



# Sandwell

## Metropolitan Borough Council

### **Applying for a Premise Licence**

#### **Guidance for Applicants (Appendix 2)**

#### **The Gambling Act 2005**

All gambling activities (with the exception of the National Lottery and spread betting) are regulated by the Gambling Act 2005. Gambling is defined in the Act as either gaming, betting or taking part in a lottery. The type of activities covered by the act includes:

- Betting
- Bingo
- Casino gaming
- Prize gaming
- Use of gaming machines
- Lotteries, raffles

As the Licensing Authority we are responsible for licensing premises where gambling takes place, and provide authorisations to gamble in premises where gambling is not the main activity (for example gaming machines in pubs). The Gambling Commission are responsible for licensing operators and individuals involved in providing gambling and betting facilities.

#### **About a Premises licence**

Any premises where gambling facilities are provided must have a premises licence, issued under the Gambling Act 2005. A Premises Licence is a permanent licence, granted in respect of a specific location, which authorises the licence holder to carry out licensable activities. As well as the main activity, a premises licence may also allow the use of certain categories of gaming machines.

Under the Gambling Act 2005 we are the licensing authority for:

- **Betting shops:** Premises such as high street shops, at which a licensed bookmaker will take bets on races and sporting events happening elsewhere
- **Betting at tracks:** Areas at racecourses and other premises where a race or other sporting event takes place (e.g. a venue staging a boxing match), at which licensed bookmakers will be taking bets on a race or sporting event happening at that location
- **Bingo halls:** Premises at which games of commercial prize bingo are regularly played
- **Casinos:** Premises where people can participate in one or more casino games. Casinos licensed under the previous legislation are able to continue to operate. New casino licences are restricted under the Gambling Act 2005. This authority has resolved not to issue new casino premises licences. Neither are there any casinos in the borough with preserved entitlement.
- **Adult gaming centres:** Amusement arcade premises making gaming machines available for use by over-18s only
- **Family entertainment centres:** Amusement arcade premises making gaming machine available for use by persons of all ages

Except in the case of betting at tracks, a premises licence cannot allow the use of premises for more than one of the activities listed above. Only one licence can be held.

Once a licence is granted it will be valid for the life of the business, or until it is surrendered or revoked. A licence holder can apply to vary the terms and conditions of the licence at any time.

Where a premises creates problems which impact on any of the three licensing objectives, a licence can be called in for review by interested parties or responsible authorities.

An annual fee is payable on the anniversary of the grant of the licence.

### **Gaming machine entitlements**

In addition to permitting specific types of gambling activity, Premises Licences also allow a number of gaming machines to be operated within the licensed premises. Under the Act, gaming machines are divided into

categories, dependent on their maximum stake and prize amounts, and where they may be provided. More information on gaming machines can be found on the [Gambling Commission website](#).

## **Who can apply for a premises licence**

Only people (and that includes companies or partnerships):

- Who have the right to occupy the premises
- Who have an operator's licence or have applied for an operator's licence from the [Gambling Commission](#)
- Are over the age of 18

## **Applying for a licence**

The following guidance explains the procedures needed to apply for a premises licence under the Gambling Act 2005.

The Council's policy on the Gambling Act should be read before completing the application form.

The standard hours for the opening of premises are set by the Government. You can, however, apply to modify those hours when you make your application. Details of the standard hours (known as the default conditions) are contained within this document.

An operating licence from the Gambling Commission must be in force prior to the premises licence being granted.

This is not statutory guidance and does not form any part of the Licensing Authority's Policy (which is available separately). The leaflet does not replace the 'Act' or any statutory guidance issued under it, so reference should always be made to that before submitting applications.

The application form is available from the [Gambling Commission](#)

## **The Application**

This will involve advertising the application in the paper and on the premises and serving notification of the application on responsible authorities.

The following must be presented for a premise application:

- One application form
- Appropriate fee
- A scale plan of the premises (see notes below)
- Serve notice of your application (see notes below)
- Advertise your application (see notes below)

Application forms are available on request by emailing [licensing\\_team@sandwell.gov.uk](mailto:licensing_team@sandwell.gov.uk)

### **Notification to Responsible Authorities**

In compliance with the regulations the applicant must serve each responsible authority with a notice (Form B) of the application where a variation is sought. The authorities to be served are:

- West Midlands Police
- West Midlands Fire and Rescue Service
- HM Customs and Revenue
- Safeguarding Children Board
- Planning & Building Control
- Environmental Health
- Gambling Commission

*Details of addresses can be found at Appendix A in this document.*

### **Display and Publishing of a Notice**

Details of the application must be published in a local newspaper on at least one occasion during the period of 10 working days starting on the day after the day on which the application is made.

A notice must be displayed on the premises to which the application relates in a place at which it can be conveniently read by members of the public from the exterior of the premises for a period of not less than 28 consecutive days starting on the day on which the application is made.

