

Tendring

District Council



GAMBLING ACT 2005 **APPLICATION PACK FOR PRIZE GAMING PERMITS**

What is a Prize Gaming Permit?

A Prize Gaming Permit can be issued to a person who satisfies the criteria (See 2.). This will allow the person to provide facilities for gaming with prizes on specified premises.

Prize gaming is a form of normally low stakes and prizes gambling in which neither the nature nor the size of the prize is determined by the number of persons playing or the amount paid for or raised by the gaming. It can comprise of a variety of games, providing that the participation fees and prizes do not exceed prescribed limits (See 12.). The prize can be a cash or non-cash prize.

Any non-gambling premises (i.e. one that has not got a Premises Licence under the Gambling Act 2005) that wishes to provide such gambling would need to apply for a Prize Gaming Permit. Part 13 of the Gambling Act 2005 ("the Act"), which concerns Prize Gaming, replaces and updates Section 21 of the Gaming Act 1968 and Section 16 of the Lotteries and Amusements Act 1976.

Prize Gaming Permits do not permit the provision of gaming machines. Certain equipment for example, mechanised cash bingo equipment, used for prize gaming will not be treated as gaming machines. (See Section 235 of Gambling Act 2005). The following premises are authorised by the Act to offer prize gaming, subject to certain conditions and therefore do not require a separate Prize Gaming Permit:

- Holders of Adult Gaming Centre Premises Licences;
- holders of Family Entertainment Centre Premises Licences;
- holders of Family Entertainment Centre Gaming Machine Permits
- travelling fairs
- bingo halls

Who can apply for a Prize Gaming Permit?

An application for a Permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, s/he must be aged 18 or over. Holders of Premises Licences under the Act and holders of Club Gaming Permits may not apply for Prize Gaming Permits.

Applicants are not required to have an Operating Licence issued by the Gambling Commission.

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) Details of the types of gaming that it is intended to offer;
 - iv) Evidence that applicants understand the limits to stakes and prizes that are set out in the Regulations;
- and,
- v) Evidence that the gaming offered is within the Law

Who do I send my application to?

Tending District Council
Licensing Section
88-90 Pier Avenue
Clacton on Sea
Essex CO15 1TN

Do I have to copy my application to anyone else?

No. However, the Act requires that we consult Divisional Licensing Officer at Essex Police on any Prize Gaming Permit application which we receive. We will forward a copy to them (they then have 14 days in which to make any comments on the application).

What can you do with my application?

We can either grant or refuse an application for a Permit, but we cannot add conditions. Should we decide to refuse an application we will write to you with our reasons and you will be given the opportunity to make representations against our decision.

How long does a Prize Gaming Permit last?

A Permit lasts for 10 years. There is no annual fee for this type of Permit. (See 11. for details of renewal)

Can my Permit lapse before it expires?

The Permit may lapse for a number of reasons:

1. if the holder ceases to occupy the premises;
2. if an individual Permit holder dies, becomes incapable by reason of mental or physical incapacity; becomes bankrupt, or sequestration of his estate is ordered; or
3. if the company holding the Permit ceases to exist, or goes into liquidation. Where a Permit lapses, the Act provides that the Permit may be relied upon for a period of six months after it has lapsed, by the following persons:
 - the personal representative of the holder (in the case of death);
 - the trustee of the bankrupt's estate (in the case of individual bankruptcy);
 - the holder's interim or permanent trustee (in the case of an individual whose estate is sequestrated); or
 - the liquidator of the company (in the case of a company that goes into liquidation).

The Permit may also cease to have effect if the holder surrenders it to us. Notice of such surrender must be accompanied by the Permit, or by an explanation of why the Permit cannot be produced.

If the Permit holder is convicted of a relevant offence (that is an offence listed in schedule 7 of the Act) the court may order the forfeiture of the Permit. The court must order the holder to deliver the Permit to the licensing authority, or provide a statement explaining why it is not reasonably practicable to produce it. The court must notify the licensing authority that it has made a forfeiture order as soon as is reasonably practicable after making the order. Such an order may be suspended by a higher court pending appeal against conviction of a relevant offence.

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, an enforcement officer, or an authorised local authority officer. If a Permit is lost, stolen or damaged, you may apply for a replacement (such replacement being subject to a fee).

What if my business changes its name?

If the person to whom the Permit is issued changes their name, or wants to be known by another name, they may send the Permit back to us for amendment, together with the appropriate fee. We must comply with the request and return the Permit to the holder.

What about renewals?

An application for renewal of a Permit must be made during the period beginning six months before the Permit expires and ending two months before it expires. The application procedure for renewal is the same as for a new permit, except that you will have to return your Prize Gaming Permit along with your application form and documents. The duration of the Permit will not be curtailed while a renewal application is pending, including any appeal against a decision not to renew.

Participation fees and prize limits for prize gaming under a Prize Gaming Permit.

The participation fee which may be charged for any one chance to win a prize in a game shall not exceed 50p. Where in paying for a chance to win a prize in a game a person acquires an opportunity to win more than one prize then the limit is still 50p for that chance. For example, in a game of bingo, the purchase of one game card (the chance) may provide the person with three opportunities to win a prize (one line, two lines, full house), but the maximum participation fee for each game card is still 50p. There is a limit of £500 on the aggregate amount of participation fees that may be charged in a particular game.

A money prize cannot exceed £35, except where the prize gaming is being provided in an adult gaming centre, in which case the limit is £50. The aggregate amount or value of prizes in a game cannot exceed £500.

Fees

Grant fee £300

Renewal fee £300

Change of name £25

Copy of permit fee £15