

Rochford District Council

September 2021

Appendices
Statement of Licensing Policy
Gambling Act 2005

For the period:
31 January 2022 – 30 January 2025



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If you would like this information in large print, Braille or another language, please contact 01702 318111.

Disclaimer

The advice and guidance contained in these appendices is intended only to assist readers in consulting the policy and should not be interpreted as legal advice or as constituent of Rochford District Council’s Statement of Licensing Policy (Gambling Act 2005).

Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or of the Guidance or Regulations issued under the Act.

Appendix A – Glossary of Terms

Admissible Representations	Representations submitted by a Responsible Authority or Interested Party
Area Profile	Area Profile can be found on the Council website www.rochford.gov.uk this information is to assist applicants when completing applications and risk assessments.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority’s area.
Authorised Person	<p>A licensing officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority’s area. The following are considered authorised persons:</p> <ul style="list-style-type: none">• Inspectors appointed under the Fire Precautions Act 1971;• Inspectors appointed under the Health and Safety at Work, etc. Act 1974;• Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995;• A person in a class prescribed in regulations by the Secretary of State.
Automated Roulette Equipment	Equipment that is either linked to a live game of chance, e.g. roulette or plays live automated games, i.e. operates without human intervention.
Automatic Conditions	Conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.
AWP machines	Amusement with Prizes Machines
BACTA	The British Amusement Catering Trade Association
Betting Intermediary	Someone who offers services via remote communication, such as the internet.
Betting Ring	An area that is used for temporary ‘on course’ betting facilities.
Betting Machine	A machine designed or adapted for use to bet on future real events (not a Gaming Machine).
Bingo	A game of equal chance.

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Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Games	Games of chance that are not equal chance gaming.
Casino Premises Licence Categories	Regional, large, small, casinos permitted under transitional arrangements.
Casino Resolution	Resolution concerning whether or not to issue Casino Premises Licences.
Child	An individual who is less than 16 years old.
Christmas Day Period	The period of 24 hours from midnight on 24 December.
Club Gaming Machine Permit	A permit to enable the premises to provide gaming machines (three machines of Categories B, C or D)
Club Gaming Permit	A permit to enable the premises to provide gaming machines (three machines of Categories B C or D), equal chance gaming and games of chance.
Complex Lottery	An arrangement where: <ul style="list-style-type: none">• Persons are required to pay to participate in the arrangement;• In the course of the arrangement, one or more prizes are allocated to one or more members of a class;• The prizes are allocated by a series of processes; and• The first of those processes relies wholly on chance.
Conditions	Conditions to be attached to licences by way of: <ul style="list-style-type: none">• Automatic provision• Regulations provided by Sec. of State• Conditions provided by Gambling Commission• Conditions provided by Licensing Authority• Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.

Customer Lotteries	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
Default Conditions	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated by the Licensing Authority either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Domestic Computer	One used for in a residential property for private, non-commercial purposes and is exempt from a Gaming Machine Permit.
Dual Use Computer	<i>Definition in forthcoming Regulations.</i> Exempt from a Gaming Machine Permit.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
EBT	Electronic Bingo Ticket Minders consisting of electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.
Exempt Lotteries	Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types: <ul style="list-style-type: none">• Small Society Lottery (required to register with Licensing Authorities)• Incidental Non Commercial Lotteries• Private Lotteries• Customer Lotteries
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
Fixed Odds Betting	General betting on tracks.

Gaming	Prize gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming and where the prizes are determined by the operator before the play commences.
Gaming Machine	A machine used for gambling under all types of gambling activity, including betting on virtual events.
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission dated April 2006.
Human Rights Act 1998	Articles 1, 6, 8 and 10 Article 1: Protocol 1 – The right to peaceful enjoyment of possessions Article 6: The right to a fair hearing Article 8: The right of respect for private and family life Article 10: The right to freedom of expression
Inadmissible Representation	A representation not made by a Responsible Authority or Interested Party.
Incidental non-commercial lottery	A lottery that is run as an additional amusement at non-commercial events with tickets only sold and drawn during the event, such as a raffle at a school fete, dance, bazaar etc.
Information Exchange	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	A person who in the opinion of the Licensing Authority: <ul style="list-style-type: none">• lives sufficiently close to the premises to be likely to be affected by the authorised activities;• has business interests that might be affected by the authorised activities; or• represents persons above, including Trade Associations, Trade Unions, Residents and Tenants Associations where they can demonstrate that they represent such persons.

In determining if a person lives or has business interests sufficiently close to the premises, the following factors will be considered:

- The size and nature of the premises to be licensed.
- The distance of the premises from the location of the person making the representation.
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment).
- The nature of the complaint, i.e. not the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises.
- The catchment area of the premises (i.e. how far people travel to visit).
- Whether the person making the representation has business interests that might be affected in that catchment area.

Irrelevant Representations

Representations that are vexatious, frivolous or will certainly not influence the authority’s determination of the application.

Large Lottery

Where the total value of tickets in any one lottery exceeds £20,000 or tickets in separate lotteries in one calendar year exceeds £250,000. This type of lottery requires an operating Licence from the Gambling Commission.

Licensed Lottery

Large society lotteries and lotteries run for the benefit of local authorities will require operating licences to be issued by the Gambling Commission.

Licensing Objectives

There are three objectives:

- 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.

Live Gaming

Gambling on a live game as it happens.

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Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	Every lottery must have tickets for each chance: <ul style="list-style-type: none">• Identifying the promoting society;• Stating the price of the ticket, which must be the same for all tickets;• Stating the name and address of the member of the Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and• Stating the date of the draw, or sufficient information to enable the date of the draw to be determined.
Mandatory Conditions	Conditions that must be attached to a Premises Licences, to a class of Premises Licence or licences for specified circumstances.
Members Club	A club must have at least 25 members, be established and conducted 'wholly or mainly' for purposes other than gaming, be permanent in nature, not established to make commercial profit and controlled by its members equally.
Non-commercial event	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.
Non-commercial society	A society established and conducted for charitable purposes; for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or for any other non-commercial purpose other than that of private gain.
Occasional Use Notice	A notice that may only be issued in respect of a track, that permits betting on a track without the need for a Premises Licence and which only the person responsible for administration of events on the track or the occupier of the track may issue.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.

