



GAMBLING ACT 2005: ALCOHOL LICENSED PREMISES GAMING MACHINE PERMITS **STATEMENT OF PROCEDURE**

Schedule 13(2)(a) of the Gambling Act 2005 (the Act) requires that an application for an Alcohol Licensed Premises Gaming Machine Permit must be made in such form and manner as the Licensing Authority may direct. The Licensing Authority of Babergh District Council has considered its duties and responsibilities under the Act, and having regard to the legislation, current national guidelines and local considerations the following procedures are adopted:

- (1) Premises holding a valid premises licence issued under the Licensing Act 2003 authorising the supply of alcohol for consumption ON the premises, with a bar for selling alcohol generally and without any requirement that alcohol sales are sold only with food, are entitled to apply for the grant, variation or transfer of an Alcohol Licensed Premises Gaming Machine Permit. (Note: The Department for Culture, Media & Sport (DCMS) has advised that where a premises licence has a condition that alcohol must accompany food only for certain hours, but not others, gaming machines should be switched off during the restricted hours).

There is no limit on the number of category C and/or D machines that may be applied for.

- (2) Applications made in accordance with the provisions of the Gambling Act 2005 shall be carefully considered individually and on merit by the Licensing Authority, having due regard to the local 'Statement of Licensing Principles' (Part C section 2 refers) effective from 31.01.2007 until 31.01.2010 (as may be revised from time to time).
- (3) Sections 154 and 155 of the Gambling Act 2005, relating to delegation of functions under the 2005 Act, shall have effect in respect of permit applications of this type.
- (4) In considering an application for this type of permit, the Licensing Authority shall have regard to:
 - a. The licensing objectives;
 - b. Any relevant Guidance issued by the Gambling Commission under section 25 of the Act; and
 - c. Such other matters as the Licensing Authority think relevant.

In respect of 4(c) above, 'such other matters' shall be assessed on a case by case basis.

- (5) Upon receipt of an application to be granted a new or varied permit (ie for more than 2 gaming machines), the Licensing Authority shall promptly inform the Chief Officer of Police for the relevant area of the details of the application, and shall consider any comments or concerns that he may advise the Licensing Authority of. The Chief Officer of Police shall have 14 days to make any such representations beginning from the day after being notified by the Licensing Authority of the permit application.
- (6) Upon receipt of any relevant concerns raised by the Chief Officer of Police for the area, and where the Head of Natural & Built Environment Division is minded to not determine the application under delegated authority, a hearing of a Sub-Committee of the Licensing & Appeals Committee will ordinarily be arranged as soon as is reasonably practicable in order to determine the application.

- (7) Where a permit application is made for 3 or 4 gaming machines, the application will normally be determined by the Head of Natural & Built Environment. Where the Head of Natural and Built Environment is minded to refuse the application, or grant the permit for fewer machines or a different category to those proposed within the application, then the applicant will be entitled to raise written or oral representations and this shall ordinarily require a sub-committee hearing, unless all parties agree that a hearing is not required.
- (8) Normally the determination of any permit application for more than 4 gaming machines will be dealt with by elected members of the sub-committee, where the Head of Natural & Built Environment is minded not to grant the application under delegated authority. A hearing will ordinarily be arranged for this purpose and the applicant, and/or their representative, shall be entitled to address the sub-committee in support of the permit application.
- (9) All alcohol licensed premises providing gaming machines for use on the premises must comply with the relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005. Such Code of Practice will advise on the location and supervision of gaming machines on licensed premises, and may also require signage on or in the proximity of machines (for example GamCare helpline number and no under-18s). Therefore the Licensing Authority will not ordinarily require the applicant to submit a plan with their permit application. However for mixed-use premises (an example being a bowling alley), a plan identifying the licensed area in which gaming machines could be located, may be required by the Licensing Authority.
- (10) An inspection of the premises may be required in some circumstances. Authorised officers or elected members of the Council may reasonably request access to view the premises prior to determination of any permit application.
- (11) The applicant for a permit on alcohol licensed premises must be the person named on the premises licence, this can be an individual, partnership or company. If an agent (for example gaming machine supplier) is making an application on behalf of the premises licence holder then the Licensing Authority should normally be provided with written confirmation of the consent of the premises licence holder to the permit application.
- (12) If the premises licence issued under the Licensing Act 2003 is transferred or ceases to have effect then the permit will no longer be valid.
- (13) Gaming machines should not be used on licensed premises until such time as a valid permit is held for the premises.
- (14) This procedure may be revised at any time and without prior notice. Revisions may be necessary following the publication of further Central Government or Gambling Commission guidance or any relevant case law.