

Applying for a Family Entertainment Centre Permit

(Form Last Revised March 2023)

Gambling Act 2005 –
Amusement Arcades



LICENSING TEAM

What is the general effect of the Gambling Act 2005?

The 2005 Act modernised the law on gambling. It also introduced a new national regulator for gambling, the Gambling Commission. This body replaced the Gaming Board for Great Britain. Responsibility for the licensing of gambling premises (including amusement arcades) was given to local Councils. The Act became fully operational on 1 September 2007.

Licensing Objectives

The 2005 Act has three licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Council (the Licensing Authority) cannot become involved in the moral issues relating to gambling and must aim to permit the use of premises for gambling in so far as they think it is:

- in accordance with any relevant codes of practice;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives;
- in accordance with the Licensing Authority's Licensing Policy (Statement of Principles).

A copy of this Authority's Licensing Policy is available by contacting the Licensing Team. A copy is also available on the Council's website: www.e-lindsey.gov.uk

What type of gaming machines are permitted in amusement arcades under the 2005 Act?

The Act and accompanying regulations stipulate the types of gaming machines, which are allowed in the different classes of amusement arcades. The different categories of machines include:

Category of Machine	Maximum Stake	Maximum Prize
B3	£2	£500
B4	£2	£400
C	£1	£100
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize

With regard to Category D Machines please note that there are different maximum stakes and prizes for seaside and amusement arcade type crane grabs, coin pushers and penny fall machines. Further information regarding gaming machines is available on the Gambling Commission website: www.gamblingcommission.gov.uk

Only certain of the categories indicated above can be offered in particular classes of amusement arcades. It will be an offence for an amusement arcade to provide a class of machine to which it is not legally entitled.

Family Entertainment Centre (FEC) Permit

These are also known as unlicensed FECs and can only provide Category D machines. They do not require an operator licence or premises licence and are controlled through a much simpler permit system. Any number of Category D machines can be made available with the permit as these machines are the lowest category and are the only type that can be played by under 18's.

Family Entertainment Centre (FEC) Permit

– New Application

An application can only be made by a person who occupies or proposes to occupy a premise. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (i.e. the premises will be wholly or mainly an amusement arcade offering Category D machines).

When determining a permit application, the Licensing Authority will have regard to the Gambling Commission's Guidance to Licensing Authorities and although not required to, will have regard to the three Licensing Objectives. As FEC premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues.

Applicants will be expected to abide by any Codes of Practice issued by the Gambling Commission. In addition the Licensing Authority will expect applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling, which is permissible in unlicensed FECs;
- That staff are trained to have a full understanding of the maximum stakes and prizes;
- The applicant's previous history and experience of running similar premises.

The application process is simple:

- Complete an application form;
- Submit the application fee of £300;
- Submit the result of a DBS Basic Disclosure.

We will require the following to be revealed in the licence application:

- A scaled plan of the premises indicating the location of Category D machines, Automated Teller Machines and any appropriate notices that are to be displayed;
- The approximate number of Category D machines that will be provided;
- Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible;
- Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible;

- Evidence of staff training by way of a Premises Log Book which should be signed and dated by staff to prove that training has been undertaken and understood;
- Training for staff as regards dealing with suspected truant school children on the premises;
- Policies and procedures in place to protect children from harm. Harm in this case is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures such as training, covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises;
- The amount of space around gaming machines to prevent jostling of players or intimidation;
- Details of opening hours;
- Approximate numbers of staff employed.

The Licensing Authority will consult with the Chief Officer of Police in relation to the permit application. If there are no representations the permit will normally be issued. The permit will last for ten years.

Forms for making an application will be available from East Lindsey District Council's website (www.e-lindsey.gov.uk) and direct from the Licensing Team.

Please Note: The Licensing Team may place a location map with your permit application form. Whilst there is no legal obligation on you to do so, we would ask you to mark the location of your premises on the plan.

DBS Disclosure

We are advised that the Basic DBS Disclosure (criminal conviction certificate) can be obtained from the Disclosure and Barring Service's website at: www.gov.uk/government/organisations/disclosure-and-barring-service. For further information (including the cost of a disclosure) telephone 03000 200 190.

Where an applicant provides evidence that he has a current Gambling Commission Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a DBS Basic Disclosure check will not normally be required.

When considering any convictions revealed in an application the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place and any other factors that may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and 'spent' convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 8 to the Gambling Act 2005.

Fees Payable for Applications in Respect of Family Entertainment Centre Permits

Permit Type	Application Fee - £
Family Entertainment Centre Permit - Grant*	300.00
Family Entertainment Centre Permit - Renewal*	300.00

* The fee for a FEC permit (otherwise known as an unlicensed FEC) is set by the Government and not the Licensing Authority. The permit will remain in force for ten years and is not subject to an annual fee.

BACTA's Voluntary Code of Practice

The Licensing Authority recommends that applicants for unlicensed FEC Permits consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

When Do I Need to Renew My Family Entertainment Centre Permit?

Even though permits are granted for a period of 10 years an application for renewal must be made no later than two months before the permit is due to expire. The earliest the renewal application can be made to this Authority is six months before the expiry of the permit.

The renewal procedure is almost identical to the original grant procedure except that you should return the original permit along with your renewal forms and fee.

The renewal application process is simple:

- Complete the renewal application form;
- Submit the renewal application fee of £300;
- Submit the result of a DBS Basic Disclosure (*see note below).

**Where an applicant provides evidence that he/she has a current Gambling Commission Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a DBS Basic Disclosure check will not normally be required.*

We will also require the following to be submitted with the permit renewal application:

- A scaled plan of the premise indicating the location of Category D Gaming Machines, Automated Teller Machines, entry and exits to the premise, customer service desk(s), etc.
- Details of the policies and procedures in place at the premises in relation to staff training and protection of children from harm.

The premise will be subject to an inspection by a Council Officer before the renewal application is determined.

We will also consult with Lincolnshire Police before determining the renewal application.



Gambling Act 2005 – Amusement Arcades

Applying for a Family Entertainment Centre Permit

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The information and guidance contained in this leaflet is provided for information purposes only. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself. Every reasonable effort is made to make the information and commentary accurate and up to date, but East Lindsey District Council assumes no responsibility for its accuracy and correctness, or for any consequences of relying on it. Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.

The information and commentary does not, and is not intended to, amount to legal advice to any person on a specific case or matter. You are strongly advised to obtain specific personal advice from a solicitor or licensing consultant about your case or matter and not to rely entirely on the information or comments in this leaflet.

If you would like this information in a different format, please contact us on 01507 601111.