Off Course Betting	Betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.
On Course Betting	Betting that takes place on a track while races are taking place.
Operating Licence	A licence issued by the Gambling Commission to permit individuals and companies to provide facilities for certain types of gambling, including remote or non remote gambling.
Permit	An authorisation issued by the Licensing Authority to provide gambling facilities where the stakes and prizes are low or gambling is not the main function of the premises.
Personal Licence	A licence issued by the Gambling Commission to individuals who control facilities for gambling or are able to influence the outcome of gambling.
Pool Betting (Tracks)	Pool betting may only be offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.
Premises	Any place' including anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water, a hovercraft or anything or any place situated on or in water. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	A licence issued by the Licensing Authority to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres where an operator's licence and personal licence have been issued by the Gambling Commission. A licence is restricted to one premise only but one set of premises may have separate licences issued in respect of different parts of the building.
Private Lottery	There are three types of private lottery: <ul style="list-style-type: none">• Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society.• Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises.• Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.

Prize Gaming	<p>Gaming in which the nature and size of the prize is not determined by the number of players or the amount paid for or raised by the gaming, the prizes having been determined before play commences, e.g. bingo with non-cash prizes.</p> <p>(NB: bingo with cash prizes and that carried on in commercial bingo halls will need to be licensed by the Gambling Commission; prize gaming does not include gaming by use of gaming machines.)</p>
Prize Gaming Permit	<p>A permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specific premises.</p>
Provisional Statement	<p>An application to the Licensing Authority in respect of premises that are:</p> <ul style="list-style-type: none">• Expected to be constructed.• Expected to be altered.• Expected to acquire a right to occupy.
Relevant Representations	<p>Representations that relate to the Gambling Licensing Objectives, the Gambling Commission’s Guidance, the Codes of Practice.</p>
Responsible Authorities	<p>Public bodies for the area in which the premises are mainly or wholly situated:</p> <ul style="list-style-type: none">• Licensing Authority in whose area the premise is partly or wholly situated• Chief Officer of Police• Fire & Rescue Service• Planning Authority• Environmental Health (related to pollution and harm to human health)• Body competent to advise on protection of children from harm, i.e. Children & Young Peoples’ Service• Authority in relation to vulnerable adults• Navigation Authority whose statutory functions are in relation to waters where a vessel is usually moored or berthed• Environment Agency

- British Waterways Board
- Maritime & Coastguard Agency
- HM Revenue & Customs
- Gambling Commission

Risk Assessment

Social responsibility (SR) code requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks.

Simple Lottery

An arrangement where:

- Persons are required to pay to participate in the arrangement.
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class; and
- The prizes are allocated by a process which relies wholly on chance.

SWP

A Skills-with-Prizes machine

Skills with Prizes Machine

A machine on which the winning of a prize is determined only by the player's skill and there is no element of chance. SWP's are unregulated.

Small Lottery

Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

Small Society Lottery

A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

Small Operations

Independent on course betting operators with only one or two employees or a bookmaker running just one shop.

Statement of Principles

Matters the Licensing Authority may publish in the Statement of Licensing Principles that they intend to apply when considering an applicant's suitability in applications for permits for unlicensed family entertainment centres and prize gaming.

Temporary Use Notice	A notice that may be issued in respect of a set of premises where there is no premises licence, but where a person or company holding an operating licence relevant to the proposed temporary use of premises wishes to use the premises temporarily for providing facilities for gambling.
Totalisator (Tote)	The only permitted operators of pool betting on horseracing tracks.
Track	A site where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that ‘wholly or principally’ provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Includes trains, aircraft, sea planes and amphibious vehicles other than hovercraft.
Vessel	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything or part of any place situated on or in water.
Virtual Betting	Gambling by machine that takes bets on virtual races, i.e. mages generated by computer to resemble races or other events.
Vulnerable Persons	No set definition but likely to mean group to include people who gamble more than they want to, people who gamble beyond their means; people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
Young Person	An individual who is over 16 years of age but who is under 18 years of age

Appendix B – Consultees to Statement of Licensing Policy

All holders of premise’s licences under Licensing Act 2003	All holders of betting office licences
All holders of permits for Amusement With Prizes machines	Association of British Bookmakers
British Beer & Pub Association	British Casino Association
Capitol Coins Limited (suppliers of gaming machines)	Castle Point & Rochford PCT
Churches Together	Citizens Advice Bureau
Claremont Automatics Limited (suppliers of gaming machines)	Club & Institute Union
Coral Group	Essex County Fire & Rescue Service
Essex County Libraries within the district	Essex Leisure Limited
Essex Police	Gamblers Anonymous
Gambling Commission	GamCare
GamesTec Leisure Limited (suppliers of gaming machines)	Head of Child Protection, ECC
HM Customs & Excise	Manager of Environmental Protection Unit, Rochford District Council
Head of Planning and Transportation Services, Rochford District Council	Ladbrokes Group
Leisure Link Limited	Parish Councils within the district
Responsibility in Gambling Trust	The Salvation Army
William Hill Limited	

Appendix C – Delegation of Functions

All functions are delegated to Officers except those shown below.

Matter to be dealt with	By whom	When
Setting of fees	Full Council	All cases
Application for grant or variation of a premises licence	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn.
Application for grant of a provisional statement	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn.
Application for transfer of premises licence	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn.
Application for a provisional statement	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn.
Application for review of premises licence	Licensing Sub-Committee	All cases
Determining relevance of a representation	Assistant Director-Legal Services	All cases
Licensing authority initiating a review of a premise licence	Assistant Director-Legal Services	All cases
Licensing authority making representations in respect of an application for grant or variation of a premise licence	Assistant Director-Legal Services	All cases
Issue of temporary use notice	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn.
Issue of counter notice	Licensing Sub Committee	All cases except where statutory limit of 21 days/ year exceeded.
Grant or renewal of club gaming permit or club gaming machine permit	Licensing Sub-Committee	Where a relevant representation is made and not withdrawn.
Cancellation of club gaming permit or club gaming machine permit	Licensing Sub-Committee	All cases

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Matter to be dealt with	By whom	When
Grant or renewal of a permit for gaming machines in alcohol-licensed premises	Licensing Sub-Committee	Where it is intended to refuse the application.
Increase in number of gaming machines in alcohol-licensed premises	Licensing Sub-Committee	Where it is intended to approve a lesser number of machines than applied for.
Grant or renewal of a permit for an Unlicensed Family Entertainment Centre	Licensing Sub-Committee	Where it is intended to refuse the application.
Grant or renewal of a permit for Prize Gaming	Licensing Sub-Committee	Where it is intended to refuse the application.

