

Mandatory and Default Conditions

Gambling Act 2005



Purpose

This guidance provides the mandatory conditions that are applied to Gambling Act 2005 Premises Licences and the default conditions which applicants can apply to be excluded.

Bingo Premises

Mandatory Conditions

1. A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.
2. No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect—
 - (a) a casino premises licence;
 - (b) an adult gaming centre premises licence;
 - (c) a betting premises licence other than a track premises licence; and
- 3.1 This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises.
- 3.2 Any area of the premises to which category B and C gaming machines are located—
 - (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;
 - (b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and
 - (c) shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph (3.3).
- 3.3 The reference to supervision in this paragraph means supervision by—
 - (a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or
 - (b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.
- 3.4 A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use.
- 4.1 In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.
- 4.2 In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph (4.3) shall be displayed at the main point where payment for the charge is to be made.

- 4.3 The notice in sub-paragraph (4.2) shall include the following information—
- (a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;
 - (b) in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and
 - (c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.
- 4.4 The notice may be displayed in electronic form.
- 4.5 A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of "prize gaming") applies.
- 5.1 The rules of each type of game that is available to be played the premises other than games played on gaming machines shall be made available to customers within the premises.
- 5.2 The condition in sub-paragraph (5.1) may be satisfied by:
- (a) displaying a sign setting out the rules,
 - (b) making available leaflets or other written material containing the rules, or
 - (c) running an audio-visual guide to the rules prior to any bingo game being commenced.
6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

Default Conditions

1. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.
2. The condition in paragraph 1 shall not apply to making gaming machines available for use.

Adult Gaming Centre Premises

Mandatory Conditions

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
2. No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.
3. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- 4.1 No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.
- 4.2 A notice stating the condition in sub-paragraph (4.1) shall be displayed in a prominent place at every entrance to the premises.

Family Entertainment Centre Premises

Mandatory Conditions

1. No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect:
 - (a) a casino premises licence;
 - (b) an adult gaming centre premises licence;
 - (c) a betting premises licence other than a track premises licence.
2. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- 3.1 Where Category C gaming machines are made available for use on the premises, any area of the premises in which those machines are located:
 - (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;
 - (b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and
 - (c) shall be arranged in such a way so as to permit all parts of the area to be observed by the persons mentioned in sub-paragraph (3.2).
- 3.2 The reference to supervision in this paragraph means supervision by:
 - (a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or
 - (b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.
4. A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category C gaming machines are made available for use.
- 5.1 No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.
- 5.2 A notice stating the condition in sub-paragraph (5.1) shall be displayed in a prominent place at every entrance to the premises.

Betting Premises Licences (other than track premises licences)

Mandatory Conditions

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
- 2.1 Access to the premises shall be from a street or from other premises with a betting premises licence.
- 2.2 Without prejudice to sub-paragraph (2.1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.
3. Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.

4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes:
 - (a) Communicating information about, or coverage of, sporting events, including:
 - i. information relating to betting on such an event; and
 - ii. any other matter or information, including an advertisement, which is incidental to such an event;
 - (b) Communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.
6. No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.
7. No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.
- 8.1 No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.
- 8.2 A notice stating the condition in sub-paragraph (8.1) shall be displayed in a prominent place at every entrance to the premises.
9. A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

Default Conditions

1. No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.

Track Premises Licences

Mandatory Conditions

1. No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect—
 - (a) a casino premises licence;
 - (b) an adult gaming centre premises licence.
2. A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises.
3. The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.

4. The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets—
 - (a) will be operating under a valid operating licence; and
 - (b) are enabled to accept such bets in accordance with—
 - i. the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or
 - ii. an authorisation under section 94 (horse-race pool betting operating licence) of that Act.
5. The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.
6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

Track Premises Licences (Horserace Courses)

