

## **GAMBLING ACT 2005 FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS GUIDANCE NOTES**

### **What is a Family Entertainment Centre Gaming Machine Permit?**

The Gambling Act 2005 (“the Act”) specifies that those premises which are wholly or mainly used for making gaming machines available for use – such as small arcades in holiday parks, theme parks and seaside resorts - may hold a Family Entertainment Centre (“FEC”) Gaming Machine Permit. Permits cannot be issued to vessels or vehicles. Those FECs which do not hold a Gambling Premises Licence will therefore be able to offer Category D machines (see [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) for details of maximum stakes and prizes for each category of machine) only under this permit.

If the operator of a FEC wants to make Category C machines available, in addition to Category D machines, then they will need to apply for an operating licence from the Gambling Commission and then a gambling premises licence from the local authority. Consequently, holders of premises licences issued under the Act may not apply for FEC Gaming Machine Permits.

FEC Gaming Machine Permits replace Section 34(1) permits which were issued under the 1968 Act.

### **Who can apply for a FEC Permit?**

The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an unlicensed FEC and, if the applicant is an individual, s/he must be aged 18 or over. The application must be made to the licensing authority in whose area the premises are wholly or partly situated. Applicants are not required to have an operating licence issued by the Gambling Commission. As stated above, holders of a gambling premises licence cannot make an application.

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

Any number of Category D machines can be made available (subject to other considerations, such as fire regulations and health and safety).

### **How long does a FEC permit last?**

A permit lasts for 10 years. There is no annual fee for this type of permit.

### **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.

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.

### **How do I renew the permit?**

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 (except that 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 Thames Valley Police who will be 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.