

APPENDIX 4

SCHEDULE 13 (Gaming Act 2005) LICENSED PREMISES GAMING MACHINE PERMITS

Making of application

1 (1) A person who applies to a licensing authority (in its capacity as a licensing authority under the Licensing Act 2003 (c. 17)) for an on-premises alcohol licence or who holds an on-premises alcohol licence issued by a licensing authority (in that capacity) may apply to that licensing authority (in its capacity as a licensing authority under this Act) for a licensed premises gaming machine permit.

(2) An application may not be made under this Schedule if a licence under Part 8 has effect in relation to the premises

2 An application for a permit must—

(a) be made in such form and manner as the licensing authority may direct,

(b) specify the premises in respect of which the permit is sought,

(c) specify the number and category of gaming machines in respect of which the permit is sought,

(d) contain or be accompanied by such other information or documents as the licensing authority may direct, and

(e) be accompanied by the prescribed fee.

3 Sections 154 and 155 shall have effect in relation to the functions of a licensing authority under this Schedule as they have effect in relation to functions of a licensing authority under Part 8.

4 (1) A licensing authority to whom an application is made under this Schedule shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.

(2) On considering an application for a permit a licensing authority shall—

(a) grant the application,

(b) refuse the application, or

(c) grant it in respect of—

(i) a smaller number of machines than that specified in the application,

(ii) a different category of machines from that specified in the application, or

(iii) both.

- 5 (1)A licensing authority may not attach conditions to a permit.
(2)As soon as is reasonably practicable after granting an application, a licensing authority shall issue a permit to the applicant.
(3)As soon as is reasonably practicable after refusing an application a licensing authority shall notify the applicant of—
(a)the refusal, and
(b)the reasons for it.
- 6 (1)A licensing authority may grant an application under this Schedule only if the applicant holds an on-premises alcohol licence.
(2)A licensing authority may not refuse an application, or grant an application in respect of a different category or smaller number of gaming machines than that specified in the application, unless they have—
(a)notified the applicant of their intention to refuse the application, or grant the application in respect of—
(i)a smaller number of machines than that specified in the application,
(ii)a different category of machines from that specified in the application, or
(iii)both, and
(b)given the applicant an opportunity to make representations.
(3)A licensing authority may satisfy sub-paragraph (2)(b) by giving the applicant an opportunity to make—
(a)oral representations,
(b)written representations, or
(c)both.
(4)Sub-paragraph (2)(b) shall not apply in respect of a refusal if the refusal was by virtue of sub-paragraph (1).

Form of permit

- 7 (1)A permit must be in the prescribed form and must specify—
(a)the person to whom it is issued,
(b)the premises,
(c)the number and category of gaming machines which it authorises, and
(d)the date on which it takes effect.

(2) If the person to whom a permit is issued changes his name or wishes to be known by another name—

(a) he may send the permit to the licensing authority with—

(i) the prescribed fee, and

(ii) a request that a new name be substituted for the old name, and

(b) the licensing authority shall comply with the request and return the permit to the holder.