

Gambling Act 2005: Bingo Clubs Guidance

To operate a bingo club after 1 September 2007 you will need:

- an operating licence – apply to the Gambling Commission between 1 January and 27 April 2007;
- a premises licence – apply to your licensing authority between 21 May and 30 July 2007;
- any personal licences appropriate to your business – apply to the Gambling Commission between 1 January and 29 June 2007. All existing Section 19 certificates will continue to have effect until 31 December 2009.

What do I need to do if my existing bingo licence expires before 1 September 2007?

Nothing. Your existing permission has been automatically renewed until 31 August 2007. You can if you want write to your local magistrates' court to obtain a copy of your renewed licence, and they will provide a copy free of charge. However, there is no requirement to do so.

What do I need to do if I want to continue to operate my business after 1 September 2007?

You will need to make advance applications under the 2005 Act:

- to the Gambling Commission for a bingo operating licence;
- to us for a bingo premises licence;
- to the Gambling Commission for the appropriate personal licences required by your business.

Remote Bingo Operating Licence

If you make available any of the following facilities to customers, you will also need to obtain an ancillary remote bingo operating licence from the Gambling Commission:

- linked bingo;
- handheld bingo terminals;
- automated bingo terminals.

Further information on the ancillary remote bingo operating licence is available from the Gambling Commission.

How long will my new licences last?

Bingo operating, premises and personal licences will be of unlimited duration. You will not need to apply again unless your circumstances change. You will, however, be required to pay an annual fee to the Gambling Commission in respect of your operating licence, and to us in respect of your premises licence. You will also be required to pay a periodic maintenance fee to the Gambling Commission in respect of your personal licence(s).

Operating licences

How do I obtain my operating licence?

You should apply to the Gambling Commission between 1 January and 27 April 2007. The Gambling Commission has issued its own guidance on the application procedures, and what you need to submit with your application. You can find this on the Gambling Commission's website: www.gamblingcommission.gov.uk.

Will I qualify for continuation rights?

If you submit your advance application by 27 April 2007 you will qualify for continuation rights. This means that you will be treated as having an interim operating licence effective from 1 September 2007, even if your application has not been resolved by that date. It is important to note that, even if you are operating by virtue of continuation rights, you will still be expected to abide by any relevant operating licence conditions and codes of practice that come into force on 1 September 2007. Information about the licence conditions and codes of practice that apply to your sector is available on the Commission's website. You will also remain subject to the review provisions set out in the Act.

What happens if I don't apply to the Gambling Commission by 27 April 2007?

The Gambling Commission will still process your application, and will do all it can to resolve your application as quickly as possible. However, you will lose your entitlement to continuation rights. This means that if your application has not been resolved by 1 September 2007, you will have to cease trading on that date until such time as your application has been resolved.

Will I qualify for grandfather rights?

If you hold a premises-based permission under the existing law (for a casino, betting shop, bingo hall or arcade), you will be guaranteed the equivalent premises licence under the new Act. The government did not believe that it was appropriate to grandfather operating licences as no-one should be exempt from the requirement to establish their suitability to be granted an operating licence. For the overwhelming majority of responsible operators in the industry, this should present no problems.

Premises licences

How do I obtain my premises licence?

You should apply to us between 21 May and 30 July 2007.

Will I qualify for continuation rights?

If you submit your advance application by 30 July 2007, you will qualify for continuation rights. This means that you will continue to be able to operate from 1 September 2007, even if your application has not been resolved by that date. It is important to note that, even if you are operating by virtue of continuation rights, you will still be expected to abide by the relevant mandatory and default premises licence conditions that come into force on 1 September 2007. You will also remain subject to the review provisions set out in the Act. We will acknowledge receipt of your application, will notify you that your application has been received in time and as such, if you hold an existing permission, you will qualify for continuation rights. We will also provide you with a summary of the mandatory and default premises licence conditions that will apply to the category of premises licence for which you are applying.

Will I qualify for grandfather rights?

Yes. If you are an existing operator, and you apply for your premises licence before 1 September 2007, you will be guaranteed a premises licence (except in the circumstances described in the next question).

Are there any circumstances in which you can refuse my application?

We could only refuse your application for a premises licence if:

- you have failed to submit any information that we need to process your application; or,
- it is obvious to us from the plan of your premises that you will be unable to comply with any condition attached to the category of premises licence for which you are applying.

What will I need to submit with my application?

You will be able to obtain information about application procedures from us. However, in summary, you will need to submit the following with your application:

- a completed premises licence application form;
- a plan of the premises, which includes some basic information about the situation and layout of the premises;
- the prescribed application fee.

