

**GAMBLING ACT 2005
LICENSED PREMISES GAMING PERMITS
GUIDANCE NOTES**

1. How many Gaming Machines can I have?

The Council may issue licensed premises gaming machine permits for any number of category C or D machines in licensed premises. If you require 2 or less then you should take advantage of the automatic notification procedure. If you require 3 or more machines then you must make an application for a Gaming Permit.

2. Who can apply for this type of Permit?

Applications must be made by the Premises Licence Holder. The application must be made to the authority in whose area the premises are wholly or partly situated.

However, an application may not be made if a Premises Licence, issued under the Gambling Act, is in effect at the premises.

3. What are the categories of machines available?

Category of machine	Maximum "Stake"	Maximum Prize
C	£1	£70
D	10p money prize	£5 money prize
	30p non-money prize	£8 non-money prize

4. Who do I send my application to?

The Licensing Authority
Amber Valley Borough Council
Town Hall
Ripley
Derbyshire
DE5 3XE Telephone: 01773 570222

5. What can you do with my application?

In determining an application we must have regard to the licensing objectives and to the Guidance issued by the Gambling Commission.

We may either grant or refuse an application. In granting the application we may vary the number and category of gaming machines authorised by the Permit. If we grant the application, we must issue the Permit as soon as possible after that. Where we refuse the application we must notify the applicant as soon as possible, setting out the reasons for refusal. We must not refuse an application or grant it for a different number or category of machines, unless we have notified the applicant of our intention to do so and given the applicant an opportunity to make representations (orally or in writing or both).

6. How long does an Alcohol Licensed Premises Permit last?

There is no renewal provisions for this class of Permit as they have no expiry date and will continue in force for so long as the premises continues to have an alcohol licence and the holder of the Permit continues to hold that licence. There is an annual fee for this type of Permit, the first of which must be paid within 30 days of the Permit becoming effective, the Permit can be cancelled if the holder fails to pay the annual fee (unless the failure is as a result of an administrative error).

The Permit can lapse if the holder surrenders it to the licensing authority.

7. Do I need to keep a copy of my Permit on the Premises?

The Permit holder must keep the Permit on the premises, and it must be produced on request for inspection by a constable, enforcement officer or local authority officer (not to do so will be an offence). If the Permit is lost, stolen or damaged, the holder may apply to the issuing authority for a copy. The prescribed fee must accompany the application.

8. What if I have a change of circumstances?

The Permit holder can apply to us to amend the Permit to reflect a change in the holder's name. The Council must comply with the request provided the prescribed fee is paid.

The holder may apply to vary the Permit by changing the number and/or category of machines authorised by it.

9. Can the Licensing Authority cancel a Permit?

Yes. The Council may only do so in specified circumstances which include: (i) if the premises are used wholly or mainly by children or young persons, or (ii) if an offence under the Act has been committed.

In addition we can also cancel a Permit if the holder fails to pay the annual fee (see 6 above). The court may order forfeiture of the Permit if the holder is convicted of a relevant offence.

Before we cancel a Permit we must: (i) notify the holder (giving them 21 days notice of intention to cancel), (ii) consider any representations made by the holder, (iii) hold a hearing if requested, and (iv) comply with any other prescribed requirements relating to the procedure to be followed.

Where we cancel a Permit, the cancellation does not take effect until the period for appealing against that decision has lapsed, or (where an appeal is made), until the appeal is determined. The appeal being via the Magistrates' Court.