

Tendring

District Council



GAMBLING ACT 2005 **APPLICATION PACK FOR LICENSED FAMILY** **ENTERTAINMENT CENTRE**

The application pack consists of the following documents:-

- (i) Application form for the type of licence needed
- (ii) Notice of Display/Advertisement format
- (iii) Notice of Application to Responsible Authorities
- (iv) Schedule of Fees

General Information Summary

- Please complete the enclosed form in black ink.
- Complete all parts of the form that are relevant to the licensable activities required.
- Refer to the attached Schedule of Fees to ascertain the correct fee for the licence you have applied for.
- If you are applying for a variation of a Premises Licence, you will need to enclose your existing Premises Licence/appropriate part of the Licence or, if this is not available, supply a statement giving the reason for you not being able to enclose it with the application.
- (i) The Blue Notice of Display should be completed and you must ensure that the date at the foot of the form is a full 28 days from the date the Notice is displayed on the premises. The Notice must be in such a position that anyone may see it without the need to enter the premises.

(ii) The advertisement should be submitted for publication in the Public Notices Section of a locally available newspaper (see following notes for further information) and this should be published as soon as possible after the day you display your Blue Notice or, in any case, no later than ten working days from serving the application on the Licensing Authority. The expiry date for both the Blue Notice and the public advertisement should be the same. When the advertisement is published, you should forward a copy of it to the Licensing Section.
- The original copy of the application and supporting documents together with the appropriate fee must be sent to the Licensing Section at 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN. Copies of relevant notices should be sent to the Responsible Authorities as per the list set out in the following notes.
- Such notices to be given within a period of 7 days beginning on the date on which the application was made.
- Your specific attention is drawn to the Council's Gambling Licensing Policy Statement dated 25 November 2015 which should be taken into consideration when preparing your application for a licence.

Plan to accompany applications for a premises licence

An application for a premises licence under section 159 of the Act must be accompanied by a scale plan of the premises to which the application relates.

The plan must show -

- (a) the extent of the boundary or perimeter of the premises;
- (b) where the premises include, or consist of, one or more buildings, the location of any external walls of each such building;
- (c) where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises;
- (d) where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises;
- (e) the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads; and
- (f) any other matter required in accordance with these guidance notes.

Where the application is for a **FAMILY ENTERTAINMENT CENTRE PREMISES LICENCE**, the plan must show -

- (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; and
- (c) the nature and location of any barrier or other thing separating any part of the premises in which Category C gaming machines will be made available for use from any other part of the premises.

Documents to accompany applications for a converted premises licence

An application under section 159 of the Act for a converted premises licence shall be accompanied by -

- (a) a copy of the equivalent permission under the existing legislation; or
- (b) where the applicant is applying for but has not been granted the equivalent permission under the existing legislation, copies of the documents submitted by the applicant in applying for the permission.

Where an applicant is unable to supply a copy of the equivalent permission, licence or permit under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968 because it is not reasonably practicable for him to do so, he must include with the application under section 159 of the Act a statement -

- (a) explaining why it is not reasonably practicable to do so, and
- (b) setting out the nature of the permission, the date on which it was granted and by whom.

Form and content of applications to vary a premises licence

Appropriate Application Forms (with explanatory notes) are available from the Licensing Section.

Where the application includes an application to vary the plan which forms part of the premises licence, the application must be accompanied by a scale plan which complies with the requirements set out in these guidance notes.

The plan must show the matters which it would be required to show if the application were for the issue of a premises licence -

- (a) of the same type as that to which the application relates; and
- (b) which included the variations specified in the application.

Form and content of applications to transfer a premises licence

Appropriate Application Forms (with explanatory notes) are available from the Licensing Section.

Form and content of applications for the reinstatement of a premises licence

Appropriate Application Forms (with explanatory notes) are available from the Licensing Section.