Appendix D – Responsible Authorities

Rochford District Council: One copy each to Licensing Authority, Planning, Environment/Pollution	Principal Licensing Officer Assistant Director – People & Communities Rochford District Council 3 – 19 South Street Rochford Essex SS4 1BW Phone: 01702 318148
Police	Essex Police Licensing Unit (Alcohol) Blythes Meadow Braintree Essex CM7 3DJ Email: licensing.applications@essex.police.uk
Fire	Chief Fire Officer Southend & Rochford Community Command Team R/o Fire Station Sutton Road Southend-on-Sea Essex SS2 5PX Phone: 01702 614433
Protection of Children from Harm	Children’s Safeguarding Service PO box 11 County Hall Chelmsford Essex CM1 1LX Phone 01245 341932 Email: licenceapplications@essexcc.gov.uk
Gambling Commission	Victoria Square House Victoria Square Birmingham B2 4BP Phone: 0121 230 6500
HM Revenue and Customs	The Proper Officer HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY

Appendix E – Representations/Reviews/Hearings/Appeals

Who can make representations or seek reviews?

Only ‘Interested Parties’ and ‘Responsible Authorities’ may make ‘relevant representations’ in respect of applications made for the grant or variation of a Premises Licence and may seek a review of licences granted.

What are relevant representations?

‘Relevant representations’ generally fall into two categories – those in relation to an application for the grant or variation of a premise’s licence and those for an application to review a premise’s licence.

Representations will be relevant if they:

- relate to the promotion of the licensing objectives, the Statement of Licensing Principles, the Gambling Commission’s Guidance or any Codes of Practice; and
- are made within the prescribed period and have not been withdrawn.

But representations will not be relevant if they relate solely to issues such as demand, planning, traffic congestion, public nuisance or fire. This list is not exhaustive and each case will be judged on its own merits. However, it should be noted that there is no appeal against the Authority’s determination of whether a representation is relevant, or not.

The table below lists those provisions about which representations may be made, by whom they may be made and the timescales within which they must be made.

Provision under which hearing is held	Period of time within which representations must be made	Persons who may make representations
Application for premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Interested parties
Application for a provisional statement	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Interested parties
Application to vary premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Interested parties

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Provision under which hearing is held	Period of time within which representations must be made	Persons who may make representations
Application for transfer of premises licence	28 days of receipt of application.	Chief of police
Application for review of premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Interested parties
Counter notice to Temporary Use Notice*	14 days of receipt of temporary use notice.	Those bodies upon whom the notice must be served
Counter notice to Occasional Use Notice		Licensing authority

*It should be noted that the Licensing Authority **must** issue a counter notice where the use of the same premises under a Temporary Use Notice or Occasional Use Notice would exceed the permitted limits, which are 21 days per 12-month period in respect of TUN's and eight days per calendar year in respect of OUN's.

Reviews

The Licensing Authority must hold a hearing to review a premise's licence where an application is made in the prescribed form by a Responsible Authority or Interested Party seeking a review of the licence unless in the opinion of the Licensing Authority the grounds on which the review is sought:

- are not relevant to the licensing objectives, the Statement of Licensing Principles, the Gambling Commission's Guidance or any Codes of Practice,
- are frivolous, vexatious or will certainly not cause the authority to revoke, suspend, remove, amend or attach conditions to a licence,
- are identical or substantially similar to:
 - grounds in an earlier application for review made in respect of the same premises and already determined, or
 - representations considered by the Licensing Authority in granting the premises licence or certificate, or
 - representations which would have been considered except they were excluded representations following a provisional statement, and
 - a reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

It should be noted that there is no appeal against the Authority's determination of whether a representation is relevant, or not.

Hearings

A hearing must be held within a prescribed period of time where relevant representations are made in respect of any licensing application or issue of a Temporary Use Notice.

Notices must be sent to each party informing them of the date of hearing at least 10 working days before the day of the hearing in respect of all applications except:

- (a) notices must be sent at least two working days before the day of the hearing for cancellation of an interim authority notice and counter notice to a temporary event notice following police objection, and
- (b) notices must be sent at least five working days before the day of the hearing for review of a premises licence following a closure order, determination of an application for conversion of an existing licence or club certificate and determination of an application by the holder of a justice’s licence for the grant of a personal licence.

Copies of the representations must also be given to the applicant, the holder of the premises licence or the club, as appropriate.

The table below lists the provisions, the timescales within which hearings have to be held and the persons to whom notices must be given.

Provision under which hearing is held	Period of time in which hearing must be held	Persons to whom notices must be sent
Application for premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application for a provisional statement	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application to vary premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Persons who have made relevant representations.
Application for transfer of premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police Holder of licence.

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Provision under which hearing is held	Period of time in which hearing must be held	Persons to whom notices must be sent
Application for review of premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Persons who have made relevant representations. Applicant.
Counter notice following objection to temporary event notice	Seven working days beginning with the day after the end of the period for making representations.	The premises user. Chief of police

Appeals against Decisions

Any person aggrieved by the decision of the Licensing Committee can appeal to the Magistrates' Court.

Appendix F – Premises Licences

This guidance covers only those aspects concerning the issue of premises licences, temporary use notices and occasional use notices that are the responsibility of the Licensing Authority; guidance on aspects dealt with by the Gambling Commission can be obtained via the following link www.gamblingcommission.gov.uk

A premise's licence is required for any premises where gambling activity is carried out of a type requiring personal and operator's licences to have been issued by the Gambling Commission.

An application may only be made by persons having the right to occupy the premises and who have, or have applied for, an operating licence allowing the proposed activities to be carried out. The premise's licence cannot be granted until the necessary operator's licence has been issued.

Premise's licences are issued by the Licensing Authority and are required for casinos, bingo premises, betting premises (including tracks and premises used by betting intermediaries) adult gaming centres and family entertainment centres providing Category C gaming machines.

A licence is restricted to one premise only. However one set of premises may have separate licences issued in respect of different parts of the building.

Licensing authorities are obliged to grant an application for a premise's licence, provided the application is made in accordance with the Act, the Gambling Commission's guidance and the Licensing Authority's Statement of Licensing Principles. Licence will be subject of mandatory and default conditions applied by regulations issued under the Act.

Premise's licences are valid indefinitely from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the licensing authority.

Bingo, Betting, Arcades (Adult Gaming Centres & Licensed Family Entertainment Centres).

