

Guidance for Unlicensed Family Entertainment Centres

Family Entertainment Centres Gaming Machine Permits

The Gambling Act 2005 (“the Act”) makes provision for the issuing of permits to premises that are to be used wholly or mainly for making gaming machines available for use.

Holders of Family Entertainment Centre (FEC) Gaming Machine Permits will be able to offer any number of category D machines (subject to other considerations, such as fire regulations and health and safety, which will not be issues for the Authority under the Act).

Category C (adult) gaming machines CANNOT be made available for use and thus there will be no ‘designated adult areas’ required at the premises

Category of machine	Maximum Stake	Maximum Prize	
D	Money Prize	10p	£5
	Non-Money Prize	30p	£8

Permits cannot be issued where a premises licence issued under the Act is in force. Permits also cannot be issued to vessels or vehicles. The Licensing Authority cannot attach conditions to this type of permit.

Applications must come from a person who has a right to occupy the premises, be made to the local authority in whose area the premises is wholly or partly situated, from a person over the age of 18.

The application must be sent to the Licensing Authority and we shall then consult with the Chief Officer of Police. They shall have 14 days in which to make any comments on the application.

Should we be minded to refuse an application we will write to you with our reasons and you will be given an opportunity to make representations against our decision.

Can my Permit lapse before it expires?

The Permit may lapse for a number of reasons:

- 1) if the holder ceases to occupy the premises;
- 2) if the licensing authority notifies the holder that the premises are not being used as an unlicensed FEC;
- 3) if an individual Permit holder dies, becomes incapable by reason of mental or physical incapacity; becomes bankrupt, or sequestration of his estate is ordered; or
- 4) if the company holding the Permit ceases to exist, or goes into liquidation.

The purpose of 2) above is to ensure that there is no erosion of the principle that an unlicensed FEC Permit should be obtained for premises that are wholly or mainly used for gaming machines. We would need to use this power in circumstances in which, since the grant of the Permit, other activities have been introduced in the premises that mean the gaming machines have become ancillary.

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In respect of 3) and 4) the Act provides that the personal representative (in the case of death), trustee of the bankrupt's estate or liquidator of the company may rely on the Permit for a period of six months as though it had effect and were issued to them.

The Permit may also cease to have effect if the holder surrenders it to the licensing authority. Notice of such surrender must be accompanied by the Permit, or by an explanation of why the Permit cannot be produced.

If the Permit holder is convicted of a relevant offence (that is, an offence listed in schedule 7 of the Act) the court may order the forfeiture of the Permit. The court may order the holder to deliver the Permit to the licensing authority; and it must in any case notify the licensing authority that it has made a forfeiture order as soon as is reasonably practicable after making the order. Such an order may be suspended by a higher court, pending appeal.

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, an enforcement officer, or an authorised local authority officer. If a Permit is lost, stolen or damaged, you may apply for a replacement (such replacement being subject to a fee).

What if my business changes its name?

If the person to whom the Permit is issued changes their name, or wants to be known by another name, they may send the Permit back to us for amendment, together with the appropriate fee. We must comply with the request and return the Permit to the holder.

What about renewals?

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

We may only refuse to renew a Permit 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 the licensing objectives.

In this respect, we will again consult South Wales Police who will aware of any concerns that have arisen about the use of the premises during the life of the Permit.

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

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On making application the following must be produced:

- The appropriate application form
- The appropriate fee for the application being made.
- Number of machines on the premises.
- Plan of the premises (this must be to scale and show the gaming area)
- A Criminal Record Bureau or Scottish disclosure certificate. This must not be dated more than one month in advance of application. ***(Only required if the applicant does not hold a personal licence with the Gambling Commission)***
- Copy of existing permit if relevant
- If application is being made by an agent (such as gaming machine supplier or solicitor) please supply evidence of the agent's capacity to act as the agent (e.g. letter from the prospective permit holder)
- Current insurance certificate
- Evidence of how applicants would deal with children causing perceived problems on or around the premises
- Evidence that applicants have a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's.
- Evidence that appropriate measures and training are in place to enable staff to be able to :
 - a) deal with suspected truant school children on the premises
 - b) deal with unsupervised very young children on the premises
 - c) have a full understanding of the maximum stakes and prizes permissible in unlicensed FEC's

Applications should be sent to:

Licensing Section
Vale of Glamorgan Council
Civic Offices,
Holton Road,
Barry.
CF63 4RU

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Fees

Cheques are to be made payable to Vale of Glamorgan Council

Application fee	£300
Transitional application fee	£100 (existing operators only)
Renewal fee	£300
Change of name	£25
Copy of permit	£15

Once issued permits will last for a period of 10 years and there is no annual fee for this type of permit.

Transitional Arrangements

For the purpose of the transitional period a person will be deemed an existing operator if, at the time of application, they hold a permit issued under section 34 (1) of the Gambling Act 1968. The application must be for the same premises as the section 34 permit.

For further information please contact Licensing :

Licensing Section
Vale of Glamorgan Council
Civic Offices,
Holton Road,
Barry.
CF63 4RU

Tel: 01446 709105
Fax: 01446 709808
Email Licensing@valeofglamorgan.gov.uk