Mandatory Conditions

- 1.1 This paragraph shall apply to converted track premises licences in respect of premises that are horse-race courses.
- 1.2 The licence holder shall ensure that in respect of any part of the track, which immediately before 1st September 2007 was made available for the purposes of complying with a condition imposed under section 13(2) of the 1963 Act (which provides for conditions to be imposed on a certificate under section 13 relating to the places which are to be provided for enabling betting to take place on the track), that part shall continue to be made available for the purposes of enabling betting operators and betting operators' assistants to use it for carrying on business in connection with providing facilities for betting.
- 1.3 Sub-paragraph (1.2) is without prejudice to any application under section 187 of the 2005 Act (application to vary a premises licence) to change the location of the part of the track to which that sub-paragraph applies.
- 1.4 Where such an application is granted, sub-paragraph (1.2) is to have effect as if it required the licence holder to ensure that the part of the track identified in the application as the new location for the area referred to in that sub-paragraph is made available for the purposes of enabling betting operators and betting operators' assistants to carry on business in connection with providing facilities for betting.
- 1.5 References in this paragraph to an "existing betting area" are to any part of the track which is required to be made available in accordance with the preceding provisions of this paragraph for the purposes of enabling betting operators and betting operators' assistants to carry on business in connection with providing facilities for betting.
- 1.6 The charge for admission to an existing betting area for the purposes of carrying on business in connection with providing facilities for betting shall not exceed—
 - (a) where payable by a betting operator, five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track; and
 - (b) where payable by a betting operator's assistant, the cost of the highest charge paid by members of the public who are authorised to enter that part of the track.
- 1.7 A betting operator or betting operator's assistant shall not be charged, for admission to an existing betting area, an amount which differs from that charged to any other betting operator or betting operator's assistant for admission to that part of the track.

- 1.8 No charges may be made to betting operators and betting operators' assistants who are admitted to the existing betting areas of the track, other than—
 - (a) the charge for admission in accordance with sub-paragraphs (1.6) and (1.7), and
 - (b) charges levied to cover costs reasonably incurred in connection with enabling betting operators and betting operators' assistants to operate in the existing betting area.
- 1.9 This paragraph shall not apply after 31st August 2012.
- 2.1 This paragraph shall apply to all track premises licences in respect of premises that are horse-race courses.
- 2.2 The licence holder shall provide a place on the premises where betting operators and betting operators' assistants, including small-scale operators, may carry on business in connection with providing facilities for betting and to which the public may resort for the purpose of betting.
- 2.3 The reference in this paragraph to "small-scale operators" shall have the same meaning as prescribed in The Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.
- 2.4 This paragraph shall not apply to converted track premises licences before 1st September 2012.
3. In this Part "converted track premises licence" means a premises licence issued in respect of a track where—
 - (a) the holder of the licence held a certificate under section 13 of the 1963 Act, in respect of the same or substantially the same premises (referred to below as "the 1963 Act permission");
 - (b) the 1963 Act permission had effect immediately before 1st September 2007; and
 - (c) the holder of the licence was granted the premises licence, under transitional provisions made under paragraph 9 of Schedule 18 to the 2005 Act, by reason of his holding the 1963 Act permission.

Default Conditions

1. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of 10pm on one day, and 7am on the next day.
2. The prohibition in paragraph 1 does not apply on days when a sporting event is taking place on the premises, in which case gambling transactions may take place at any time during that day.

Track Premises Licences (Dog Racing Tracks)

Mandatory Conditions

1. A totalisator on the premises shall only be operated—
 - (a) while the public are admitted to the premises for the purpose of attending dog races and no other sporting events are taking place on the premises; and
 - (b) for effecting with persons on the premises betting transactions on dog races taking place on the premises.

- 2.1 At any time during which the totalisator is being lawfully used on the premises—
- (a) no betting operator or betting operator's assistant shall be excluded from the premises by reason only of the fact that he proposes to accept or negotiate bets on the premises; and
 - (b) there shall be made available on the premises space for betting operators and betting operators' assistants where they can conveniently accept and negotiate bets in connection with dog races run on the premises on that day.
- 2.2 This paragraph is without prejudice to section 180 (pool betting on dog races) of the 2005 Act.
3. For the purposes of this Part, "totalisator" means the apparatus for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.

Default Conditions

1. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of 10pm on one day, and 7am on the next day.
2. The prohibition in paragraph 1 does not apply on days when a sporting event is taking place on the premises, in which case gambling transactions may take place at any time during that day.

Use of personal data

Leeds City Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Contact details

Entertainment Licensing	Phone:	0113 378 5029
Leeds City Council	Fax:	0113 336 7124
Civic Hall	Email:	entertainment.licensing@leeds.gov.uk
Leeds, LS1 1UR	Website:	www.leeds.gov.uk/licensing

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law.

Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Gambling Act 2005 and associated regulations for full details of the law.

You should seek your own legal advice on the matters raised in this guidance note.