An application for a premises licence must have an accompanying scaled plan of the premises, a copy of the operator's licence issued by the Gambling Commission, the required fee and advertise the application for a period no less than 28 days details of these requirements can be obtained from the licensing department licensing@rochford.gov.uk

Risk assessments must be submitted with new or variation applications also when there are changes in the local environment or the premises warrant a risk assessment to be conducted again.

The Local area profile map at <https://www.rochford.gov.uk/betting-gaming-and-lotteries> is available to assist with risk assessments.

Tracks

An operator's licence is not required from the Gambling Commission to operate a track but a premise's licence from the Licensing Authority is required. A number of premise's licences may be granted for one track, provided each is for a different part of the track.

Betting is usually divided into on-course, off-course and pool betting, the provision of which requires operators to hold either a general betting operator's licence or a pool betting operating licence from the Commission.

Pool betting on tracks may only be offered by the Tote (in relation to horse-tracks) and by the premise's licence-holder (in relation to dog-tracks). Pool betting may not be provided elsewhere.

Gaming machines, consisting of a maximum of four machines of Categories B2 – D, may be operated at a track by the premise's licence-holder provided they hold a pool betting operator's licence (for siting and other special considerations in respect of gaming machines at tracks, see *'the Gambling Commission's guidance'* at www.gamblingcommission.gov.uk).

Betting machines may also be operated at tracks (see *'Betting machines'*).

The licensing process is the same as for other premises described above.

Betting machines

Betting machines are used for accepting bets on live events such as racing, in place of making bets at a counter, e.g. in a betting shop or on a track. These machines are not classed as gaming machines. The Licensing Authority may impose a limit on the number of betting machines that may be used in conjunction with a premise's licence.

Gaming machine supply and repair

These activities require operator's licences to be issued by the Gambling Commission. For advice on applying for licences from the Commission, see their website at www.gamblingcommission.gov.uk.

Gaming machines in premises licensed under Gambling Act 2005

Premise's licences issued under the Gambling Act 2005 automatically authorise the provision of gaming machines, according to the type of premises and gambling activities permitted (but see also *'Tracks'*).

The Gambling Act 2005 introduced new classes of gaming machines, as shown in Figure 1 below. The category and number of machines that may be operated under a premise's licence are shown in Figure 2 below.

Figure 1

Category of Machine	Maximum Stake £	Maximum Prize £
A		No category A Gaming machines are currently permitted
B1	£5	£10,000 or where the prize value available through its use is wholly or partly determined by reference to use made of one or more sub-category B1 machines £20,000
B2	£2	£500
B3	£2	£500
B3a	£2	£500
B4	£2	£400
C	£1	£100
D money prize	10p	£5
D non-money prize (other than a crane grab machine)	30p	£8
D Non money prize (Crane grab machine)	£1	£50
D combined money and non-money prize (other than coin pusher or penny falls machines) travelling fairs, unlicensed family entertainment centres	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which not more than £10 may be a money prize)

Figure 2

Premises Type	Machine Category														
	A	B1	B2	B3	B4	C	D								
Regional casino (machine/table ratio of 25-1 up to maximum)	Maximum of 1250 machines Any combination of machines in Categories A to D, except for B3 within the total limit of 1250 (subject to table ratio)														
Large casino (machine/table ratio of 5-1 up to maximum)	<div style="background-color: #4CAF50; width: 100%; height: 100%;"></div>							Maximum of 150 machines Any combination of machines in Categories B to D, within the total limit of 150 (subject to table ratio)							
Small casino (machine/table ratio of 2-1 up to maximum)								Maximum of 80 machines Any combination of machines in Categories B to D, within the total limit of 80 (subject to table ratio)							
Pre-2005 Act casinos (no machine/table ratio)								Maximum of 20 machines Categories B to D or C or D machines instead							
Betting premises and tracks occupied by Pool Betting	Maximum of four machines Categories B2 to D (except B3A machines)														
Bingo Premises	<div style="background-color: #4CAF50; width: 100%; height: 100%;"></div>							20% of total gaming machines which are available on the premises categories B3 or B4	No limit on Category C or D machines						
Adult gaming centre								20% of total gaming machines which are available on the premises categories B3 or B4	No limit on Category C or D machines						
Family entertainment centre (with premises licence)															No limit on Category C or D machines

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Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Family entertainment centres (with gaming machine permit)						No limit on Category C or D machines	
Club machine permit or club gaming permit						Maximum 3 machines Members club – from cat B3a/B4/C/D Commercial clubs – from cat B4/C/D	
Alcohol licensed premises automatic entitlement						1 or 2 machines of cat C or D automatic upon notification to LA	
Alcohol licensed premises game machine permit						Number as specified on permit Cat C-D	
Travelling fair (no authorisation required)						No limit to D category D machines	

Temporary Use Notices (TUN'S)

A TUN may only be issued by a person or company holding an operating licence relevant to the proposed temporary use of the premises and may be issued in respect of a 'set of premises' for a maximum of 21 days in any 12-month period.

(**NB** A TUN may not be issued in respect of a vehicle).

A 'set of premises' is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premise from having a TUN in effect for more than 21 days per year by giving a notice in respect to different parts.

In considering whether a place falls within the definition of "a set of premises", the Licensing Authorities will consider, amongst other things, the ownership/occupation and control of the premises.

The Licensing Authority should generally aim to permit gambling activities under a TUN but will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

Issue

Not less than three months and one day prior to the day on which the gambling event is to take place, a TUN must be given to:

- the Licensing Authority;
- the police;
- HM Commissioners for Revenue and Customs, and, if applicable; and
- any other licensing authority in whose area the premises are situated.

The notice must include details of:

- the date the notice is given;
- the gambling activity to be carried on;
- the premises where it will take place;
- the dates and times it will take place;
- any periods during the preceding 12 months that a TUN has had effect for the same premises, and
- any other information prescribed by regulations.

If there are no objections, the notice will be endorsed by the Licensing Authority and returned to the issuer for display upon the premises at the time the activity takes place.

Objections

Having regard to the licensing objectives, those authorities upon whom the TUN is served may make objections within 14 days of the date of the notice to the gambling activity taking place. Objections must be made to the Licensing Authority and TUN issuer.

Modifications to the notice may be suggested by those objecting to it. If accepted by the issuer, a new notice must be issued. It should be noted that the three months, one day time limit and a new fee will not apply to the new notice, nor may the original objector/s object to the new notice.

A hearing must be held before the Licensing Sub-Committee to hear representations from all parties, unless agreement is reached that a hearing is unnecessary, e.g. by modification of the notice, within six weeks of the date of the notice.

