

GAMBLING ACT 2005 – GUIDANCE

PREMISES LICENCES

NEW APPLICATIONS AND VARIATIONS



These guidance notes, issued on behalf of Southampton City Council, are intended to provide further information to applicants to enable them to submit an application that complies with the provisions of the Gambling Act 2005 (“the Act”) and the associated regulations.

However, these notes do not constitute a full statement of the law and **all applicants are strongly advised to consult their own independent legal advisor before making any application.**

Please note that the application forms are those prescribed by law and that the city council has no discretion to change them.

What is a premises licence?

A premises licence, issued under the Gambling Act 2005, is required for any premises where it is intended to provide gambling facilities.

The types of licence available are as follows:

- Casino premises licence
- Bingo premises licence
- Adult Gaming Centre premises licence
- Family Entertainment Centre premises licence
- Betting premises licence (enabling the provision of facilities for betting, by making or accepting bets or by acting as a betting intermediary)

Except in the case of a track, a premises licence may not authorise the use of premises for activities of more than one of the types listed above. A licence may not be issued in respect of premises if those premises already have a premises licence in effect.

Some of the above premises licences will allow gaming machines to be used on the premises.

Where can I get the application form?

Copies of the application form and other notices can be obtained from the city council’s web site.

How can I contact the Licensing Authority?

The contact details are as follows:

Southampton City Council Licensing Team PO Box 1767 Southampton. SO18 9LA	Direct: Switchboard: Fax No: Email: DX No: Internet:	023 8083 3002 023 8022 3855 023 8083 4061 licensing@southampton.gov.uk 115710 Southampton 17 www.southampton.gov.uk/licensing
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Can I send my application by Email or Fax?

The regulations made under the Act prescribe that every application shall be given in writing. However, they do permit the receipt of applications by electronic means, providing the recipient has agreed in advance to the receipt of such applications by these methods, and subject to the following criteria that the application:

- (a) is capable of being accessed by the recipient;
- (b) is legible in all material respects;
- (c) is capable of being read and reproduced in legible form and used for subsequent reference;
- (d) **is also given to the recipient in writing**, following the sending of the application by electronic means.

Please note that when an application is sent by electronic means, it is not deemed to have been given until the licensing authority has received the fee and all accompanying documents.

Who can apply for a Gambling Act Premises Licence?

An application for a premises licence may only be made by persons (which includes companies or partnerships):

- who have the right to occupy the premises; and
- who have an operating licence which allows him/her to carry out the proposed activity, or have applied for an operating licence (the premises licence may only be issued once the operating licence has been issued) from the Gambling Commission.

An applicant for a premises licence must be over the age of 18.

What happens if I have filled in the form incorrectly or have not submitted all the documentation?

The Licensing Team will check the application when it is received to ensure that all the paperwork and associated documentation is correct and complete. If there are any errors or omissions, the application and documents will be sent back to the applicant for corrections and/or additional documentation. The time period for consideration will not begin until a valid application has been received.

Statement of Licensing Policy

All applicants should also have regard to the Gambling Statement of Principles published by the licensing authority at www.southampton.gov.uk/licensing and the pool of model conditions contained in the Statutory Guidance, published at www.gamblingcommission.gov.uk.

What do I need to submit?

The applicant must submit the following information to the licensing authority:

1. The prescribed application form;
2. The prescribed fee - see the table of fees document (cheques etc. should be made payable to Southampton City Council);
3. An up-to-date scale plan of the premises - see [Table 2](#) below for information to be shown on the plan;

Note: A person commits an offence if he/she knowingly or recklessly makes a false statement in or in connection with an application.

Do I have to give a copy of the application to any responsible authority?

An applicant **MUST** give notice of the application to each relevant responsible authority within 7 days of the day on which the application is given to the licensing authority. The notice must be in the prescribed form.

A list of all the contact details for the relevant responsible authorities is set out in [Table 3](#) below.

Do I have to publicly advertise my application?

When an application is made for a new premises licence or to vary a premises licence, the applicant must advertise the application in both the following ways:

- (a) in a local newspaper or, if there is none, a local newsletter, circular or similar document, circulating within the area on at least one occasion during the period of ten working days starting with the day after the day on which the application is made to us;
- (b) by displaying a notice on the premises to which the application relates:
 - (i) in a place at which it can conveniently be read by members of the public from the exterior of the premises;
 - (ii) for a period of no less than 28 consecutive days starting on the day on which the application is made to us.

The notice must be in the prescribed form.

How long will it take for my application to be processed?

Providing you have sent us all the necessary information required for us to consider your application, have submitted the relevant fee, sent notice of your application to all the responsible authorities and have properly advertised your application, it will take at least 28 days from the day on which your application is received.

Who can make representations about my application?

Written representations can be made by any of the responsible authorities in respect of the proposed new licence or variation. In addition, an “interested party” is also entitled to make written representations to the licensing authority. “Interested party” means a person who:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- (b) has business interests that might be affected by the authorised activities, or
- (c) represents persons who satisfy paragraph (a) or (b).

