

# GAMBLING ACT 2005

## Section 282, Section 283 and Schedule 13

### Notification of 2 (two) or less gaming machines

Application for grant / conversion / variation / transfer of a gaming machine permit for premises licensed to sell alcohol for consumption on the premises (i.e. for more than 2 (two) machines)

## Scope

This form may be used for the notification of up to 2 (two) gaming machines in accordance with Section 282 of the Gambling Act 2005, or for the conversion of an existing Section 34 gaming machine permit issued under the Gaming Act 1968, or for an application for grant, variation or transfer of an alcohol licensed premises gaming machine permit in accordance with Section 283 and Schedule 13 of the Gambling Act 2005.

## Notes for applicants

### (1) Completing the application / notification form

- (a) Please read all guidance notes and instructions before completing this application form.
- (b) Please complete this application form in full, in BLOCK CAPITALS using **black** ink.
- (c) Once complete, please return the application and all relevant enclosures to the Licensing Officer at Rushmoor Borough Council, Environmental Health Services, Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU.

### (2) Eligibility

- (a) To be eligible to apply for grant / variation / transfer of a licensed premises gaming machine permit, or convert an existing Section 34 gaming machine permit issued under the Gaming Act 1968, or otherwise benefit from the automatic entitlement (on notification) to make available a total of 2 (two) gaming machines for use in such premises, the premises and applicant must comply with the following criteria.
  - (i) The applicant must hold a premises licence issued under the Licensing Act 2003 in respect of the premises to which this application relates.
  - (ii) The premises licence must authorise the use of the premises for the sale of alcohol for consumption on the premises, without the requirement that alcohol is served only with food, and there must be a bar for serving alcohol to customers on the premises.
  - (iii) The premises and any gaming machine(s) provided there must comply with the provisions of the relevant Code of Practice issued under Section 24 of the Gambling Act 2005. The Code of Practice concerning gaming machine permits and permissions in alcohol licensed premises is available via the Gambling Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk). **NB:** Failure to comply with the relevant Code of Practice renders the provision of gaming machines on licensed premises an offence. If you are unclear as to the provisions of the relevant Code of Practice please contact the Gambling Commission or your local authority licensing service.
- (b) An application for grant / variation / transfer of a licensed premises gaming machine permit or conversion of an existing Section 34 gaming machine permit issued under the Gaming Act 1968 can not be made in respect of any premises where a premises licence issued under Part 8 of the Gambling Act 2005 has effect.

### (3) Type of gaming machine(s) permitted

- (a) Sections 282 and 283 of the Gambling Act 2005 and associated regulations limit the type of gaming machine(s) that may be located in alcohol licensed premises to the categories detailed below.

Category <sup>†</sup>	Maximum stake	Maximum prize
<b>C</b>	£1	£70
<b>D*</b>	10p/30p/£1*	£5/£8/£15/£50*

<sup>†</sup> As defined in the Gambling Act 2005

\*Where a machine is a money-prize machine, it is a Category D machine if the maximum charge for use is no more than 10p and the maximum prize value is no more than £5. Where a machine is a non-money prize machine (other than a crane grab machine), it is a Category D machine if the maximum charge for use is no more than 30p and the maximum prize value is no more than £8. Where a machine is a crane grab machine, it is a Category D machine if the maximum charge for use is no more than £1 and the maximum prize value is no more than £50. Where a machine is a coin pusher or penny fall machine, it is a Category D machine if the maximum charge for use is no more than 10p and the maximum prize value is no more than £15, of which no more than £8 may be a money prize. In any other case, a machine is a Category D machine if the maximum charge for use is no more than 10p and the maximum prize value is no more than £8 of which no more than £5 may be a money prize.