Following a hearing the Licensing Authority must issue a counter notice setting out whether or not the TUN will have effect, any limitations to the activities permitted, the time period when activities may take place and any conditions that are imposed.

Occasional Use Notices (OUN'S)

Occasional Use Notices may only be issued in relation to tracks that are used on eight days or less in a calendar year.

A track can be any part of a premise on which a race or other sporting event takes place or is intended to take place. Tracks need not be a permanent fixture.

OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. An OUN dispenses with the need for a betting premises licence for the track.

Issue

The notice may be issued by the person responsible for the administration of events on the track or the occupier of the track.

The notice must be served on the Licensing Authority and a copy on the Chief Officer of Police.

Objections

Generally objections may not be made to the issue of an OUN, except the Licensing Authority must issue a counter notice where the effect of the OUN would result in betting facilities being made available for more than eight days in a calendar year.

Premises Licences

Premises where an operator's licence has been granted to operate a casino, bingo premises, betting premises, adult gaming centre or licensed family entertainment centre

1. Application and risk assessment
2. Attach required documentation
3. Pay prescribed fee

1. Licence lasts indefinitely unless surrendered, lapsed etc.
2. Annual charge payable to licensing authority

↓ **Appendix G – Gaming Permits**

Certain types of gambling are authorised by permits issued by the Licensing Authority. The permits generally authorise low stake gambling for small prizes by:

- Gaming machines in alcohol-licensed premises, member’s clubs, unlicensed family entertainment centres (FEC’s) and certain other premises, e.g. taxi offices (see ‘Other premises’ below);
- Equal chance gaming, games of chance and gaming machines in member’s clubs; and
- Prize gaming, e.g. at travelling fairs.
- Gaming machines

The Gambling Act 2005 introduced new classes of gaming machines that may be operated under a permit, as shown in Figure 1 below.

Figure 1

Category of Machine	Maximum Stake £	Maximum Prize £
B3a	£2	500
B4	£2	£400
C	£1	£70
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize

The category and number of machines that may be operated under a premise’s licence are shown in Figure 2 below.

Figure 2

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Clubs or miners' welfare institutes with permits					Maximum of three Category B4 to D machines		
Qualifying alcohol licensed premises upon notification					Automatic entitlement up to two Category C or D machines		
Qualifying alcohol licensed premises with gaming machine permit					Unlimited Category C or D machines, as specified on permit		
Family entertainment centre (with permit)					Unlimited Category D machines		
Travelling fair					Unlimited Category D machines		

Alcohol licensed premises

Certain types of gambling may take place on alcohol-licensed premises under the Licensing Act 2003 without any authorisation being required. Generally these consist of the playing of cribbage, dominoes and other games for low stakes.

The holder of a premises licence under the Licensing Act 2003 that authorises the sale and consumption of alcohol on premises, which contain a bar at which alcohol is served but without the requirement that food is also served, is automatically entitled to operate two gaming machines of Categories C or D.

The following paragraphs apply only to those premises.

Automatic entitlement

The Gambling Act 2005 gives an automatic entitlement for the holder of a premise's licence under the 2003 Act to provide up to two gaming machines on their premises.

An application for a permit is not required but premise's licence-holders must notify their Licensing Authority in writing of their intention to provide the machines, and pay the prescribed fee. Having done so, there will be no need to give any further notice or pay a further fee.

Where the premise licence is transferred to another person, there will be no need for the new licence-holder to notify the Licensing Authority in respect of the automatic entitlement.

The entitlement may be withdrawn if provision of the machines is not reasonably consistent with the pursuit of the licensing objectives; gaming has taken place on the premises that has breached a condition of the Act, e.g. they do not comply with siting and operation requirements; the premises are mainly used for gaming; or where an offence under the Gambling Act 2005 has been committed on the premises.

The Licensing Authority may not exercise their powers to remove the entitlement without first giving the permit-holder the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

New permits

Where the holder of a premise's licence wishes to provide more than two gaming machines, an application for a permit must be made to the Licensing Authority with the prescribed fee. There is no restriction on the number of machines that may be applied for and applications to vary the number of machines may be made at any time.

In determining an application for an increase in the number of machines, the Licensing Authority will consider:

- the size of the premises;
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons;
- any documentary evidence, e.g. supporting statistical evidence providing details of usage, etc.;
- appropriate notices and signage;
- regard for the protection of vulnerable persons self – barring schemes, information leaflets and/or help line information for organisations such as GamCare.
- each application on its own merits;
- the Codes of Practice or Guidance issued under the Gambling Act 2005.

Where the Authority grants the application, a permit will be issued for the number of machines authorised, which will include the automatic entitlement of two machines.

Where the Authority intend to refuse an application, or grant it for a different number or category of machines to that requested, the applicant will be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary

Where the premise's licence is transferred, the gaming machine permit must also be transferred or it will lapse. In all other cases the permit will last indefinitely, unless surrendered or revoked.

Although the permit will not need to be renewed, an annual charge will have to be paid to the Licensing Authority.

Member's clubs

The Gambling Act 2005 permits a member's club holding a club premise's certificate issued under the Licensing Act 2003, or miner's welfare institute, to hold a **club gaming permit** allowing participation in equal chance gaming or playing games of chance (see 'Appendix A' for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of three machines of either class B3a, B44, C or D.

The Act also permits a member's club holding a club premise's certificate or a commercial club holding a premise's licence under the Licensing Act 2003 to operate a maximum of three machines of either class B4, C or D under a **club machine permit**.

New permits

An application and payment of the prescribed fee is required. A permit has effect for 10 years unless surrendered or revoked.

Applications for a permit for premises not holding a club premise's certificate e.g. a commercial member's club with a premise's licence, may be refused by the Licensing Authority on the grounds that the applicant does not fulfil the requirements for a member's or commercial club; the premises are used wholly or mainly by children and/or young persons; an offence under the Act or breach of a permit has been committed by the applicant while providing gaming facilities; a permit held by the applicant has been cancelled in the previous 10 years; an objection has been made by the police or Gambling Commission.

Permits may be varied at any time to meet changing circumstances, other than an increase above three to the number of machines. Licensing authorities may only refuse a variation if, on consideration of the proposed variation as a new application, they would refuse a permit.

A permit will lapse if the holder no longer qualifies as a member's club or the permit is surrendered. A permit may be cancelled if the premises are used wholly or mainly by children and/or young persons or where an offence under the Act or breach of a permit condition has been committed by the applicant in the course of gaming activities.

