



Portsmouth  
CITY COUNCIL

## APPLICATION FOR AN UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMIT UNDER THE GAMBLING ACT 2005 (GRANT FORM)

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

This form is for use by a person who occupies or proposes to occupy the premises and proposes to use the premises as an unlicensed family entertainment centre.

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Please refer to the guidance notes at the back of this form before completing.

### Part 1 – Applicant details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

#### Section A – Individual applicant

1. Title: Mr  Mrs  Miss  Ms  Dr

Other (please specify)

2. Surname:

First Name(s):

Date of Birth:

Age:

3. Applicant's address (home or business): *[delete as appropriate]*

Number:

Street:

District:

Town:

County:

Postcode:

Telephone: (Daytime)

Mobile:

Email address:

4. Tick the box if the application is being made by more than one person

*[Where there are further applicants, the information required in questions 1 to 3 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]*

**Section B – Application on behalf of an organisation**

5. Name of applicant business or organisation:

6. The applicant's registered or principal address:

Number:	<input type="text"/>		
Street:	<input type="text"/>		
District:	<input type="text"/>		
Town:	<input type="text"/>		
County:	<input type="text"/>	Postcode:	<input type="text"/>

Telephone: (Daytime)	<input type="text"/>
Email Address:	<input type="text"/>

7. Tick the box if the application is being made by more than one organisation.

*[Where there are further applicants, the information required in questions 5 and 6 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]*

**Part 3 – Premises Details**

8. Proposed trading name to be used at the premises (if known):

9. Address of the premises:

Number:	<input type="text"/>		
Street:	<input type="text"/>		
District:	<input type="text"/>		
Town:	<input type="text"/>		
County:	<input type="text"/>	Postcode:	<input type="text"/>

Telephone: (Daytime)

Email Address:

Fax Number:


10. If the premises are in only part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

11. Is a premises licence issued under the Gambling Act 2005 in effect for the same premises to which this application relates? **Yes/No**  
*[delete as appropriate]*

12. Please indicate how many Category D gaming machines are proposed to be provided at the premises.

#### Part 4 – Relevant Convictions

13(a) Has the applicant (which will include officers of a company) been convicted or has prosecutions pending in respect of any relevant offences as set out in Schedule 7 of the Act?

Yes

No

*Tick appropriate box*

13(b) In relation to individual applicants, if the answer to question 13(a) is yes, please provide details as set out below:

Date of Conviction (or next hearing)	Offence	Sentence (if applicable)

13(c) In relation to a company and officers of a company, if the answer to question 13(a) is yes, please provide the name of individual officers below:

Name of Person (or state if company offence)	Date of Conviction (or next hearing)	Offence	Sentence (if applicable)

## Part 5 – Supporting Information

14. Please provide further information below to show what policies and procedures are in place to protect children from harm. (See Section 22 of our Statement of Licensing Principles for further guidance). Applicants may wish to attach copies of such policies and procedures to this application form.
15. Please provide further information of your experience in previously running/supervising premises of this type and affiliation to recognised industry associations, i.e. BACTA.
16. How many staff will be responsible for supervision of the premises?

## Part 6 – Declaration and Checklist (*Please tick*)

**I/We confirm that, to the best of my/our knowledge, the information contained in this application is true. I/We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to this application.**

**I/We confirm that the applicant(s) occupies/proposes to occupy the premises.**

**I/We confirm that the premises will be wholly or mainly used for making gaming machines available for use.**

**I/We confirm that the applicant(s) is 18 years or older.**

### CHECKLIST:

- **Payment of the £300 fee is enclosed  
(Cheques made payable to Portsmouth City Council)**
- **A scale plan showing the layout of the premises is enclosed**
- **I/We understand that if the above requirements are not complied with the application may be rejected**

**Part 7 - Signatures**

17. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature: .....

Print Name: .....

Date: ..... Capacity: .....

*[Where there is more than one applicant, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraph 17.] [Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]*

**Part 8 – Contact Details**

18(a) Please give the name of a person who can be contacted about the application:

18(b) Please give one or more telephone numbers at which the person identified in question 18(a) can be contacted:

19. Postal address for correspondence associated with this application:

20. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

**Please return this form, prescribed fee and existing permit (or copy of current application) to:**

Portsmouth City Council  
Licensing Section  
Civic Offices  
Guildhall Square  
Portsmouth  
Hants  
PO1 2AL

Tel: 023 9283 4073

Email: [Licensing@portsmouthcc.gov.uk](mailto:Licensing@portsmouthcc.gov.uk)

Fax/Answerphone : 023 9283 4811

Website: [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)

**Official Use Only:**

Date received:	Payment Rec'd:	Receipt No:	Plans received:	Date Permit Issued:	Permit Reference No:
	<b>Yes/No</b>		<b>Yes/No</b>		

## GUIDANCE NOTES:

1. This application form is to be used for an application for the grant of an unlicensed family entertainment centre gaming machine permit (FEC gaming machine permit) in accordance section 247 and Schedule 10 of the Gambling Act 2005.
2. An application for a permit may not be made if a premises licence has effect in respect of the same premises.
3. An unlicensed family entertainment centre is entitled to provide an unlimited number of Category D gaming machines<sup>1</sup> to be made available for use on the premises. Category C (adult) gaming machines CANNOT be made available for use and therefore there will be no requirement for “designated adult areas” at the premises.
4. Applicants should be aware that Portsmouth City Council has published a “Statement of Principles” under the Act. The Statement of Principles is available via our website: [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk) or can be obtained from the Licensing Section and whose contact details are provided on page 5 of this document.
5. On considering an application for a permit a Licensing Authority may:
  - Grant it, or
  - Refuse it
6. A Licensing Authority may not attach conditions to a permit.
7. As soon as is reasonably practicable after granting an application, the Licensing Authority shall issue a permit to the applicant or if there are concerns in relation to an application, the matter will be determined by a hearing before the Licensing Sub-Committee. The applicant will be given the opportunity to make either representations in person, in writing or both. Should the Committee refuse an application, the applicant will be notified as soon as practicable of the refusal decision and the reasons for it.
8. The applicant for or holder of a permit may appeal if the Licensing Authority:
  - Reject an application for the issue or renewal of a permit;
  - Give a notice to the holder that the premises are not being used as a FEC

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<sup>1</sup> In accordance with section 236 and 355(1) of the Act, a draft Statutory Instrument – The Categories of Gaming Machine Regulations – has indicated the following definition of a Category D machine.

- . Where a machine is a non-money prize machine, it is a Category D machine if –
  - (a) the maximum charge for use is no more than 30 pence; and
  - (a) the maximum prize value is no more than £8.
- . In any other case, a machine is a Category D machine if –
  - (a) the maximum charge for use is no more than 10 pence; and
  - (a) the maximum prize value is no more than £5.

**Note: At the time of producing these guidance notes, the final Statutory Instrument had not been published. These notes will be updated once they have been published.**

- Give a notice to the holder that they are of the opinion that he is incapable of carrying on the activities authorised by the permit by reason of mental or physical incapacity.

A notice of appeal must be given to Portsmouth Magistrates' Court within 21 days beginning with the day on which the appellant or holder receives notice of the decision against which the appeal is brought.

On an appeal, the Magistrates' Court may:

- Dismiss the appeal;
- Substitute for the decision appealed against any decision that the Licensing Authority could have made (with effect from such date and on such transitional or other terms as the court may specify);
- Restore a permit (with effect from such date and on such transitional or other terms as the court may specify);
- Remit the case to the Licensing Authority to decide in accordance with a direction of the court;
- Make an order about costs.

9. The Licensing Authority may grant an application for a permit only if they:

- Are satisfied that the applicant intends to use the premises as an unlicensed family entertainment centre, and
- Have consulted the chief officer of police.

10. The permit will be granted for a period of ten years, unless it ceases to have effect because it is surrendered, lapses or is renewed. There is no annual fee for FEC gaming machine permits.

11. A renewal application must be made by the permit holder by no earlier than six months before and no later than two months before the date the permit is due to expire. The renewal application form will be available on our website or by contacting the Licensing Section. The application must be accompanied by the prescribed fee (currently £300).

12. A Licensing Authority may refuse an application for renewal of a permit only on the grounds:

- That an authorised local authority officer has been refused access to the premises without reasonable excuse; or
- That renewal would not be reasonably consistent with pursuit of the licensing objectives.

13. Whilst these permits are not transferable to another person or organisation, if the person to whom the permit is issued changes their name, or wants to be known by another name, they may send a request for such changes together with the permit to the Licensing Authority and the prescribed fee (currently £25).

14. Where a permit is lost, stolen or damaged, the permit holder may apply to the Licensing Authority for a copy. The prescribed fee for a copy of the permit is £15.

15. A permit shall lapse if:

- The holder ceases to occupy the premises specified on the permit;
- The Licensing Authority notifies the holder that the premises are not being used as a family entertainment centre.

A permit held by an individual shall lapse if:

- He dies;
- He becomes, in the opinion of the Licensing Authority, incapable of carrying on the activities authorised by the permit by reason of mental or physical incapacity;
- He becomes bankrupt (within the meaning of section 381 of the Insolvency Act 1986 (c.45)); or
- Sequestration of his estate is awarded under section 12(1) of the Bankruptcy (Scotland) Act 1985 (c.66).

In any other case a permit shall lapse if:

- The holder ceases to exist; or
- Goes into liquidation (within the meaning of section 247 (2) of the Insolvency Act 1986).

16. Certain provisions exist within the Act for a licence to have effect after it has lapsed. These can be found in Schedule 10, paragraph 15(3).

17. A permit will cease to have effect if the holder gives notice of its surrender and returns the permit to the Licensing Authority or provides a statement explaining why it is not reasonably practicable to produce the permit.

18. Where the holder of a permit is convicted of a relevant offence, the court by or on before which he is convicted may order forfeiture of the permit. Details of relevant offences under Schedule 7 of the Act can be found on our website or from the Licensing Section.

19. Once a permit has been granted, the holder shall ensure that it is kept on the premises.

20. An occupier of premises in respect of which a permit has effect commits an offence if, without reasonable excuse, he fails to produce the permit on request for inspection by:

- A constable;
- An enforcement officer; or
- An authorised local authority officer.

21. A permit may not be issued in respect of a vehicle or vessel (or part of a vehicle or vessel).

***PLEASE RETAIN THESE GUIDANCE NOTES FOR FUTURE REFERENCE***