



**GAMBLING ACT 2005
SECTION 273
SCHEDULE 12**

GUIDANCE NOTES ON CLUB MACHINE PERMITS

CLUB MACHINE PERMITS

Club machine permits replace the permissions provided by Part III registration under the Gaming Act 1968. A members' club or miners' welfare institute can apply for a club machine permit under section 273 if:

- it does not wish to use the full range of facilities permitted by a club gaming permit, or
- it is a commercial club not permitted to provide non-machine gaming (other than gaming under section 269 of the Act).

PROVISION OF GAMING MACHINES

Clubs licensed to sell alcohol

These premises are able to site up to three category B3A*, B4, C or D machines. Clubs can choose the combination of machines on their premises.

** Commercial clubs are not permitted to site category B3A gaming machines offering lottery games in their club.*

Clubs not licensed to sell alcohol

Many premises not licensed to sell alcohol have been entitled, under section 31 of the Gaming Act 1968, to site gaming machines because they are registered under part II or part III of that Act. These include work premises operating membership-based social clubs. The Licensing Act 2005 allows these premises to apply for a club machines permit, allowing up to three machines of category B4, C or D.

Before granting the permit, we must be satisfied that the premises meet the requirements of a members' club and the majority of members are over 18.

If under 18s such as apprentices, use the club they may play the category D only. If the club is a genuine members' club, it will be entitled to site category B3A gaming machines offering lottery games.

CODES OF PRACTICE

Under section 273, no child or young person can use a category B or C machine on the premises. The holder of the club permit must comply with the code of practice drawn up by the Commission on the location and operation of machines, and on equal chance gaming. Information about these codes can be found on the Commission's website, and are also attached to all permits we issue. Clubs are not required to have a permanent premises or alcohol licence to comply.

CLUBS REGISTERED UNDER PART III OF THE GAMING ACT 1968

If your Part III registration expires after 1 September 2007, you will be treated as holding a club machine permit under the new Act. At least two months before your registration expires you must apply for a permit under the new Act. The registration will then be converted into a club machine permit.

APPLICATION PROCESS

Download the prescribed form *Application for club gaming or machine permit* from www.basingstoke.gov.uk or request a copy from the licensing team. The application must:

- be made to the local authority in whose area the premises are wholly, or partly, situated
- specify the type of premises for which the permit is sought
- contain, or be accompanied by, the prescribed information and documents
- include the prescribed fee (see *Fee table*)

Send your application to:

- **Licensing Team**
Basingstoke and Deane Borough Council, Civic Offices, London Road, Basingstoke
RG21 4AH

E-mail: licensing@basingstoke.gov.uk

A club or institute making an application for a permit must also, within seven days of the date on which the application is made, submit a copy of the application and accompanying documents to:

- **The Licensing Officer**
Hampshire Constabulary, Basingstoke Police Station, London Road, Basingstoke
RG21 2AD

E-mail: northandeast.licensing@hampshire.pnn.police.uk

- **Gambling Commission**
Victoria Square House, Victoria Square, Birmingham B2 4BP

E-mail: info@gamblingcommission.gov.uk

If a club or institute fails to comply, their application, and any relevant permit issued, will be ineffective. The consulting bodies must make any objections to the application, within 28 days.

FAST TRACK PROCEDURE

Any premises holding a club certificate under section 72 of the Licensing Act 2003 can apply for a permit under the fast track procedure. The club or institute will already have been through a licensing process in relation to their club certificate. Therefore, there is no requirement for a copy of the application to be sent to the police or Gambling Commission. The applicant will be entitled to a grant unless:

- the club is established primarily for gaming, other than gaming prescribed under schedule 12
- the applicant provides facilities for other gaming, in addition to the prescribed gaming, or
- a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

CONSIDERATION OF APPLICATION (other than fast track)

We can grant or refuse a permit application, but cannot attach any conditions to a permit. A permit can only be refused on the following grounds:

- The applicant does not fulfill the requirements for a members' or commercial club or miners' institute and, therefore, is not entitled to receive the permit applied for.
- The applicant's premises are used wholly, or mainly, by children and/or young people.
- An offence under the Act, or a breach of a permit, has been committed by the applicant while providing gaming facilities.
- A permit held by the applicant has been cancelled in the previous ten years.
- An objection has been lodged by the Commission or the police.

Before refusing an application, we must hold a hearing to consider the reasons for refusal and any objections received. This can be dispensed with following consent of the applicant and anyone making (and not withdrawing) an objection. The applicant, the Commission and the police would be informed if this occurs.

ISSUE OF PERMIT

Following the 28 day consultation period (unless it is a fast track application), we will issue the permit. It will last for ten years, unless it is surrendered, lapses, or is renewed. Those permits issued following a fast track application will have no expiry date. The holder must pay a first annual fee within 30 days of the permit coming into effect, or within 12 months of the issue date, whichever is the sooner. Thereafter an annual fee will be paid before each anniversary of the issue of the permit.

MAINTENANCE

- The permit must be kept on the premises to which it relates. It is an offence not to produce a permit when requested by a constable or an enforcement officer.
- Permits can be amended to meet changing circumstances. Licensing authorities can only refuse a variation application if, on consideration of a completely new application, they would refuse the permit. A fee is applicable for any variation.
- Copies of lost or damaged permits can be replaced on application to the licensing authority, with the prescribed fee.
- A permit will lapse if:
 - the holder stops being a club or miners' welfare institute
 - it no longer qualifies under the fast-track system
 - it is surrendered.

Notice must be given to the local authority, accompanied by the permit, or a statement explaining why a permit cannot be produced. The authority must inform the police and the Commission of any surrendered or lapsed permit.

RENEWAL

An application to renew a permit must be made no earlier than three months, and no later than six weeks, before the permit expires. The procedure for renewal is the same as for an application, and a fee is applicable.

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

CANCELLATION AND FORFEITURE

We may cancel a permit if:

- the premises are used wholly by children and/or young people, or
- an offence, or breach of a permit condition, has been committed in the course of gaming activities by the permit holder. (*'a condition' means a condition in the Act or in regulations the permit is operating under*)

Before cancelling a permit, we must give the holder at least 21 days' notice, and consider any representations they make.

If the permit holder requests a hearing, it must be held and must comply with any other procedure requirements set out in the regulations. The cancellation would not take effect until:

- any appeal has been determined
- 21 days after the notice of intention, if no appeal is lodged.

A permit can also be cancelled if the holder fails to pay the annual fee. The court may order forfeiture of the permit if the holder is convicted of a relevant offence.

Reference materials available on our website www.basingstoke.gov.uk include:

- **Guidance notes on gaming machines**
- **Guidance notes on gambling in clubs and institutes**
- **Guidance notes on club machine permits**

Reference materials available on the Gambling Commission website <http://www.gamblingcommission.gov.uk> include:

- **Gambling Act 2005**
- **Gaming Machine Permits Code of Practice**
- **Gaming in Clubs and Premises with an Alcohol Licence**

Our contact details:

Licensing Team
Basingstoke and Deane Borough Council
Civic Offices
London Road
Basingstoke
RG21 4AH

Tel 01256 845374
Fax 01256 845200
e-mail licensing@basingstoke.gov.uk