Permits are valid for 10 years from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the licensing authority.

Other premises (taxi offices, take-away restaurants, etc.)

Premises are prohibited from obtaining a new gaming machine permit under the Gambling Act 2005 and will be unable to operate gaming machines of any kind after their current permit expires.

Unlicensed family entertainment centres

The Licensing Authority may grant an application for a permit for Category D gaming machines in an unlicensed family entertainment centre (FEC) provided it is satisfied the premises will be used as an unlicensed FEC and that the Chief Officer of Police has been consulted. There are no limits to the number of machines that may be applied for in an unlicensed FEC.

The Authority will apply its Statement of Principles in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

An application for a permit will Disclosure and Barring Service in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the DBS certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

The Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

Where the Authority intends to refuse an application, the applicant will be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

Permits will last for 10 years unless it ceases to have effect because it is surrendered, it lapses or it is renewed. There is no annual charge payable to the Licensing Authority.

Unlicensed FEC's may also offer equal chance gaming under the authority of their gaming machine permit.

Prize gaming

Prize gaming may be carried on in premises under a permit issued by the Licensing Authority. A prize gaming permit will **not** authorise the use of gaming machines.

The Authority may apply its Statement of Principles in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the Bureau Disclosure and Barring Service in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the DBS certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

Where the Authority intends to refuse an application, the applicant must be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

A prize gaming permit will last for 10 years unless it ceases to have effect or is renewed. There is no annual charge payable to the Licensing Authority.

Prize gaming without a permit

Prize gaming without a prize gaming permit may be carried on in any premises with a premise's licence issued under the Gambling Act 2005, except that casinos may not offer prize bingo.

Unlicensed FEC's may also offer equal chance gaming only, under the authority of their gaming machine permit.

Travelling fairs may also offer equal chance gaming only without a permit provided the facilities for gaming are ancillary amusements to the fair.

Travelling fairs

Travelling fairs do not require a permit to provide gaming machines but must comply with codes of practice on how they are operating.

Travelling fairs may provide an unlimited number of Category D machines and prize gaming in the form of equal chance gaming provided that facilities for gambling amount to no more than ancillary amusement at the fair.

Alcohol Licensed Premises

Premises where the licence permits the sale of alcohol for consumption on the premises and the sale is not conditional upon food being sold may have gaming machines of Class C or D

Up to two machines

1. Automatic entitlement to two machines
2. Notify Licensing Authority in writing of proposed intention to operate machines.
3. Pay prescribed fee

More than two machines

1. Apply to Licensing Authority for a permit
2. Attach statistical justification showing 'need'
3. Attach plan of premises showing location of machines
4. Pay prescribed fee

1. Permit has effect date of grant unless surrendered or cancelled
2. Annual charge to be paid to Licensing Authority

1. Licensing authority can withdraw entitlement for two machines where their provision is not consistent with licensing objectives; gaming has taken place in breach of a condition; premises are used mainly for gaming; an offence under the Act has been committed.
2. Licensing authority can cancel a permit where the premises are used wholly or mainly by children or young persons or an offence under the Act has been committed.

But

1. Permit holder must be given 21 days notice of the intention to withdraw or cancel
2. Hearing must be held if permit holder requests one
3. Withdrawal or cancellation has no effect until 21 days has elapsed from notice being served where no hearing is requested or 21 days following a hearing or appeal.

Member's Club

Maximum of three Category B4, C or D machines

Applications for new permits and renewals must be made to Licensing Authority

Attach to application

1. Application
2. Rules of club (if not CPC)
3. Plan of premises showing location of machines
4. Prescribed fee

1. Application with accompanying documents
2. Objections may be made
3. Permit lasts 10 years.

Application for grant may be refused if:

1. Applicant does not qualify as a member's or commercial club or miner's welfare institute.
2. The premises are used wholly or mainly by children or young persons.
3. An offence under the Act or a breach of a permit has been committed while providing gaming facilities.
4. A permit held by the applicant has been cancelled in previous 10 years.
5. An objection has been made by police or Commission.

Application for renewal must be sent to licensing authority with fee between three and six weeks before permit expires and may only be refused on the same grounds as for original grant.

Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding

Unlicensed Family Entertainment Centre

Permit may be issued for premises whose primary use is as an unlicensed family entertainment centre to have an unlimited number of gaming machines of Class D

1. Application
2. Attach information required by Statement of Principles
3. Attach plan of premises showing location of machines
4. Consult Chief of Police
5. Pay prescribed fee

Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the licensing objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to licensing authority with fee between two and six months before permit expires and may only be refused if an authorised officer has been refused access to the premises w/o reasonable excuse, or renewal would not be reasonably consistent with the licensing objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding

Permits will lapse if:

1. Licensing authority notifies holder premises are no longer being used as an unlicensed FEC
2. Holder no longer occupies premises
3. Holder dies, becomes mentally incapacitate, bankrupt or, in case of a company, ceases to exist or goes into liquidation
4. Court orders holder to forfeit permit
5. Holder surrenders or fails to renew it

Prize Gaming Permit

Prize gaming permits may only be issued in respect of premises for which there is no premises licence or club gaming permit issued under the Gaming Act 2005

1. Application
2. Attach information required by Statement of Principles
3. Attach plans of premises
4. Pay prescribed fee

Permit lasts for 10 years

Application for grant may be refused if the grant would not be reasonably consistent with the licensing objectives, e.g. convictions making the applicant unsuitable, the location and type of premises being unsuitable, issues concerning disorder.

Application for renewal must be sent to licensing authority with fee between two and six months before permit expires and may only be refused if an authorised officer has been refused access to the premises w/o reasonable excuse, or renewal would not be reasonably consistent with the licensing objectives. Duration of the permit will not be curtailed while a renewal application is pending or where an appeal against a refusal to renew is outstanding

Permits will lapse if:

1. Holder no longer occupies premises
2. Holder dies, becomes mentally incapacitate, bankrupt or, in case of a company, ceases to exist or goes into liquidation
3. Court orders holder to forfeit permit
4. Holder surrenders or fails to renew it