Form and content of applications for a provisional statement

Appropriate Application Forms (with explanatory notes) are available from the Licensing Section.

An application under section 204 of the Act, for a provisional statement must be accompanied by a scale plan which complies with the requirements set out in the guidance notes and shows the premises as they are expected to be when constructed or altered.

Notice of application

A Person making an application must give notice of the application in the agreed form to each of the responsible authorities listed below:-

- (a) The Licensing Authority (Tendring District Council)
- (b) The Gambling Commission
- (c) The Chief Officer of Police for the police area in which the premises are situated
- (d) Essex Fire and Rescue Authority
- (e) The Local Planning Authority (Tendring District Council)
- (f) Environmental Services (Tendring District Council)
- (g) Essex County Council Social Services
- (h) Customs and Excise

Please note that where the application is for the transfer or reinstatement of a premises licence the applicant only needs to give notice to the responsible authorities listed in (a), (b), (c), (g) and (h) above. All notices must be given within a period of 7 days beginning on the date in which the application is made.

Special arrangements apply to vessels. In such cases responsible authorities also include:-

- (a) The Environment Agency
- (b) The British Waterways Board and
- (c) The Maritime and Coastguard Agency. (Acting for the Secretary of State)

Details of contact names and addresses are set out in the list enclosed with these notes, or may be found in the Council's Gambling Licensing Policy Statement.

Where a person is applying for (a) a premises licence (b) an application to vary a premises licence or (c) an application for a provisional statement the applicant must publish notice of his application:-

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

In the case of provisional statements in respect of premises that have not been constructed or where the applicant does not have the right to occupy the premises on the date the application is made the notice must be displayed at a place which is as near as reasonable practicable to the premises or proposed premises and where it can be conveniently read by members of the public.

All notices referred to above must comply with a statutory format. If in doubt please contact the Licensing Section for further advice.

FAILURE TO FOLLOW PRESCRIBED PROCEDURES IN RELATION TO THE GIVING OF PROPER NOTICE OF APPLICATION AND/OR PUBLICATION OF NOTICES OF APPLICATION WILL PREVENT THE LICENSING AUTHORITY PROCESSING YOUR APPLICATION.

Finalisation of the application process

As mentioned above Responsible Authorities and the public have 28 days in which to lodge a representation against an application. If none are received, then the application process will be completed and the licence will be granted on the terms and conditions sought. If a representation is received it will be necessary for the application to be determined by one of the Licensing Authority's Premises/Personal Licences Sub-Committees and you will be invited to attend a Hearing so that all points of view can be taken into account prior to a decision being made. You will be given proper notice of the date of the hearing and sent copies of any representations received. In order to avoid the necessity for the Hearing to take place, it is open to you to contact anyone objecting to your application to see if an agreement can be reached so that the representation can be withdrawn. If this happens you should notify the Licensing Section, who will expect written confirmation of withdrawal from both parties and any conditions that have been agreed as these eventually will be attached to the Licence.

Contact Addresses

For further information and advice please contact:

Licensing Section at 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN
Tel: 01255 686565 or E-mail: licensingsection@tendringdc.gov.uk

For further information and advice on Operating Licences and Personal Licences please contact the Gambling Commission at Victoria Square House, Victoria Square, Birmingham B2 4BP.
Tel: 0121 2306666 or E-mail: enquiries@gamblingcommission.gov.uk

Completed Application Forms

Completed application forms for Premises Licences, associated documentation and the prescribed fee **must** be returned to the Licensing Section at 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN

N.B. PLEASE NOTE THAT THE ABOVE INFORMATION IS FOR GUIDANCE ONLY. IF YOU ARE IN ANY DOUBT ABOUT A SPECIFIC ASPECT OF YOUR APPLICATION YOU SHOULD EITHER CONTACT THE LICENSING SECTION, WHO WILL TRY TO ASSIST YOU, OR YOU SHOULD SEEK PROFESSIONAL ADVICE.