



Broxtowe  
Borough  
COUNCIL

Positive People - Positive Leadership - Positive Partnerships

# Gambling Act 2005

## Guidance Fact sheet

### Applying for a Premises Licence

# **GUIDANCE FOR APPLICANTS – PREMISES LICENCES**

## **Background**

These guidance notes are for persons applying, or thinking of applying, to Broxtowe Borough Council for the grant of the following licences:

- **Premises Licences**
- **Provisional Statement**
- **Variation of a Premises Licence**
- **Transfer of a Premises Licence**
- **Re-instatement of a Premises Licence**

This guidance aims to give applicants information as to the different types of applications that may be made under the Gambling Act 2005 and the processes which should be followed. It mirrors both the requirements of the Act and the current regulations accompanying it. Regard is also given to the Council's Statement of Gambling Policy that describes the matters the Licensing Authority will take into account when considering an application.

## **HOW TO APPLY FOR A LICENCE**

As from 1 September 2007, the Gambling Act 2005 came into effect. Applications for a Premises Licence are therefore now required for the following classes of premises:

- **Betting Premises (including Tracks)**
- **Casino Premises**
- **Bingo Premises**
- **Adult Gaming Centres**
- **Licensed Family Entertainment Centres**

Any person that wishes to operate gambling premises requires an Operator's Licence from the Gambling Commission. In addition, certain specified individuals will also require personal licenses from the Gambling Commission. The Commission will carry out extensive investigations into the suitability of individuals. Contact details for the Gambling Commission are available in the appendix attached to this document.

When considering the application the Licensing Authority will focus on the use of the premises and consider the three licensing objectives of:

- **Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime**
- **Ensuring gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable people from being harmed or exploited by gambling**

### **Application for a new Premises Licence**

An application for a Premises Licence must be made to the relevant Licensing Authority, that is, the authority within whose area the premises is situated. To make an application you must submit:

- A properly completed application form
- A plan of the premises (see Guidance relevant to plans)
- The correct fee
- Proof of your right to occupy the premises or may expect to acquire such a right (this refers to a track application).
- A Notice is to be given to all the Responsible Authorities. (Form A to be used if one applicant, Form B used if more than one applicant). A full list of the Responsible Authorities is available in the appendix attached to this document). Notice must be given within a period of 7 days beginning on the date on which the application is made. **It is the applicant's duty to send copies of the relevant notice to the Responsible Authorities.**

**If the notice is not served the Licensing Authority may not grant a Premises Licence until the notice requirements have been adhered to and the Responsible Authorities have been given the relevant period in which to respond.**

The Gambling 2005 Act also requires you to advertise your application for a Premises Licence. This occurs in two ways, both of which must be satisfied:

- By placing an advertisement in a local newspaper on at least one occasion during the period of ten working days starting with the day after the day which the application is made to the authority; and
- By displaying a notice on the premises to which the application relates
  - in a place at which it can be conveniently be read by members of the public from the exterior of the premises;
  - For a period of no less than 28 consecutive days starting on the day on which the application is made to the licensing authority.

**If the advert is not placed or displayed the Licensing Authority may not grant a Premises Licence until the advertising requirements have been adhered to and interested parties have been given the relevant period in which to respond.**

### **Determination of the Application**

The Act places a duty on the licensing authority to aim to permit the use of premises for gambling provided the authority considers your application to be in accordance with:

- **The Codes of Practice**
- **The Gambling Commissions Guidance**
- **The Statement of Gambling Policy**

and your application is made in accordance with the licensing objectives.

Only Responsible Authorities, the Licensing Authority and Interested Parties can make representations against your application. If there are no representations made, the licence will ordinarily be granted subject to Mandatory Conditions.

Mandatory Conditions will appear on all Premises Licences as prescribed by regulation for each type of licence.

If there are relevant representations made, the licensing authority will inform the applicant who may be invited to seek discussions in order to seek to negotiate a satisfactory outcome.

Where a hearing is needed guidance on the licensing authority's 'hearing procedure' can be found on guidance notes on the website.

The Licensing Authority will issue a Notice of Grant or Rejection for each application made.

In addition, Default Conditions have been prescribed by regulation and the Licensing Authority may add or remove these from the Premises Licence. If the Licensing authority considers it appropriate to vary the default conditions or add further conditions you will be notified prior to the application being determined and a hearing will take place.