Appendix H– Machine Category

Premises Type	Machine Category						
	A	B1	B2	B3/A	B4	C	D
Regional casino (machine/table ratio 25-1)	Maximum of 1250 machines in any combination in Categories A, B1, B2, B3, B4, C or D (subject to table ratio)						
Large casino (machine/table ratio 5-1)	Maximum of 150 machines in any combination in Categories B1, B2, B3, B4, C or D (subject to table ratio)						
Small casino (machine/table ratio 2-1)	Maximum of 80 machines in any combination in Categories B1, B2, B3, B4, C or D (subject to table ratio)						
Pre-2005 Act casinos	Maximum of 20 machines in any combination in Categories B1, B2, B3, B4, C or D						
Betting premises and tracks occupied by Pool Betting	Maximum of four machines in any combination in Categories B2, B3, B4, C or D						
Bingo Premises	20% of total gaming machines which are available on the premises categories B3 or B4						
Adult gaming centre	20% of total gaming machines which are available on the premises categories B3 or B4						
Clubs & miners' welfare institutes with permits	Maximum of three Category B3A, B4, C or D machines						
Commercial clubs	Maximum of three Category B4, C or D machines						
Family entertainment centre (with premises licence)	No limit on Category C or D machines						
Qualifying alcohol licensed premises upon notification	Automatic entitlement up to two Category C or D machines						
Qualifying alcohol licensed premises with gaming machine permit	Unlimited Category C or D machines, as specified on permit						
Family entertainment centre (with FEC permit)	Unlimited Category D machines						
Travelling fair	Unlimited Category D machines						

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Category of machine	Maximum Stake £	Maximum Prize £
A	Unlimited	Unlimited
B1	2	4000
B2	2	500
B3	1	500
B3A	1	500
B4	1	400
C	1	100
D	30p when non-monetary prize (other than a crane grab machine or a coin pusher or penny falls machine)	£8 non-monetary prize
D Non Money prize (crane machine grab)	£1	£50
D non money prize (other than a crane grab machine or a coin pusher or penny falls machine)	£1	£50
D Combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
D Combined money and non-money prize (coin pusher or penny falls machines)	20p	£20.00 (of which not more than £10 may be a money prize)

Appendix I – Gambling in Premises

Gaming (Premise Licence)

	Gaming Machines (see Appendix I)	Casino Games	Betting	Bingo	Virtual Gaming	Games of Chance other than Casino Games
Regional casino	Yes	Yes	Yes	Yes	Yes	Yes
Large casino	Yes	Yes	Yes	Yes	Yes	Yes
Small casino	Yes	Yes	Yes		Yes	Yes
Adult gaming centre	Yes					
Family entertainment centre	Yes					
Bingo premises	Yes			Yes		
Betting office	Yes		Yes		Yes	

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Gaming Clubs

	Members' Club/ Commercial Club/ Miner's Welfare Institute (no Permit)	Members' Club/ Commercial Gaming Club (no Permit)	Members' Club/ Miner's Welfare Institute (Club Gaming Permit)	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' Club/ Commercial Club/ Miner's Welfare Institute (Club Gaming Machine Permit)	Pubs and other Alcohol Licensed Premises
Equal chance gaming	Yes	Yes	Yes	Bridge and or whist only	Yes	Yes
Banker's/unequal chance gaming	No	No	Pontoon & Chemin de Fer	No	No	No
Stake and prize limits	Poker £1,000 per week £250 per day £10 per person, per game Other Gaming None, but expectation that it should be for low stakes	Poker £1,000 per week £250 per day £10 per person, per game Other Gaming None, but expectation that it should be for low stakes	None	None	Poker £1,000 per week £250 per day £10 per person, per game Other Gaming None, but expectation that it should be for low stakes	Poker £100/premises per day Other gaming £5/person per game Cribbage & dominoes No limit

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	Members' Club/ Commercial Club/ Miner's Welfare Institute (no Permit)	Members' Club/ Commercial Gaming Club (no Permit)	Members' Club/ Miner's Welfare Institute (Club Gaming Permit)	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' Club/ Commercial Club/ Miner's Welfare Institute (Club Gaming Machine Permit)	Pubs and other Alcohol Licensed Premises
Prize limits	Poker 250/game Other Gaming No limit	Poker 250/game Other Gaming No limit	No limit	No limit	Poker 250/game Other Gaming No limit	Poker £100 per game Other Gaming No limit
Maximum participation fees per person per day	Bridge and/or Whist £18 per person Other Gaming £1 per person	Bridge and/or Whist £18 per person Other Gaming £1 per person	Bridge and/or Whist £20 per person Other Gaming £3 per person	£18 per person without a game machine permit £20 per person with a game machine permit	Bridge and/or Whist £18 per person Other Gaming £3 per person for Commercial club £1 per person for members club	Not permitted
Limits on bingo**	Maximum of £2000/week in stakes and prizes	Maximum of £2000/week in stakes and prizes	Maximum of £2000/week in stakes and prizes	No Bingo	Maximum of £2000/week in stakes and prizes	Maximum of £2000/week in stakes and prizes
Levies/deductions – stakes or prizes	No	No	No	No	No	No

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	Members' Club/ Commercial Club/ Miner's Welfare Institute (no Permit)	Members' Club/ Commercial Gaming Club (no Permit)	Members' Club/ Miner's Welfare Institute (Club Gaming Permit)	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' Club/ Commercial Club/ Miner's Welfare Institute (Club Gaming Machine Permit)	Pubs and other Alcohol Licensed Premises
Gaming machines	No	No	Three Cat B4, C or D	Three Cat B4, C or D	Three Cat B4, C or D	2 cat C or D machines automatic entitlement 3 or more cat C or D machines maximum stated on permit

** If more than the maximum, then an operating licence will be required.

Appendix J – Lotteries

A lottery is unlawful unless it is run in accordance with an operating licence issued by the Gambling Commission, or it is exempt. This advice covers only those categories of lottery that are exempt. For more information on the licensing requirements for lotteries, see the Gambling Commission’s website on **www.gamblingcommission.gov.uk**

The Gambling Act 2005 defines three categories of lottery that are exempt from needing an operating licence:

- Incidental non-commercial lottery: run as an additional amusement at non-commercial events such as a raffle at a church bazaar, with tickets only being sold and drawn during the event.
- Private lottery: that require membership of a society, place of work or single place of residence.
- Customer lottery: run by occupiers of a business for the benefit of customers who can only buy tickets sold on the premises, e.g. a shop selling tickets for a Christmas hamper.
- Small society lottery: a lottery promoted on behalf of a non-commercial society, i.e. a lottery run by a society established and conducted for charitable purposes; or of enabling the participation in or support of sport, athletics or cultural activity; or for other non-commercial purposes other than private gain.