Will any special arrangements apply during the transitional period?

The application form will give you two choices. During the advance application period, you must opt for one option or the other:

- **fast track application** – you can opt to accept in full the mandatory and default conditions that the government will attach to the type of premises licence you are applying for; or,
- **non-fast track application** – you can apply to vary any of the default conditions that applies to the category of premises licence for which you are applying.

Whichever option you choose, if you are an existing operator, you will be guaranteed to obtain a premises licence. If you do make both applications, we will be required to refuse your non-fast track application.

Will this be my only chance to vary a default condition on my premises licence?

No. If you do decide not to seek to vary a default condition during the advance application period, you will be able to do so at any time after your premises licence is granted.

What is the difference between the two procedures?

1. Fast track grandfathered premises licence application

Key features

- we must grant it;
- the new mandatory and default conditions will be attached to your premises licence and nothing more;

- we will not be able to amend default conditions or attach additional conditions at the point of issue (after issue, your premises licence may be reviewed like any other);
 - it will involve a straightforward administrative procedure with no requirement for a hearing, to publish notice of the application or to notify responsible authorities;
 - responsible authorities or interested parties will not be able to make representations;
 - the application will be subject to a lower fee.
2. Grandfathered premises licence with application to vary default conditions (non-fast track application)

Key features

- we must ultimately grant at least a premises licence with the new mandatory and default conditions attached to it
- we may grant or refuse your application to vary a default condition;
- where we grant the request, it may attach other conditions. This may, for example, relate to the same matter dealt with by the default condition, but it does not necessarily have to be so limited;
- all the normal requirements relating to the making of an application to vary a licence will apply, including the requirements to publish notice of the application and to notify responsible authorities;
- responsible authorities and interested parties may make representations;
- there may be (but will not necessarily be) a requirement for a hearing;
- your application will attract a higher fee to reflect the increased costs incurred by the licensing authority.

What will happen if I make a mistake in my form, or if there is an error or omission in my plan? Will you automatically refuse my application?

No. We will notify you of any error or omission. If you fail to rectify any error, we may then refuse your application. If the application qualifies for continuation rights (because it was made before 31 July 2007), we will specify a period of not less than 14 days for rectifying the error or omission. If you fail to do so within this period the continuation rights will lapse.

What will happen if we believe that on the basis of the plan of your premises, you will be unable to comply with a condition under the new Act?

We will give you notice in writing indicating that it believes that, on the basis of your plan, the proposed premises is incompatible with a condition, explaining what that condition is and requesting information showing how you will meet the relevant condition, including an amended plan. You will be given a minimum of 14 days to comply with this request, and we cannot grant the licence until you comply. If you qualify for continuation rights, we will specify a period of not less than 14 days for complying with the request. If you fail to comply within this period the continuation rights will lapse.

Personal licences

How many personal licences will I need and which people in my business will need them?

The Gambling Commission will issue separate guidance on who in your business requires a personal licence.

How do I obtain my personal licences?

Special transitional arrangements will apply to any existing operational and management staff who already hold certificates issued by the Gambling Commission under Section 19 of the Gaming Act 1968. All such certificates will continue to have effect until 31 December 2009. Anyone currently holding a red, white or pink certificate will not need to apply for a personal licence until 2009. If, after 1 June 2007, you change your place of work or intend to perform a role beyond that permitted by your current certificate, you will need to apply for the appropriate personal licences under the new Act. If you or a member of your business requires a first certificate under Section 19, you may continue to apply to the Gambling Commission for such a certificate until 1 June 2007. After that date you must apply for the relevant personal licence under the new Act. In this circumstance (and uniquely so), any personal functional and management licences that are issued in this way will be capable of having effect before 1 September 2007. Information about application procedures and application forms will be available on the Gambling Commission's website.

What new conditions will be attached to my certificate of approval after 1 September 2007?

All existing certificates of approval that are rolled over in this way will equate either to a personal management licence or to a personal functional licence under the new Act, whichever is appropriate. This means that where a condition attached to your operating licence requires you to ensure that a specific operational function is performed by the holder of a personal functional or management licence, that requirement will be fulfilled if it is performed by a person holding the equivalent certificate of approval.

Special circumstances

What happens if my existing licence or certificate of consent is cancelled or revoked before 1 September 2007?