Each application will be considered on its own merit.

## **Application for Provisional Statement**

An application for a Premises Licence must be made to the relevant Licensing Authority, that is, the authority within whose area the premises is situated. To make an application you must submit:

- A properly completed application form
- A plan of the premises (see Guidance relevant to plans)
- The correct fee
- A Notice is to be given to all the Responsible Authorities. (Form A to be used if one applicant, Form B used if more than one applicant). A full list of the Responsible Authorities is available in the appendix at the end of this document. Notice must be given within a period of 7 days beginning on the date on which the application is made.
- It is the applicant's duty to send copies of the relevant notice to the Responsible Authorities.

**If the notice is not served the Licensing Authority may not grant a Premises Licence until the notice requirements have been adhered to and the Responsible Authorities have been given the relevant period in which to respond**

The 2005 Act also requires you to advertise your application for a Premises Licence. This occurs in two ways, both of which must be satisfied:

- By placing an advertisement in a local newspaper on at least one occasion during the period of ten working days starting with the day after the day which the application is made to the authority; and
- By displaying a notice
  - Which is as near as reasonably practicable to the premises or proposed premises, and
  - Where it can be conveniently be read by members of the public for a period of no less than 28 consecutive days starting on the day on which the application is made to the licensing authority.

**If the advert is not placed or displayed the Licensing Authority may not grant a Provisional Statement until the advertising requirements have been adhered to and interested parties have been given the relevant period in which to respond.**

## **Determination of the Application**

Only Responsible Authorities, the Licensing Authority and Interested Parties can make representations against your application. If there are no representations made, the Provisional Statement will ordinarily be issued indicating the relevant terms upon which a subsequent application for a premises licence would be granted, (subject to there not being any relevant changes to the application or circumstances).

If there are relevant representations made, the licensing authority will inform the applicant who may be invited to seek discussions in order to seek to negotiate a satisfactory outcome.

Where a hearing is needed guidance on the licensing authority's 'hearing procedure' can be found on guidance notes on the website

The Licensing Authority will subsequently issue a Notice of Grant or Rejection for each application made and where appropriate indicate the relevant terms upon which a subsequent application for a premises licence would be granted, (subject to there not being any relevant changes to the application or circumstances).

Each application will be considered on its own merits.

## **Application to Vary Premises License**

An application for a Premises License must be made to the relevant Licensing Authority, that is, the authority within whose area the premises is situated. To make an application you must submit:

- A properly completed application form
- A plan of the premises (see Guidance relevant to plans)
- The correct fee
- A Notice is to be given to all the Responsible Authorities. (Form A to be used if one applicant, Form B used if more than one applicant). A full list of the Responsible Authorities is available in the appendix at the end of this document. Notice must be given within a period of 7 days beginning on the date on which the application is made.
- It is the applicant's duty to send copies of the relevant notice to the Responsible Authorities.

**If the notice is not served the Licensing Authority may not grant a Premises Licence until the notice requirements have been adhered to and the Responsible Authorities have been given the relevant period in which to respond**

The 2005 Act also requires you to advertise your application for a Premises License. This occurs in two ways, both of which must be satisfied:

- By placing an advertisement in a local newspaper on at least one occasion during the period of ten working days starting with the day after the day which the application is made to the authority; and
- By displaying a notice on the premises to which the application relates
  - in a place at which it can be conveniently be read by members of the public from the exterior of the premises;
  - for a period of no less than 28 consecutive days starting on the day on which the application is made to the licensing authority.

**If the advert is not placed or displayed the Licensing Authority may not grant a Provisional Statement until the advertising requirements have been adhered to and interested parties have been given the relevant period in which to respond.**

## **Determination of the Application**

Only Responsible Authorities, the Licensing Authority and Interested Parties can make representations against your application. If there are no representations made, the variation will ordinarily be granted.

If there are relevant representations made, the licensing authority will inform the applicant who may be invited to seek discussions in order to seek to negotiate a satisfactory outcome.

Where a hearing is needed guidance on the licensing authority's 'hearing procedure' can be found on guidance notes on the website

The Licensing Authority will issue a Notice of Grant or Rejection for the variation applied for.

Each application will be considered on its own merits.



