

Gambling Act 2005

Club Gaming Permits Guidance for Applicants

What is a Club Gaming Permit?

Club Gaming Permits allow for the provision of no more than three gaming machines (these may be from categories B3A, B4, C or D - see categories below). It also allows for the provision of equal chance gaming subject to the conditions for exempt gaming (described below), except that the limit on stakes and prizes is removed. The provision of games of chance as prescribed in regulations is also allowed.

The provision of gambling at clubs in reliance on a Club Gaming Permit will be subject to the conditions listed below:

For equal chance gaming

- The same conditions as for exempt gaming described below apply, with the exception that any limit on stakes and prizes does not apply.

For other games of chance

- The games offered are limited to those prescribed in regulations.
- There is no participation fee charged otherwise than in accordance with regulations.
- That no amount is deducted from sums staked or won otherwise than in accordance with any regulations made by the Secretary of State (current proposals are not to exercise this power at present)

For gaming machines

- No child or young person (under 18) can use category B or C machines on the premises.

- The permit holder needs to comply with any relevant provision of the Gambling Commission code of practice regarding the location and operation of gaming machines.

For all gaming

- The public, children and young persons are excluded from any area in which gaming is taking place
- In the case of members' clubs and miners' welfare institutes only, those taking part in the gaming must be a member of the club who applied for, or was nominated for membership at least 48 hours prior to participating, or are a guest of a member.

In order to qualify for exemption, the gaming in a club must meet the conditions set out in section 269 of the Act:

- It must be equal chance gaming, as defined in Part 1 of the Act (examples would include bingo, poker or bridge);
- Stakes and prizes must be in accordance with any rules or limits prescribed in regulations;
- The club must not deduct any amounts from sums staked or won in the gaming;

Any charge for participation must not exceed amounts prescribed in regulations;

- The games played may only take place on one set of premises, meaning there may not be any linking of games between premises: Games may be considered linked if the game is split by sites so that part of one game is played elsewhere and:

- The result of one game is, or may be wholly or partly determined by reference to the result of the other game; or
- The amount of winnings is wholly or partly determined by the participation of more than one set of players;

- In the case of members' clubs and miners' welfare institutes only, people may only participate in the gaming if they have been a member (or applied or were nominated for membership) at least 48 hours before playing, or are genuine guests of such a person.

Club Gaming Permits replace the permissions provided by Part II registration under the 1968 Act.

Who can apply for a Club Gaming Permit?

A members' club or miners' welfare institute may apply to us for a Club Gaming Permit.

Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

With regard to miners' welfare institutes, the definition of this class of club has changed to reflect social and economic changes since their establishment. These are associations established for recreational or social purposes. They are managed by representatives of miners or uses premises regulated by a charitable trust which has received funds from one of a number of mining organisations.

Commercial clubs **cannot** apply for a Club Gaming Permit. Commercial clubs have the same characteristics as members' clubs, except that the key difference is that they are established with a view to making a profit (an example of a commercial club is a snooker club); however they can apply for a Club Machine Permit. Applicants are not required to have an Operating Licence issued by the Gambling Commission

What are the categories of machines available?

Category of machine Maximum "Stake" Maximum Prize

B3A* £1 £500

B4 £1 £250

C 50p £35

D 10p money prize £5 money prize

D 30p non-money prize £8 non-money prize

How many machines of this type can I have?

As stated in above, no more than three gaming machines.

What do I have to produce in making an application?

Documents to produce

- i) The appropriate application form;
- ii) The appropriate fee for the application being made;
- iii) In the case of conversions / renewals / variations - your existing permission.

Who do I send my application to?

