohol licensed premises. To take advantage of this entitlement, the person who holds the on-premises licence issued under the Licensing Act 2003 (“the LA03”) must give notice to us of their intention to make gaming machines available for use, and must pay the prescribed fee.

This is not an authorisation procedure – we have no discretion to consider the notification or turn it down. We can, however, remove the automatic authorisation in respect of any particular premises by making an order under section 284. That section provides for us to make such an order if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282; for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Before making an order we must give the Licence Holder at least 21 days’ notice of the intention to make the order and we must consider any representations that they may make. We must hold a hearing if the Licence Holder requests one and we must comply with any other procedural requirements set out in regulations. If there is no appeal, then the order will take effect 21 days after notice of the intention was given. We must give the Licence Holder a copy of the order and written reasons for making it. There is appeal against this decision to the magistrates’ court.

### 2. How many Gaming Machines can I have?

We may issue licensed premises gaming machine Permits for any number of category C or D machines in licensed premises. Where a Permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, the automatic entitlement outlines in **1.** above.

We may also take account of any other matters which are considered relevant to the application, our Statement of Gambling Licensing Policy indicates that:

*If a premises wishes to have more than two machines, then it will need to apply for a Permit and the Authority will need to consider that application based upon the licensing objectives, any guidance issued by the Commission, and “such matters as” the Authority “think relevant.” This Authority considers that “such matters” will be decided upon on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm (or being exploited by gambling) and we will expect the applicant to satisfy that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority may include that the adult machines will be within site of the bar, or within the sight of staff who will monitor that the machines are not being used by those under 18. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare (available via <http://www.gamcare.org.uk/>).*

### 3. Who can apply for this type of Permit?

Applications must be made by the person or organisation who holds the LA03 “on premises” alcohol licence for the premises for which the Permit application is being made. The application must be made to the authority in whose area the premises are wholly or partly situated.

However, an application may not be made if a Premises Licence, issued under the Gambling Act, is in effect at the premises.

### 4. What are the categories of machines available?

Category of machine	Maximum “Stake”	Maximum Prize
C	50p	£35
D	10p money prize	£5 money prize
	30p non-money prize	£8 non-money prize

### 5. Who do I send my application to?

The Licensing Authority  
Peterborough City Council  
Bridge House  
Town Bridge  
Peterborough  
PE1 1HU

### 6. What can you do with my application?

In determining an application we must have regard to the licensing objectives and to the Guidance issued by the Gambling Commission. We may also take into account any other matters which are considered relevant to the application (see 2. above).

We may either grant or refuse an application. In granting the application we may vary the number and category of gaming machines authorised by the Permit. If we grant the application, we must issue the Permit as soon as possible after that. Where we refuse the application we must notify the applicant as soon as possible, setting out the reasons for refusal. We must not refuse an application, or grant it for a different number or category of machines, unless we have notified the applicant of our intention to do so and given the applicant an opportunity to make representations (orally or in writing or both).

### 7. How long does a Alcohol Licensed Premises Permit last?

There are no renewal provisions for this class of Permit as they have no expiry date and will continue in force for so long as the premises continues to have an alcohol licence and the holder of the Permit continues to hold that licence. There is an annual fee for this type of Permit, the first of which must be paid within 30 days of the Permit becoming effective (n.b. this does not apply to a notification under the “automatic entitlement” provisions). A Permit can be cancelled if the holder fails to pay the annual fee (unless the failure is as the result of an administrative error).

The Permit can lapse if the holder surrenders it to the licensing authority.

### 8. Do I need to keep a copy of my Permit on the premises?

The Permit holder must keep the Permit on the premises, and it must be produced on request for inspection by a constable, enforcement officer or local authority officer (not to do so will be an offence). If the Permit is lost, stolen or damaged, the holder may apply to the issuing authority for a copy. The application must be accompanied by the prescribed fee.

### 10. What if I have a change of circumstances?

The Permit holder can apply to the licensing authority to amend the Permit to reflect a change in the holder’s name. We must comply with the request provided the prescribed fee is paid.

The holder may apply to vary the Permit by changing the number and/or category of machines authorised by it.

## **11. Can the Licensing Authority cancel a Permit?**

Yes. We may only do so in specified circumstances which include:

- (i) if the premises are used wholly or mainly by children or young persons, or
- (ii) if an offence under the Act has been committed.

In addition we can also cancel a Permit if the holder fails to pay the annual fee (see 7. above). The court may order forfeiture of the Permit if the holder is convicted of a relevant offence.

Before we cancel a Permit we must:

- (i) notify the holder (giving them 21 days notice of intention to cancel),
- (ii) consider any representations made by the holder,
- (iii) hold a hearing if requested, and
- (iv) comply with any other prescribed requirements relating to the procedure to be followed.

Where we cancel a Permit, the cancellation does not take effect until the period for appealing against that decision has elapsed, or (where an appeal is made), until the appeal is determined. The appeal being via the Magistrate's Court.