

# GAMBLING ACT 2005

## CLUB MACHINE PERMITS GUIDANCE NOTES



### 1. What is a Club Machine Permit?

If a club does not wish to have the full range of facilities permitted by a Club Gaming Permit, or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), then they may apply to us for a Club Machine Permit. This authorises the holder to have up to three gaming machines of categories B3A (*except that category B3A machines may not be made available for use in commercial clubs*), B4, C and D (see 4. below for details). A Club Machine Permit has certain conditions, including that in respect of the gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

There are a number of premises that are not licensed to sell alcohol but that have been entitled under section 31 of the Gaming Act 1968 to site gaming machines, by virtue of being registered under Part II or Part III of that Act. These include works premises which operate membership-based social clubs. The Gambling Act ("the Act") allows these premises to apply for a Club Machine Permit.

### 2. Who can apply for a Club Machine Permit?

A members' club, miners' welfare institute or a commercial club may apply to us for a Club Machine Permit.

Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

With regard to miners' welfare institutes, the definition of this class of club has changed to reflect social and economic changes since their establishment. These are associations established for recreational or social purposes. They are managed by representatives of miners or uses premises regulated by a charitable trust which has received funds from one of a number of mining organisations.

Commercial clubs have the same characteristics as members' clubs, except that the key difference is that they are established with a view to making a profit. An example of a commercial club is a snooker club.

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Applicants are not required to have an Operating Licence issued by the Gambling Commission.

### **3. We have members who are under 18, can we still apply?**

Yes, as long as the majority of your members are over 18. However, if under 18s use the club, for example they are apprentices, then they may only play the category D machines, they are not permitted to play the B3A, B4 or C machines.

### **4. What are the categories of machines available?**

<b>Category of machine</b>	<b>Maximum "Stake"</b>	<b>Maximum Prize</b>
B3A	£1	£500
B4	£1	£250
C	50p	£35
D	10p money prize	£5 money prize
	30p non-money prize	£8 non-money prize

N.B. B3A machines may not be made available for use in commercial clubs.

### **5. How many machines of this type can I have?**

As stated in 1. above, no more than three gaming machines.

### **6. What do I have to produce in making an application?**

Documents to produce:

- i) The appropriate application form;
- ii) The appropriate fee for the application being made;
- iii) In the case of conversions/renewals/variations – your existing permission.

### **7. Who do I send my application to?**

**Sevenoaks District Council  
Licensing Team  
Community and Planning Services  
PO Box 182  
Argyle Road  
Sevenoaks  
Kent TN13 1GN**

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**Tel: 01732 227325 / 227033 / 227270**  
**Fax: 01732 742339**  
**Email: [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)**

Within a period of 7 days (beginning on the date on which the application is made) you must also copy your application (and any accompanying documents) to the following:

The Gambling Commission  
Victoria Square House,  
Victoria Square,  
Birmingham,  
B2 4BP  
Tel: 0121 230 6666  
Fax: 0121 230 6720  
E-mail: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

West Kent Police Licensing Officer  
Tonbridge Police Station  
1 Pembury Road  
Tonbridge  
Kent TN9 2HS  
Tel: 01732 379328  
Fax: 01732 379299

These bodies have 28 days to make any objections that they may have to the application.

### **8. What can you do with my application?**

We can either grant or refuse it, however we cannot add conditions.

We may only refuse an application for a Permit on one or more of the following grounds:

- a) that the applicant is not a members' club or a miners' welfare institute
- b) that the premises on which the applicant conducts its activities are used wholly or mainly by children, by young persons or by both,
- c) that an offence, or a breach of a condition of a permit, has been committed in the course of gaming activities carried on by the applicant,
- d) that a permit held by the applicant has been cancelled during the period of ten years ending with the date of the application, or
- e) that an objection to the application has been received from either the Police or the Gambling Commission.

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Before refusing an application we must hold a hearing to consider the application and any objection received per e) above.

### **9. I hold a Club Premises Certificate issued under the Licensing Act 2003, is there a “fast track” procedure for me?**

Yes. In this instance you are not required to send copies of your application to the Police or the Gambling Commission.

We must grant an application made to us in these circumstances unless we think:

- (a) that the applicant is established or conducted wholly or mainly for the purposes of the provision of facilities for gaming, other than gaming of a prescribed kind,
- (b) that the applicant is established or conducted wholly or mainly for the purposes of the provision of facilities for gaming of a prescribed kind and also provides facilities for gaming of another kind, or
- (c) that a Club Machine Permit issued to the applicant has been cancelled during the period of ten years ending with the date of the application.

If such circumstances we must hold a hearing to consider the application in light of the above.

### **10. How long does a Club Machine Permit last?**

A Permit lasts for 10 years. 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. A Permit can be cancelled if the holder fails to pay the annual fee (unless the failure is as the result of an administrative error).

### **11. Can my Permit lapse before it expires?**

A Permit will lapse if the holder of the Permit stops being a club or miners' welfare institute, or if it no longer qualifies under the fast-track system for a Permit. In addition, a Permit will cease to have effect upon being surrendered to us. A notice to surrender must be accompanied by the Permit or a statement explaining why it cannot be produced. We must inform West Kent Police and the Gambling Commission when a Permit has been surrendered or lapsed.

In addition we may cancel the Permit if:

- premises are used wholly by children and/or young persons; or
- an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

Reference here to “a condition” means a condition in the Act or in regulations that the Permit is operating under.

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However, before cancelling a Permit we must give the Permit holder at least 21 days' notice of the intention to cancel and consider any representations that they may make. We must hold a hearing if the Permit holder so requests and must comply with any other procedural requirements set out in regulations. If there is no appeal, the cancellation will take effect 21 days after notice of the intention to cancel was given. We must notify the Permit holder, the Gambling Commission and Kent Police that the Permit has been cancelled and the reasons for the cancellation.

### **12. Do I need to keep a copy of my Permit on the premises?**

Yes. It must be kept on the premises and available for inspection at all times. It is an offence not to produce it when requested to do so by a constable or an enforcement officer. If a Permit is lost, stolen or damaged, you may apply for a replacement (such replacement being subject to a fee).

### **13. What if I have a change in circumstances?**

If information contained in your Permit ceases to be accurate you will need to, as soon as is reasonably practicable, apply to us to have it varied.

### **14. What about renewals?**

An application for renewal of a Permit must be made during the period beginning three months before it expires and ending six weeks before it expires. The procedure for renewal is the same as for an application (save that you will have to return your original Permit along with your application form and fee).

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