The definition of a “Society” is the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted. The society established must be a non-commercial organisation. Section 19 of the Act defines a society as such if it is established and conducted:

- For charity purposes as defined in section 2 of the Charities Act 2006,
- For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- For any other non – commercial purpose other than of private gain.

Registration

Only a small society lottery is required to be registered.

Applications and payment of the prescribed fee must be made by the promoting society to the licensing authority for the area in which the principal address of the society is located. The Licensing Authority must record details of the society in a register and notify the applicant and the Gambling Commission of the registration.

The Licensing Authority will require applicants to declare:

- the purposes for which the society is established,
 - that they represent a bona fide non-commercial society, and
 - that they have no relevant convictions.

The Licensing Authority may refuse an application if:

- they consider the applicant is not a non-commercial society,
- any person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with an application is false or misleading.

An application shall be refused if an operating licence held or applied for by the applicant has been revoked or refused in the previous five years.

The Licensing Authority may revoke a registration where it believes the grounds exist that would permit or require it to refuse an application for registration.

Where the Licensing Authority intend to refuse an application or revoke the registration it will give the society:

- details of the reasons;
- evidence upon which it reached the decision; and
- the opportunity to make written and/or oral representations.

The Licensing Authority may cancel a registration where the prescribed annual fee is not paid by the society. Where it does so, the Authority must notify the society and the Gambling Commission as soon as reasonably practicable.

Lottery requirements

To ensure the main purposes of the lottery are met:

- the society must apply a minimum of 20% of the proceeds of the lottery to the purposes of the society;
- no single prize may exceed £25,000;
- rollovers may be permitted provided every lottery affected is also a small society lottery by the same society and the maximum single prize does not exceed £25,000; and
- every ticket must cost the same and must be paid for before being entered into the draw.

The minimum age for participation in a lottery is 16. The Responsibility Code 3.2.9 in the Licence Conditions and Codes of Practice (LCCP) requires that:

- Licencees must and put into effect policies and procedures to minimise the risk of lottery tickets being sold to children, Including procedures for:
 - a. Checking the age of apparently underage purchasers of lottery tickets
 - b. Taking action where there are unlawful attempts to purchase tickets
- The licensee must take responsible steps to ensure that all those engaged in the promotion of lotteries understand their responsibilities for preventing underage gambling, returning stakes and not paying prizes to underage customers.

External Lottery Managers

External lottery managers (ELMs) are required to hold a lottery operator’s licence issued by the Commission to promote a lottery on behalf of a licensed society.

However, individuals or firms can and do provide services to a society or local authority lottery without assuming the role of an ELM. When determining whether a third party is a ‘service provider’ only, or has assumed the role of an ELM, the degree of management undertaken by both the promoter and the sub-contractor will be crucial factors. Key indicators will include:

- who decides how the lottery scheme will operate
- who appoints and manages any sub-contractors
- the banking arrangements for handling the proceeds of the lottery
- who sells the tickets and pays the prizes
- who controls promotional aspects of the lottery.

Societies employing an unlicensed ELM may be committing an offence and they will need to satisfy themselves that any ELM they employ holds the relevant operator’s licence issued by the Commission. The Commission publishes a register of operating licences held on its website www.gamblingcommission.gov.uk

Tickets

Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society
- the price of the ticket, which must be the same for all tickets
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the ELM
- the date of the draw, or information which enables the date to be determined.

The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

The licensing authorities require all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The licensing authority is permitted to inspect the records of the lottery for any purpose related to the lottery.

The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.

Lottery tickets must not be sold to a person in any street. For these purposes ‘street’ includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

Prizes

Prizes awarded in small society lotteries can be either cash or non-monetary. The value of prizes declared on returns must not exceed the limits on prizes set out by the Act – in effect that combined with any expenses incurred with the running of the lottery, such as managers’ fees, they must not comprise more than 80% of the total proceeds of the lottery.

Donated prizes would not be counted as part of this 80% (as no money would be withdrawn from the proceeds to cover their purchase) but are still subject to the limit on a single maximum prize of £25,000 and should be declared on the return following the lottery draw

Returns

No later than three months after making the draw (or in the case of a rollover, the last draw), or in the case of ‘instant lotteries’ (scratch cards) within three months of the last date on which tickets were on sale, a return must be sent to the Licensing Authority that:

- has been signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society over 18 years of age who are appointed for the purpose in writing by the society, or its governing body, if it has one,
- is accompanied by a copy of the member’s letter of appointment,

and include the following details:

- the dates when tickets were available for sale;
- the dates of any draw and value of prizes, including any rollover;
- the proceeds raised;

- the amounts deducted for prizes and expenses incurred in organising the lottery;
- the amount applied or to be applied to the purposes of the promoting society,; and
- whether any expenses incurred in connection with the lottery were paid for other than from the proceeds of the lottery and, if so, the amount and the source/s from which they were paid.

External lottery managers

External lottery managers require operator’s licences issued by the Gambling Commission. For more information, see the Gambling Commission’s website on **www.gamblingcommission.gov.uk**

Small Society Lotteries

Promoted by a non-commercial society established for charitable purposes; for purpose of enabling participation in or of supporting sport, athletics or cultural activity; or for other non-commercial

Registration may be refused if:

1. Society is not considered to be non-commercial
2. Any person connected with promotion of lottery has been convicted of relevant offence, or
3. Information provided in application is false/misleading

Registration must be refused if an operating licence held by or applied for by the applicant has been revoked or refused in the previous five years

Registration may be revoked where grounds exist for an application for registration to be refused.

But a registration will not be refused or revoked unless the society has been informed of the reasons and the evidence supporting them and been given the opportunity to make representations

1. Attach information required:
 - (a) Purpose for which society established
 - (b) Confirm bona fides of society as non-commercial
 - (c) Declare convictions, if any
2. Pay prescribed fee
3. Registration valid for life, annual fee payable to licensing authority

Lottery requirements:

1. Society must apply minimum 20% of proceeds to purposes of society
2. No single prize to exceed £25,000
3. Rollovers permitted provided all lotteries effected are small society lotteries and maximum single prize does not exceed £25,000
4. Tickets must cost same, be paid for before being entered in draw and include details of society, price, name and address of person responsible for promotion of the lottery and date of draw

Returns, which must be made no later than three months after draw, must be signed by two members and include details of:

5. Dates tickets were available for sale, dates of draw and value of prizes
6. Proceeds raised, amounts deducted for prizes, expenses incurred in organising lottery and where any were paid for other than from proceeds of lottery, the amount and source
7. Amount to be applied to purposes of the promoting society



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