## **Application for Transfer of Premises License**

An application for a Transfer of Premises must be made to the relevant Licensing Authority, that is, the authority within whose area the premises is situated. To make an application you must submit:

- A properly completed application form
- The correct fee
- Premises Licence (or statement explaining why it has not been reasonably practicable to produce licence and a copy should be requested)
- A Notice is to be given to all the Responsible Authorities. (Form A to be used if one applicant, Form B used if more than one applicant). A full list of the Responsible Authorities is available in the appendix attached to this document. Notice must be given within a period of 7 days beginning on the date on which the application is made.
- It is the applicant's duty to send copies of the relevant notice to the Responsible Authorities.

**If the notice is not served the Licensing Authority may not grant a Premises Licence until the notice requirements have been adhered to and the Responsible Authorities have been given the relevant period in which to respond**

## **Determination of the Application**

Only Responsible Authorities can make representations against your application. If there are no representations made, the transfer will ordinarily be granted.

If there are relevant representations made, the licensing authority will inform the applicant who may be invited to seek discussions in order to seek to negotiate a satisfactory outcome.

Where a hearing is needed guidance on the licensing authority's 'hearing procedure' can be found on guidance notes on the website

The Licensing Authority will subsequently issue a Notice of Grant or Rejection for the transfer applied for.

Each application will be considered on its own merits.

## **Application for Re-instatement of Premises License**

An application for re-instatement of Premises License must be made to the relevant Licensing Authority, that is, the authority within whose area the premises is situated. To make an application you must submit:

- A properly completed application form
- The correct fee
- Premises Licence (or statement explaining why it has not been reasonably practicable to produce licence and a copy should be requested)
- A Notice is to be given to all the Responsible Authorities. (Form A to be used if one applicant, Form B used if more than one applicant). A full list of the Responsible Authorities is available in the appendix at the end of this document. Notice must be given within a period of 7 days beginning on the date on which the application is made.
- It is the applicant's duty to send copies of the relevant notice to the Responsible Authorities.

**If the notice is not served the Licensing Authority may not grant a Premises Licence until the notice requirements have been adhered to and the Responsible Authorities have been given the relevant period in which to respond**

## **Determination of the Application**

Only Responsible Authorities, can make representations against your application. If there are no representations made reinstatement will ordinarily be granted .

If there are relevant representations made, the licensing authority will inform the applicant who may be invited to seek discussions in order to seek to negotiate a satisfactory outcome.

Where a hearing is needed guidance on the licensing authority's 'hearing procedure' can be found on guidance notes on the website

The Licensing Authority will subsequently issue a Notice of Grant or Rejection for the transfer applied for.

Each application will be considered on its own merits.

<b>GAMBLING ACT 2005 – REQUIREMENTS FOR PLANS</b>
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**The plan must show:**

- The extent of the boundary or perimeter of the premises;
- Where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building;
- 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.
- Where the premises are a vessel or 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;
- The location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads and;
- Any other matter required in accordance with the following provisions of this regulation.

**Plan requirements to VARY a premises licence**

**Where the application includes an application to vary the plan which forms part of the premises licence under section 151(1)(g), the application must be accompanied by a scale plan which shows the matters that would be required if the application were for the issue of a new premises licence**

- **Of the same type as that to which the application relates;**
- **And which includes the variations specified in the application**

**Where the application is for a BINGO premise licence in respect of which children or young persons will be permitted access, the plan must show;**

- The location and extent of any part of the premises to which will be used to provide facilities for gaming in reliance on the licence (other than those parts which include Category B or C machines);
- 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;
- 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

**Where the application is for an ADULT GAMING CENTRE premises licence, the plan must show the location and extent of any part of the premises in which gaming machines will be made available for use in reliance on the licence.**

**Where the application is for a FAMILY ENTERTAINMENT LICENCE premises licence, the plan must show;**

- 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;
- 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;
- 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.

**Where the application is for a BETTING premises licence, other than in respect of a track, the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence;**

**Where the application is for a premises licence in respect of a TRACK, the plan must show;**

- The location and extent of any part of the premises which is a five times betting rule area;
- The location and extent of any part of the premises which will be used for providing betting facilities in reliance on the licence;
- 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;
- 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

("five times betting rule area", in relation to a track, means any part of the track in respect of which, in accordance with conditions attached under section 167, the charge for admission to that part of the track payable by betting operators may not exceed five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track);

### **Plan requirements for a provisional statement**

An application under section 204 for a provisional statement must be accompanied by a scale plan which complies with the requirements for a premises licence.