In the rare event that an existing licence or certificate of consent is cancelled or revoked before 1 September 2007, the following arrangements will apply:

- if a certificate of consent is revoked, then (unless the operator has one or more other valid certificates of consent) the Gambling Commission will continue to be able to resolve any outstanding application for an operating licence, but you will lose your entitlement to continuation rights;
- where the licence under the 1968 Act ceases to have effect, because it is cancelled or because the associated certificate of consent is revoked, then if you have already been issued with a new premises licence under the new Act, that premises licence will lapse on the date on which your licence under the old Act was cancelled or revoked;
- if in such a case your application for a grandfathered premises licence under the new Act is still outstanding, we must refuse your application.

What do I do if I want to apply to transfer my existing bingo licence before 1 September 2007?

You should continue to apply in the normal way to the Gambling Commission for a certificate of consent and to the licensing magistrates for the transfer. The Gambling Commission and licensing magistrates will continue to be able to receive such applications up to 31 August 2007. However, both the transferor and transferee will need to ensure that they have made the appropriate advance applications under the new Act if they are to ensure that the business can continue to be able to operate without interruption. Both the transferor and the transferee should be advised to make advance applications to the Gambling Commission and us. Where the application for transfer is successful, the transferee will need to notify us of the transfer of the licence to him, before we will be required to grant the premises licence to him. Where the application for transfer is unsuccessful, we will not be able to grant the premises licence to the transferor until they have been notified by him of that fact. If the application for transfer is successful, we will be required to grant the transferor's application for a premises licence under the new Act, and to refuse the transferee's application. If the application for transfer is unsuccessful, we will be required to refuse the transferee's application for a premises licence under the new Act, and grant the transferor's application.

Bingo Clubs – New Operators

This part applies to operators who:

- wish to apply for a first bingo club licence before 31 August 2007; or,
- who already have an outstanding application for a bingo club licence under the existing law.

What do I do if I want to apply for a first bingo licence before 31 August 2007?

You should continue to apply in the normal way first to the Gambling Commission for a certificate of consent, and then to your licensing magistrates for a bingo licence. All applications for certificates of consent and licences must be made by 27 April 2007. Special arrangements will apply, and you will not need to wait until the Gambling Commission has resolved your application before applying to the licensing magistrates for your licence. You should ensure that you make your application to the licensing magistrates by 27 April 2007. Please note that the licensing magistrates will not be able to resolve your application until the Gambling Commission has resolved your application for a certificate of consent.

Assuming my application for a licence under the old Act is successful, how do I then convert it to a new licence under the 2005 Act?

Broadly the same transitional arrangements will apply as for existing operators. You will still need to make advance applications for operating, premises and personal licences under the new Act, and you should ensure that you make these applications by the dates stipulated above (at whatever point consideration of your application under the old legislation may have reached). It will be your responsibility to notify the Gambling Commission in writing if the application under the old legislation is granted. You must do so within 14 days of the application under the old legislation being granted. If you fail to do so, you will lose any entitlement to continuation rights. We will not be able to resolve your application for a bingo premises licence under the new Act until your application for a bingo club licence under the old legislation has been resolved. Again it will be your responsibility to notify the licensing authority in writing that your application under the 1968 Act has been determined and to enclose with your notification a copy of the relevant bingo club licence.

What do I do if I have an application for a first bingo licence under the old Act that is still outstanding?

If you have applied to the Gambling Commission for a certificate of consent and that application remains unresolved, you should ensure that you apply to the licensing magistrates for your licence by 27 April 2007, even if your certificate of consent application remains unresolved on that date. You should also make advance applications under the new Act to the Gambling Commission for operating and personal licences, and to us for a premises licence, as if you were an existing operator.

What will happen if my application under the old legislation is withdrawn or refused?

If your application for a certificate of consent under the 1968 Act is refused, as now the licensing magistrates will be required to refuse your application for a bingo club licence under the 1968 Act, and we will be required to refuse your application for a premises licence under the new Act. The Gambling Commission will, however, continue to be able to consider your applications for operating and personal licences under the new Act, but you will not be entitled to continuation rights as an existing operator. If your application for a bingo club licence under the 1968 Act is refused by the licensing magistrates, we will be required to refuse your application for a bingo premises licence under the new Act.

Will I qualify for continuation rights?

If your application under the existing legislation is resolved before 31 August 2007, but your advance application under the new Act remains unresolved on that date, you will qualify for continuation rights. However, if your application under the old legislation has not been resolved by 31 August, you will not qualify for continuation rights as there will have been no existing permission to continue.

What do I do if I want to obtain a first licence after 27 April 2007?

No further applications will be permitted under the existing legislation after 27 April 2007. If you wish to apply for a new licence after that date, you will need to apply under the new Act to the Gambling Commission for operating and personal licences, and to us for a premises licence from 21 May.