Eastbourne Borough Council
Customer First Team
Town Hall, Grove Road
Eastbourne
East Sussex
BN21 4UG

E mail: customerfirst@lewes-eastbourne.gov.uk
Tel 01323 410000

Within a period of 7 days (beginning on the date on which the application is made) you must also copy your application (and any accompanying documentation) to the following:

Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP
Tel: 0121 230 6500
Fax: 0121 233 1096
E-mail: info@gamblingcommission.gov.uk

The Licensing Officer

Sussex Police
The Licensing Unit
Police Station
Terminus Road
Bexhill – on -Sea
East Sussex
TN39 3NR
Tel: 01482 220344
Fax: 01482 220291

Please note - These bodies have 28 days to make any objections that they may have to the application

What can the Council do with my application?

We can either grant or refuse it, however we cannot add conditions. We may only refuse an application for a permit on one or more of the following grounds:

- (a) that the applicant is not a members' club or a miners' welfare institute
- (b) that the premises on which the applicant conducts its activities are used wholly or mainly by children, by young persons or by both,
- (c) that an offence, or a breach of a condition of a permit, has been committed in the course of gaming activities carried on by the applicant,
- (d) that a permit held by the applicant has been cancelled during the period of ten years ending with the date of the application, or
- (e) that an objection to the application has been received from either the police or the Gambling Commission.

Before refusing an application we must hold a hearing to consider the application and any objection received per (e) above.

I hold a Club Premises Certificate issued under the Licensing Act 2003, is there a "fast track" procedure for me?

Yes. In this instance you are not required to send copies of your application to the police or the Gambling Commission.

We must grant an application made to us in these circumstances unless we think:

- (a) that the applicant is established or conducted wholly or mainly for the purposes of the provision of facilities for gaming, other than gaming of a prescribed kind,
- (b) that the applicant is established or conducted wholly or mainly for the purposes of the provision of facilities for gaming of a prescribed kind and also provides facilities for gaming of another kind, or

(c) that a Club Gaming Permit issued to the applicant has been cancelled during the period of ten years ending with the date of the application.

If such circumstances arise, we must hold a hearing to consider the application in light of the above.

How long does a Club Gaming Permit last?

A permit lasts for 10 years. There is an annual fee for this type of permit, the first of which must be paid within 30 days of the permit becoming effective. A permit can be cancelled if the holder fails to pay the annual fee (unless the failure is as the result of an administrative error)

Can my permit lapse before it expires?

A permit will lapse if the holder of the permit stops being a club or miners' welfare institute, or if it no longer qualifies under the fast-track system for a permit. In addition, a permit will cease to have effect upon being surrendered to us. A notice to surrender must be accompanied by the permit or a statement explaining why it cannot be produced. We must inform Sussex Police and the Gambling Commission when a permit has been surrendered or lapsed. In addition we may cancel the permit if:

- premises are used wholly by children and/or young persons; or
- an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder,

Reference here to "a condition" means a condition in the Act or in regulations that the permit is operating under.

However, before cancelling a permit we must give the permit holder at least 21 days' notice of the intention to cancel and consider any representations that they may make. We must hold a hearing if the permit holder so requests and must comply with any other procedural requirements set out in regulations. If there is no appeal, the cancellation will take effect 21 days after notice of the intention to cancel was given. We must notify the permit holder, the Gambling Commission and Humberside Police that the permit has been cancelled and the reasons for the cancellation.

Do I need to keep a copy of my permit on the premises?

Yes. It must be kept on the premises and available for inspection at all times. It is an offence not to produce it when requested to do so by a constable or an enforcement officer. If a permit is lost, stolen or damaged, you may apply for a replacement (such replacement being subject to a fee).

What if I have a change in circumstances?

If information contained in your permit ceases to be accurate you will need to, as soon as is reasonably practicable, apply to us to have it varied.

What about renewals?

An application for renewal of a permit must be made during the period beginning three months before it expires and ending six weeks before it expires. The procedure for renewal is the same as a grant application; the only difference is the club gaming permit will need to be returned along with the renewal application form and fee.

The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

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Fees

Grant £200.00

Grant (Club Premises Certificate holder) £100.00

Existing operator Grant £100.00

Variation £100.00

Renewal £200.00

Renewal (Club Premises Certificate holder) £100.00

Annual Fee £50.00

Copy of Permit £15.00