Where the application relates to premises which the applicant expects to be constructed or altered, any reference to the premises to which the application relates is to have effect for the purposes of this regulation as a reference to those premises as they are expected to be when constructed or altered.

Any reference to an application for a particular kind of premises licence is to have effect for the purposes of this regulation as a reference to an application for a provisional statement in respect of premises whose use would require the same kind of premises licence.

**GAMBLING ACT 2005 APPLICATIONS - LIST OF RESPONSIBLE  
AUTHORITIES.**

**The Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
Telephone 0121 2306666  
Fax 0121 2306720  
[info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

**Police**

The Chief Constable  
Nottinghamshire Police  
HQ(CJ) Liquor Licensing  
Mansfield Police Station  
Great Central Road  
Mansfield  
Nottinghamshire  
NG18 2HQ  
Telephone 01623 483927  
Fax 01623 483968  
[liquor.licensing@nottinghamshire.pnn.police.uk](mailto:liquor.licensing@nottinghamshire.pnn.police.uk)

**Social Services (Child Protection)**

Clive Chambers  
Project Manager Safeguarding Children  
Children & Young People Services  
Nottinghamshire County Council  
County Hall  
West Bridgford  
Nottingham  
NG2 7QP  
Telephone 0115 977 4084  
[kim.dennett@nottsc.gov.uk](mailto:kim.dennett@nottsc.gov.uk)

**Environmental Health**

Broxtowe Borough Council  
Directorate of Housing, Health and Leisure  
Environmental health Department  
Council Offices  
Foster Avenue  
Beeston  
Nottingham  
NG9 1AB  
Telephone 0115 917 7777  
[health@broxtowe.gov.uk](mailto:health@broxtowe.gov.uk)  
Noise and other pollution matters in all types of premises.

**Fire**

Nottinghamshire Fire and Rescue  
Service  
Central Fire Station  
Fire Safety Licensing Department  
Shakespeare Street  
Nottingham  
NG1 4FB  
Telephone 0115 9487844  
Fax 0115 948 0137  
[fireprotectionspecialrisk@notts-fire.gov.uk](mailto:fireprotectionspecialrisk@notts-fire.gov.uk)

**HM Revenue and Customs**

National Registration Unit  
Portcullis House  
21 India Street  
Glasgow  
G2 4PZ  
Telephone 0141 555 3633  
[nru.betting&gaming@hmrc.gsi.gov.uk](mailto:nru.betting&gaming@hmrc.gsi.gov.uk)

**Planning Department**

Broxtowe Borough Council  
Planning Department  
Directorate of Planning and Community  
Development  
Council Offices  
Foster Avenue  
Beeston  
Nottingham  
NG9 1AB  
Telephone 0115 917 7777  
Fax 0115 917 3377  
[dpd@broxtowe.gov.uk](mailto:dpd@broxtowe.gov.uk)

### **For Vessels**

#### **The Maritime and Coastguard Agency.**

Eastern Region  
Crosskill House  
Mill Lane  
Beverley  
HU17 9JB

Tel: 01482 866606

#### **The Environment Agency.**

Trentside Offices,  
West Bridgford,  
Nottingham,  
Nottinghamshire,  
NG2 5FA

Telephone (0115) 9455722

#### **The British Waterways Board.**

The Kiln,  
Mather Road,  
Newark,  
Nottinghamshire  
NG24 1FB

Telephone (01636) 704481

### **Your Application and fee must be sent to Broxtowe Borough Council's Licensing Section**

Please make your cheque payable to **Broxtowe Borough Council**

#### **Address:**

Broxtowe Borough Council  
Licensing Department  
Regulatory Services  
Resources Directorate  
Council Offices,  
Foster Avenue,  
Beeston,  
Nottingham NG9 1AB

**Phone:** 0115 917 3363

**Fax:** 0115 917 3131

**Email** [licensing@broxtowe.gov.uk](mailto:licensing@broxtowe.gov.uk)

**Internet:** [www.broxtowe.gov.uk](http://www.broxtowe.gov.uk)