A copy of the notice is available upon request via email to [licensing\\_team@sandwell.gov.uk](mailto:licensing_team@sandwell.gov.uk)

## **Representations**

Representations should be lodged within 28 days of the application being made to the licensing authority. Representations must be consistent with the licensing objectives.

## **Plans**

A plan in the specified form for the following type or premises licence:

- a) drawn to the scale
- b) showing the extent of the boundary or perimeter of the premises
- c) showing where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building.
- d) showing 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.
- e) Showing 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 part of the sides of the vessel, and any internal walls of the vessel, which are included in the premises.
- f) showing 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 where the sale of alcohol for consumption on the premises is to take place
- g) any other matter required in accordance with the following provisions of this regulation.

## **Local Risk Assessments**

The Gambling Commission (the Commission) introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence and are to be presented to the licensing authority upon application. The code requires all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.

### **Bingo premises (where children or young persons have permitted access)**

- a) the location and extent of any part of the premises which will be used to provide facilities for gaming in reliance on the licence (other than those parts which include Category B or C gaming machines.
- b) The location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence;
- c) the nature and location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be available for use from any other part of the premises.

### **Adult Gaming Centre**

- a) the location and extent of any part of the premises in which gaming machines will be made available for use in reliance on the licence.

### **Family Entertainment Centre**

- a) The location and extent of any part of the premises in which Category C gaming machines will be made available for use in reliance on the licence;
- b) The location and extent of any part of the premises in which Category D gaming machines will be made available for use in reliance on the licence;
- c) the nature and location of any barrier or other thing separating any part of the premises in which Category C gaming machines will be available for use from any other part of the premises.

## **Betting Premises Licence (other than in respect of a track)**

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

## **Hearings**

Should outstanding representations not be withdrawn the application must proceed to a hearing, which should be commenced as soon as is reasonably practicable.

## **Conditions**

### **Mandatory conditions attaching to bingo premises licences**

1. A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.

2. No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect:

(a) a casino premises licence;

(b) an adult gaming centre premises licence;

(c) a betting premises licence other than a track premises licence

3. (1) This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises.

(2) Any area of the premises to which category B and C gaming machines are located

(a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;

(b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and

(c) shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph

(3) The reference to supervision in this paragraph means supervision by:

(a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or

(b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.

(4) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use. Gambling Act – Premises Guidance – April 2016.

4. (1) In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.

(2) In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph 3.

(3) shall be displayed at the main point where payment for the charge is to be made.

(4) The notice in sub-paragraph (2) shall include the following information—

(a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;

(b) in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and

(c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.

(5) The notice may be displayed in electronic form.



(6) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of "prize gaming") applies.

5. (1) The rules of each type of game that is available to be played the premises other than games played on gaming machines shall be made available to customers within the premises.

(2) The condition in sub-paragraph (1) may be satisfied by—

(a) displaying a sign setting out the rules,

(b) making available leaflets or other written material containing the rules,

or

(c) running an audio-visual guide to the rules prior to any bingo game being commenced

6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so. Gambling Act – Premises Guidance – April 2016

### **Default conditions attaching to bingo premises licences**

1. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.

2. The condition in paragraph 1 shall not apply to making gaming machines available for use.

### **Mandatory conditions attaching to adult gaming centre premises licences**

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2. No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the

Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.

3. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.

4. (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

**Mandatory conditions attaching to betting premises licences (other than track premises licences)**

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2. (1) Access to the premises shall be from a street or from other premises with a betting premises licence. (2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.

3. Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.

4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.

5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—

- (a) communicating information about, or coverage of, sporting events, including—
  - (i) information relating to betting on such an event; and
  - (ii) any other matter or information, including an advertisement, which is incidental to such an event;

(b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.

**6.** No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.

**7.** No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.

**8.** (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

**9.** A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

**Default conditions attaching to betting premises licences (other than in respect of tracks)**

No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.

## **APPENDIX A**

### RESPONSIBLE AUTHORITIES

West Midlands Police  
Police Licensing Officer  
C/o Administration Unit  
LPU Headquarters  
Moor Street  
West Bromwich  
B70 7AQ

West Midlands Fire and Rescue Service  
Fire Safety Officer  
Tipton Fire Station  
Alexandra Road  
Tipton  
West Midlands  
DY4 7NZ

HM Customs and Revenue  
National Registration Unit  
Portcullis House  
21 India Street  
Glasgow  
G2 4PZ

Sandwell Children's Safeguarding Partnership  
Metsec House  
Broadwell Road  
Oldbury  
West Midlands  
B69 4HE

Planning & Building Control  
Sandwell Council House  
PO Box 2374,  
Oldbury,  
West Midlands,  
B69 3DE

Environmental Health  
Sandwell Council House  
PO Box 2374  
Oldbury  
West Midlands  
B69 3DE

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP