



Portsmouth
CITY COUNCIL

APPLICATION TO VARY A LICENSED PREMISES GAMING MACHINE PERMIT UNDER THE GAMBLING ACT 2005

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

This form is for use by a permit holder who wishes to apply to vary an existing licensed premises gaming machine permit.

If you are completing this form by hand, please write legibly in block capitals using ink. 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 – Details of Premises Licence Holder applying for the variation

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:

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6. The applicant's registered or principal address:

Number:			
Street:			
District:			
Town:			
County:		Postcode:	

Telephone: (Daytime)	
Email Address:	

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 2 – Details of premises licensed under the Licensing Act 2003

8. Trading name used at the premises:

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9. Address of the premises:

Number:			
Street:			
District:			
Town:			
County:		Postcode:	

Telephone: (Daytime)	
Email Address:	
Fax Number:	

10. Please provide the Premises Licence number issued in respect of these premises:

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]

Part 3 – Number of gaming machines intended to be provided

12. How many gaming machines are you currently authorised to provide and how many machines do you now wish to provide at the premises?

Category of Machine	Number currently authorised to provide	Number you wish to provide
C		
D		
Total		

Part 4 – 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.

CHECKLIST:

- **Payment of the £100 fee is enclosed (Cheques made payable to Portsmouth City Council)**

Part 5 - Signatures

13. 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 13.] [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 6 – Contact Details

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

14(b) Please give one or more telephone numbers at which the person identified in question 14(a) can be contacted:

15. Postal address for correspondence associated with this application:

16. 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 and the prescribed fee to:

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

Tel: 023 9283 4073

Fax/Answerphone : 023 9283 4811

Email: Licensing@portsmouthcc.gov.uk

Website: www.portsmouth.gov.uk

FOR OFFICE USE ONLY

Date received:	Payment Rec'd:	Receipt No:	Date Permit Issued:	Permit Reference No:
	Yes/No			

GUIDANCE NOTES:

1. This application form is to be used for the variation of an alcohol licensed premises gaming machine permit under the Gambling Act 2005.
2. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises, without the requirement that alcohol is served only with food and there must be a bar for serving alcohol to customers on the premises.
3. The gaming machines must be located on these licensed premises.
4. A "Premises Licence holder" is a person holding a Premises Licence under the Licensing Act 2003.
5. There is no statutory limit to the number of machines which may be applied for although Portsmouth City Council, as licensing authority, has some discretion in this regard. It should also be noted that Portsmouth City Council can cancel the permit or vary the number of machines should the premises be mainly used for making gaming machines available for use on the premises (*See Schedule 13, paragraph 16 of the Gambling Act 2005*). You may therefore wish to contact the licensing authority to ask whether there is a local policy as regards applications and whether applications for certain numbers of machines are decided via a hearing of local councillors.
6. The permit's duration is indefinite as it is linked to the Licensing Act 2003 Premises Licence. There is a first annual fee payable within 30 days after the permit comes into effect or within 12 months from the issue date, whichever is the sooner and an annual fee is subsequently payable after that before each anniversary of the issue date of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £50.
7. Sections 282 and 283 of the Gambling Act 2005 (and The Category of Gaming Machine Regulations Statutory Instrument, which is yet to be finalised) provide for two types of gaming machines which can be located in alcohol licensed premises. These are:
 - Category C: Maximum stake = 50p/Maximum prize = £35
 - Category D: Maximum stake = 10p or 30p non-monetary/Maximum prize = £5 cash or £8 non-monetary
8. **All alcohol licensed premises which provide gaming machines for use on the premises must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005.**

The Gaming Machine Code of Practice for Alcohol Licensed Premises Permits and Permissions is available via the Gambling Commission's website at: www.gamblingcommission.gov.uk. If you are unclear as to the provisions of the Code of Practice, please contact the Gambling Commission or the Licensing Section at Portsmouth City Council.
9. The Licensing Authority may not attach conditions to a permit.
10. 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.

11. The applicant for or holder of a permit may appeal if the Licensing Authority:

- Reject an application for a permit;
- Grant an application for a permit in respect of a smaller number of machines than that specified in the application or a different category of machines from that specified in the application (or both); or
- Give a notice to the holder under paragraph 16 of the Gambling Act 2005.

12. 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.

13. The holder of a permit may apply to the licensing authority to vary the permit by changing the number and/or category of machines authorised by it. The fee for such an application is £100.

14. If a permit is lost, stolen or damaged, the holder may apply to the issuing licensing authority for a copy. The application must be accompanied by the prescribed fee of £15. The permit holder must report the loss or theft of the permit to the police.

15. A permit will cease to have effect if:

- the premises licence issued under the Licensing Act 2003 ceases to have effect with respect to the premises to which it relates;
- the permit holder ceases to be the holder of the premises licence; or
- 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.

16. Where the holder of a permit, or the officer of a permit holder, is convicted of a relevant offence, the court by or 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.

17. Once a permit has been granted, the holder shall ensure that it is kept on the premises.
18. 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.

PLEASE RETAIN THESE GUIDANCE NOTES FOR FUTURE REFERENCE