If no representations are made within the time limits prescribed by the Act (28 days from the date the application is received), the licensing authority must grant the application. However, where relevant representations are made, the licensing authority must hold a hearing to consider them, unless the licensing authority, the applicant and each person who has made such representations agree that a hearing is unnecessary.

On considering an application for a premises licence (whether at a hearing or not) a licensing authority shall—

- (a) grant it, or
- (b) reject it.

Where an application is granted, the licensing authority must—

- (a) give notice of the grant to—
 - (i) the applicant,
 - (ii) the Gambling Commission,
 - (iii) any person who made representations about the application under section 161,
 - (iv) the chief officer of police for any area in which the premises are wholly or partly situated,
 - (v) Her Majesty's Commissioners of Revenue and Customs,
- (b) issue a premises licence to the applicant, and
- (c) give the applicant a summary of the terms and conditions of the licence in the prescribed form.

Where an application is rejected, the licensing authority must give a notice to that effect stating its reasons for rejecting the application to those stated in (a) above.

What happens if my application is rejected?

Where a licensing authority rejects an application, an applicant may appeal against that decision to the Magistrates' Court within 21 days beginning with the day on which the applicant was notified of the decision by the licensing authority.

When does the new licence or the variation take effect?

On the date you have indicated as needing the licence to take effect or whenever it is determined, whichever is the later.

When do I need to pay my annual fee?

A premises licence will be of unlimited duration. You will not need to apply again unless your circumstances change. You will, however, be required to pay an annual fee in respect of your licence.

Where a licence comes into effect on the date it is issued then the first annual fee for the licence has to be paid within 30 days after that date.

Where a licence specifies that it is to come into effect on a specified alternative date then the first annual fee for that licence shall be paid within:

- (a) 30 days of the effective date, or
- (b) 12 months, after the issue date, whichever is sooner.

The above paragraph's provisions do not apply to a premises licence issued before 1st September 2007.

Do I have to keep my new licence on the premises?

The holder of a premises licence has to:

- (a) keep the licence on the premises, and
- (b) arrange for it to be made available on request to:
 - (i) a constable,
 - (ii) an enforcement officer, or
 - (iii) an authorised local authority officer.

It is also a requirement of the Act that the Summary is displayed in a prominent place within the premises.

Table 2 – Information to be shown on scale plan:
Unless the licensing authority has previously agreed in writing with the applicant, following a request by the applicant that an alternative scale plan is acceptable, in which case the plan shall be drawn to that alternative scale, the plan shall be drawn in standard scale 1:100 (1mm represents 100mm).
The plan shall show: <ul style="list-style-type: none">(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.
The items referred to above may be illustrated by the use of a legend and related symbols on the plan. It would be of assistance if all plans could additionally be made available by electronic means. The preferred format is as an Adobe Acrobat PDF document.

Premises licences with the below activities also have to show the following additional items:

Bingo

- (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 (other than those parts which include Category B or C gaming machines);
- (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.

Adult Gaming Centre

- (a) 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.

Family Entertainment Centre

- (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;
- (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.

Betting (other than a track)

- (a) the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Betting (in respect of a track)

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

Table 3 – Responsible Authorities		
Force Licensing Team, Hampshire Constabulary, Southampton Police Office, Civic Centre, Southampton SO14 7LY	Direct: Switchboard: Email: Internet:	023 8047 8373 0845 045 4545 force.licensing@hampshire.pnn.police.uk www.hampshire.police.uk
The Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP	Switchboard: Fax No: Email: Internet:	0121 230 6666 0121 230 6720 info@gamblingcommission.gov.uk www.gamblingcommission.gov.uk
HM Commissioners of Revenue and Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow G2 4PZ	Switchboard Fax: Email: Internet:	0141 555 3633 014 1555 3506 nrubetting&gaming@hmrc.gsi.gov.uk www.hmrc.gov.uk
Hampshire Fire and Rescue Service HQ Business Fire Safety Leigh Road, Eastleigh Hampshire SO50 9SJ	Switchboard: Fax No: Email: Internet:	023 9285 5180 023 9288 5175 csprotection.admin@hantsfire.gov.uk www.hantsfire.gov.uk
Environmental Health Services, Southampton City Council, Civic Centre Southampton SO14 7LY	Direct: Switchboard: Fax No: Email:	023 8083 2519 023 8083 3000 023 8083 3079 food.safety@southampton.gov.uk
Planning and Sustainability, Southampton City Council, Civic Centre, Southampton. SO14 7LS	Direct: Switchboard: Fax No: Email:	023 8083 2603 023 8083 3000 023 8083 2607 planning@southampton.gov.uk
Children's Services, Southampton City Council, Civic Centre, Southampton. SO14 7LS	Direct: Switchboard: Fax No: Email:	023 8083 2995 023 8083 3000 023 8083 3267 safeguardingchildren.licensing@southampton.gov.uk