



GAMING MACHINES – NEW PERMITS AND RENEWALS UNDER THE LICENSING ACT

November 2005

Introduction

- As a result of the Licensing Act, there will be some changes to the way in which gaming machine premises for alcohol licensed premises are administered. **The changes concern section 34 (s34) permits under the Gaming Act 1968.** Currently these permits are issued by licensing justices to licensees.
- Questions regarding section 16 permits under the Lotteries and Amusements Act 1976, which permit lottery machines, should be directed to *ALMR*.
- From the Second Appointed Day of the Licensing Act 2003 (24 November 2005), local licensing authorities will be responsible for issuing **new** permits to premises licence holders, or the **renewal** of permits where they expire on or after 24 November 2005.
- **All existing permissions granted by licensing justices will remain valid after 24 November 2005, and will only need to be renewed when they expire.**
- The renewal of permits requires one month's notice and, provided the application is made a month before expiry, there will be an automatic extension until the renewal application is decided.

Who to apply to

- **Until 23 November 2005 licensing justices will continue to receive applications for new or renewed permits.** Any applications or appeals that are unresolved on 24 November 2005 will be forwarded to the appropriate local authority for consideration.
- **Local authorities will not have the power to consider applications or to issue permits before 24 November 2005,** but from that date, local authorities will become responsible for considering all applications for new permits or orders, and renewal of existing permits. Officers should be able to deal with this administratively.
- **Special arrangements will apply to anyone whose existing permit expires between 24 November 2005 and 8 January 2006.** People in this position will have a choice about where they apply to renew their permit, but applicants are encouraged to use the second of these options:
 1. Before 24 November 2005, they may submit their application to the Licensing Justices. Any applications that remain unresolved on 24 November 2005 will be passed to the relevant local authority for consideration;
 2. Between 24 November and 8 December 2005 (ie. one month before 8 Jan expiry), they should submit their application to their local authority;
- Whichever of these 2 routes is used - and provided the application is made **before 8 December** - the existing permit will be extended automatically until the local authority resolves the application.



Name Changes

- The name on some permits will change on 24 November 2005 when they are converted to permits that are part of Premises Licences under the Licensing Act 2003. **There is no need to obtain a new s34 permit as a result of this conversion.** Most name changes as a result of conversion on 24 November 2005 can be dealt with administratively when the permit next comes up for renewal. However, if the name on the Premises Licence changes for any other reason after 24 November 2005 – for example, if the business is sold and the premises licence transferred - then a fresh application will be required.

Gambling Act 2005

- When the Gambling Act 2005 comes into force (currently scheduled for 1st September 2007) alcohol licensed premises will automatically be entitled to 2 gaming machines, provided they comply with a simple notification procedure, and that if they wish to provide more gaming machines they will be able to apply to the local authority for a permit.

Additional Information

- Local authorities will not be required to do anything in respect of existing permits, until they require renewal (on or after 24 November 2005). **DCMS is not issuing standard application forms or permits for local authorities to use.** We expect many authorities will wish simply to adapt their existing application forms. LACORS is developing a template that local authorities may wish to use for the sake of consistency; this will be published when available.
- **There is no power for local authorities to pass resolutions about the availability and numbers of AWP machines in premises.** Under the present law, local authorities can resolve not to grant or renew s34 permits for classes of premises in their area, or to limit the number of machines particular classes of premises can use. However, this power does not apply to alcohol-licensed premises; this is provided in paragraphs 3 and 4 of Schedule 9 to the 1968 Act.
- **Local authorities will not assume any new enforcement powers as a result of this change.** Any breach of the s34 permit is a matter for the police, and only the police have powers of entry and inspection. Authorities should, of course, report to the police any breaches that come to their attention.
- **Under the 1968 Act, permits must be issued for at least 3 years.** Most licensing justices have issued permits for 3 years, and most licensees will be accustomed to working on a 3 year cycle. DCMS recommends that new or renewed permits are issued for 3 years. The fact that premises licences under the 2003 Act last indefinitely does not alter the position in relation to permits; permits must still be given a defined duration.
- The full DCMS circular can be found at:

<http://www.gamblingcommission.gov.uk/UploadDocs/News/documents/DCMS%20Circular%2013,%20October%202005.pdf>