### (4) Number of gaming machines permitted

- (a) Section 282 of the Gambling Act 2005 provides an automatic entitlement (on notification) to make available a total of 2 (two) gaming machines only (of category C or D (or both)).
- (b) Section 283 and Schedule 13 of the Gambling Act 2005 provide for licensed premises gaming machine permits. While there is no statutory limit to the number of gaming machines that may be applied for on permit, licensing authorities have some discretion in respect of the numbers of gaming machines that may be provided (see below). Applicants may therefore wish to contact their relevant licensing authority about any local policies regarding applications and whether application for certain numbers of machines are decided by a hearing of local councillors.

### (5) Duration of permits / notifications

- (a) A notification (under Section 282 of the Gambling Act 2005) or permit (granted under Section 283 and schedule 13 of the Gambling Act 2005) is linked to the premises licence holder and premises licence issued under the Licensing Act 2003. A notification / permit lasts as long as the premises licence and holder to which it is linked.
- (b) Section 282 notifications will therefore need to be submitted for each new premises licence holder of the premises licensed under the Licensing Act 2003 as appropriate. Section 283 permits may be subject to transfer in accordance with the premises licence issued under the Licensing Act 2003.

### (6) Cancellation, disapplication and forfeiture of permits / notifications

- (a) A licensing authority may disapply a Section 282 notification or cancel a Section 283 permit (where granted) or vary the number or category of gaming machines (or both) in the following circumstances.

Circumstances of variation, cancellation or disapplication	S282 Notifications	S283 Permits
Where it would not be reasonably consistent with the licensing objectives	●	●
Where gaming takes place otherwise than in accordance with the permit / notification or its conditions	●	●
Where the premises are mainly used (or to be used) for gaming	●	
Where the premises are mainly used (or to be used) for making gaming machines available for use		●
Where an offence under the Gambling Act 2005 is committed	●	●
Where the permit holder fails to pay the annual fee		●

**NB:** A court may order the forfeiture of a permit (where granted) where the permit holder, or the officer of the permit holder, has been convicted of a relevant offence.

## **(7) Plan of the premises**

- (a) By way of enabling informed consideration of permit applications, the licensing authority will only accept Section 283 permit applications submitted with a plan of the premises at a scale of 1:100 (or larger).
- (b) The plan must show the extent of the boundary of the building, if relevant and any external walls of the building and, if different, the perimeter of the premises; the location of points of entry to and exit from the premises; the location of escape routes from the premises; the nature, number and location of gaming facilities; fixed structures (including furniture) or similar objects; the location and height of any raised area relative to the floor, the location of any steps, stairs, elevators or lifts; any room or rooms containing public conveniences the location of automated teller machines (ATMs) and other dispensers; (where appropriate); and the nature and location of any safety and / or security equipment, notice, barrier (or other thing whatsoever) that may assist in the promotion of the licensing objectives.

## **(8) Application / notification fees**

- (a) A statutory fee is payable on application for grant / variation / transfer of a licensed premises gaming machine permit or for the conversion of an existing Section 34 gaming machine permit issued under the Gaming Act 1968. A statutory fee is also payable on notification of up to 2 (two) gaming machines in accordance with Section 282 of the Gambling Act 2005.
- (b) An annual fee is payable before each anniversary of the date of issue of a permit. **NB:** Failure to pay the annual fee may result in the cancellation of a permit. There are no annual fees payable for notifications of 2 (two) machines or less.
- (c) Statutory fees and charges are subject to periodic review and may be increased during the financial year. While a current list of fees and charges is available for perusal at the Council Offices, applications received after any specified date of increase will require payment of any new charge levied. Details on methods of payment are given at the back of this form.

## **(9) Requested submissions / information**

- (a) In all cases, a Section 282 notification or Section 283 permit application will not be treated as validly made until the requisite form and all other submissions specified / requested are provided to the licensing authority. Failure to supply, provide or otherwise submit requested enclosures or any other such requested information will render the application invalid. Such applications will be regarded as void and may be returned to the applicant.

## **(10) Application outcome / notification acknowledgement**

- (a) Subject to variation or disapplication procedures, we will notify the applicant of the grant / refusal of an application for a Section 283 permit or acknowledge receipt of a Section 282 notification as soon as is reasonable practicable after that decision to grant / refuse has been made or, as the case may be, following receipt of the notification.

## SECTION A

### Nature of application / notification

Please indicate what you would like to do

- |   |   |   |
|---|---|---|
| (a) <b>Notify</b> the licensing authority that you intend to provide up to a maximum total of 2 (two) gaming machines category C and / or D                                       | X | <i>If you choose this option then please complete sections B, E and F</i> |
| (b) Apply to <b>convert</b> an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (i.e. for more than 2 gaming machines) | X | <i>If you choose this option then please complete sections C, E and F</i> |
| (c) Apply for a <b>new</b> licensed premises gaming machine permit  | X | <i>If you choose this option then please complete sections C, E and F</i> |
| (d) Apply to <b>vary</b> an existing licensed premises gaming machine permit  | X | <i>If you choose this option then please complete sections C, E and F</i> |
| (e) Apply to <b>transfer</b> an existing licensed premises gaming machine permit  | X | <i>If you choose this option then please complete sections D, E and F</i> |

## SECTION B

### Notification of gaming machines in licensed premises

*(Complete only if you wish to notify the licensing authority that you intend to provide up to a maximum total of 2 (two) gaming machines category C and / or D)*

Under the notification arrangements established under Section 282 of the Gambling Act 2005 up to 2 (two) gaming machines (of category C or D only) may be made available for use in premises licensed to sell alcohol for consumption on the premises (i.e. without the requirement that alcohol is served only with food) under the Licensing Act 2003.

- (a) How many gaming machines of Category C do you intend to provide?

*Please specify*

- (b) How many gaming machines of Category D do you intend to provide?

*Please specify*

## SECTION C

### Applications for a licensed premises gaming machine permit

*(Complete only if you wish to apply for grant / conversion / variation of a gaming machine permit for premises licensed to sell alcohol for consumption on the premises (i.e. for more than 2 (two) machines)*

- (a) How many gaming machines are you currently authorised to provide and, if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table below)

Category machine	Number currently authorised to provide	Number wish to provide (new or variation)
C		
D		
<b>Total</b>		

(b) If you are currently authorised to provide more than 2 (two) gaming machines, please provide your existing Section 34 Gaming Act 1968 permit\*, or provide reasons stating why it cannot be provided below

I enclose a copy of my existing Section 34 Gaming Act 1968 permit\*



If you choose this option please detail permit number and issuing authority below.

Permit number:

Issuing authority:

I am unable to enclose a copy of my existing Section 34 Gaming Act 1968 permit for the following reason(s)



If you choose this option please complete the following table.

Reasons why existing permit cannot be provided

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\*Please keep a copy of the existing permit on the premises to which it relates

## SECTION D

### Application for permit transfer

(Complete only where a transfer has been requested for the Licensing Act 2003 premises licence)

(a) Details of person requesting the transfer

Title Mr  Mrs  Ms  Miss  Other

Please specify:

Full name

Forename(s):

Surname:

Home address

Town / City:

County:

Postcode

(b) Please confirm whether an application to transfer the relevant Licensing Act 2003 premises licence has been:

Requested



Granted



(c) If you are currently authorised to provide more than 2 (two) gaming machines, please provide a copy of your existing permit\*, or provide reasons stating why it cannot be provided below

I enclose a copy of my existing permit\*

*If you choose this option please detail permit number and issuing authority below.*

Permit number:

Issuing authority:

I am unable to enclose a copy of my existing permit for the following reason(s)

*If you choose this option please complete the following table.*

Reasons why existing permit cannot be provided

--

*\*Please keep a copy of the existing permit on the premises to which it relates*

## SECTION E

### General information

*(To be completed by all applicants and for all notifications)*

### PREMISES DETAILS

*(i.e. details of the premises to which this application relates)*

Name of premises

Premises address

Town / City:

County:

Postcode

Telephone number

### PREMISES LICENCE DETAILS

*(i.e. details of the Licensing Act 2003 premises licence in respect of the premises to which this application relates)*

I enclose a copy of my existing Licensing Act 2003 premises licence\*

*If the premises to which this application relates does not benefit from a suitable premises licence issued under the Licensing Act 2003, it is not eligible to provide*

Premises licence number

I confirm that the above premises licence authorises the use of the above named premises for the sale of alcohol for consumption on the premises, without the requirement that alcohol is served only with food, and that there is a bar for serving alcohol to customers on the premises.



**gaming machines in accordance with this application / notification.**

### PREMISES LICENCE HOLDER DETAILS

*(i.e. details of the Licensing Act 2003 premises licence holder in respect of which this application relates)*

Title	Mr <input checked="" type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Ms <input checked="" type="checkbox"/>	Miss <input checked="" type="checkbox"/>	Other <input checked="" type="checkbox"/>	<input type="text" value="Please specify:"/>										
Full name	Forename(s):	<input type="text"/>														
	Surname:	<input type="text"/>														
Address	<input type="text"/>															
	<input type="text"/>															
Town / City:	<input type="text"/>															
County:	<input type="text"/>															
Postcode	<input type="text"/>					<input type="text"/>					<input type="text"/>					
Telephone number	<input type="text"/>										<input type="text"/>					
Email	<input type="text"/>															

### AGENT(S) DETAILS

*(Complete only if submitted on behalf of the premises licence holder by an agent (e.g. solicitor))*

Title	Mr <input checked="" type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Ms <input checked="" type="checkbox"/>	Miss <input checked="" type="checkbox"/>	Other <input checked="" type="checkbox"/>	<input type="text" value="Please specify:"/>										
Full name	Forename(s):	<input type="text"/>														
	Surname:	<input type="text"/>														
Address	<input type="text"/>															
	<input type="text"/>															
Town / City:	<input type="text"/>															
County:	<input type="text"/>															
Postcode	<input type="text"/>					<input type="text"/>					<input type="text"/>					
Telephone number	<input type="text"/>										<input type="text"/>					
Email	<input type="text"/>															

‡Please keep a copy of the existing permit on the premises to which it relates

## SECTION F

### Declaration & Fee

(To be completed by all applicants and for all notifications)

I enclose a sum of (£ .....)\*

I understand that I must comply with any Code of Practice concerning gaming machine permits and permissions in alcohol licensed premises issued by the Gambling Commission under section 24 of the Gambling Act 2005.

**NB:** It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

Signature  
(by or on behalf of  
Licensing Act 2003  
premises licence holder\*\*)

Date

Name in Capitals

Capacity

\* If you wish to have a maximum of 2 gaming machines by virtue of a S282 notification then the fee payable is £50. If you wish to have more than 2 gaming machines by virtue of a S283 permit then the fee payable is £150 for new applications and £100 for Section 34 (Gaming Act 1968) holders.

\*\* If you are signing this form on behalf of the Licensing Act 2003 premises licence holder, please supply letter of authorisation.

## Methods of Payment

(For information only)

Applicants can choose to pay the fee(s) associated with any notification / permit application in the following ways. **NB:** Where payment is made in advance of submitting a notification / permit application, a bona fide receipt showing that the fee has been paid will usually be required to be submitted with the application.

### 1. In person

Payment may be made at either the Council Offices, Farnborough, or the Aldershot Area Office, Princes Gardens, Aldershot, between 08:45am and 16:45pm Monday to Thursday, and between 08:45am and 16:15pm Friday.

### 2. By post

Post your payment in the form of a cheque or postal order to the Licensing Officer (at the address given) with your application. Do not send cash through the post. All cheques or postal orders should be made payable to 'RUSHMOOR BOROUGH COUNCIL'.

### 3. Pay by telephone using your card

The Council takes most major credit and debit cards. Telephone 01252 398373.

**NB:** Fees and charges are subject to review and may be increased during the financial year. While a current list of fees and charges is available for perusal at the Council Offices, applications received after any specified date of increase will require payment of any new charge levied.