



GAMBLING ACT 2005 PROVISIONAL STATEMENT GUIDANCE NOTES

1. What is a Gambling Act Provisional Statement?

The Gambling Act 2005 ("the Act") provides for a person to make an application to us for a Provisional Statement in respect of premises that s/he:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

Unlike a Premises Licence application, a person can apply for a Provisional Statement without having an Operating Licence from the Gambling Commission or a right to occupy the premises.

We cannot take into account irrelevant matters such as the likelihood of an applicant obtaining planning permission (or building regulations approval for the proposal) in determining the matter.

As well as providing a level of assurance as to the outcome of a subsequent Premises Licence application (see 4. below), a Provisional Statement also provides the holder with some protection against representations when they make an application for a Premises Licence in relation to the premises for which they hold a Provisional Statement. This is because the Provisional Statement granted will impose restrictions on our ability to refuse a subsequent application for a Premises Licence in respect of the same premises.

2. What do I have to produce in making an application / what Notice provisions do I have to comply with?

Documents to produce

- i) The appropriate application form;
- ii) The appropriate fee for the application being made;
- iii) A Plan of the premises (see 3. for details)

Serve full application on:

Licensing Services Team
P O Box 2078
The Council Offices,
Castle Street
Thornbury, BS35 1HF

Tel: 01454 868001

Serve Notice on:

RESPONSIBLE AUTHORITIES DETAILS RESPONSIBLE AUTHORITY	ADDRESS	TELEPHONE NUMBER
South Gloucestershire Council in the capacity of the Licensing Authority	Licensing Services Team P O Box 2078 The Council Offices, Castle Street Thornbury, BS35 1HF	01454 868001
Avon and Somerset Constabulary	Liquor Licensing Bureau P.O. Box 2781 Bristol, BS2 2AS	0117 945 5154
Avon Fire and Rescue	The Fire Safety Manager Fire Station Station Road Yate, BS37 4AL	0117 926 2061 Ext. 8253
South Gloucestershire Council Environmental Protection (Noise Team)	Environmental Protection Team P O Box 2078 The Council Offices, Castle Street Thornbury, BS35 1HF	01454 868001
Area Child Protection Committee	FAO Safeguarding Children's Strategy Manager P O Box 2082 Council Offices Castle Street Thornbury , BS35 9BJ	01454 868924
South Gloucestershire Council (Planning Department)	Planning, Transportation and Strategic Environment Development Control Section The Council Offices, Castle Street Thornbury, BS35 9BP	01454 868004
Gambling Commission	Victoria Square House Victoria Square Birmingham BS4BP	0121 230 6550
HM Revenue and Customs	Portcullis House 21 Cowbridge Road Cardiff South Glamorgan CF11 9SR	0845 010 9000

The form of Notice for the notification to the Responsible Authorities can be downloaded from the South Gloucestershire website.

Public Notices:

You must also publish notice of the application:

- (a) in a local newspaper or, if there is none, a local newsletter, circular or similar document, circulating within the area on at least one occasion during the period of ten working days starting with the day after the day on which the application is made to us; and
- (b) by displaying a notice on the premises to which the application relates:
 - (i) in a place at which it can conveniently be read by members of the public from the exterior of the premises;
 - (ii) for a period of no less than 28 consecutive days starting on the day on which the application is made to us.

The form the Public Notices must take can be downloaded from the South Gloucestershire website

3. What do the plans have to show:

Submitted plans have to show the premises as they are expected to be when constructed (or altered).

All plans have to show:

- (a) the extent of the boundary or perimeter of the premises;
- (b) where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building;
- (c) where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises;
- (d) where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises;
- (e) the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads

Provisional Statements proposing the below activities also have to show the following additional items:

Casinos

- (a) the principal entrance to the premises of those identified in accordance with paragraph (6)(a) above;
- (b) the location and extent of any part of the premises which will be a table gaming area;
- (c) the location and extent of any other part of the premises which will be used for providing facilities for gambling in reliance on the licence; and
- (d) the location and extent of any part of the premises which will be a non-gambling area.

Bingo

- (a) the location and extent of any part of the premises which will be used to provide facilities for gaming in reliance on the licence (other than those parts which include Category B or C gaming machines);
- (b) the location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence;
- (c) the nature and location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises.

Adult Gaming Centre

- (a) the location and extent of any part of the premises in which gaming machines will be.

Family Entertainment Centre

- (a) the location and extent of any part of the premises in which Category C gaming machines will be made available for use in reliance on the licence;
- (b) the location and extent of any part of the premises in which Category D gaming machines will be made available for use in reliance on the licence; and
- (c) the nature and location of any barrier or other thing separating any part of the premises in which Category C gaming machines will be made available for use from any other part of the premises.

Betting (other than a track)

- (a) the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Betting (in respect of a track)

- (a) the location and extent of any part of the premises which is a five times rule betting area;
- (b) the location and extent of any other parts of the premises which will be used for providing facilities for betting in reliance on the licence;
- (c) the location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence;
- (d) the nature and location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises.

4. What happens once I've been granted a Provisional Statement and I'm ready to start trading?

Once the premises have been built, altered or acquired, the holder of the Provisional Statement should then to return to us and apply for a Premises Licence. This application will be treated in a different way to an application by someone who does not hold a Provisional Statement.

When determining whether to grant an application for a Premises Licence in such circumstances, we cannot take into account further representations from responsible authorities or interested parties, unless they concern matters which could not have been addressed at the Provisional Statement stage, or they reflect a change in the applicant's circumstances.

Similarly, we may refuse the Premises Licence (or grant it on terms different to those attached to the Provisional Statement) only by reference to matters which could not have been addressed in representations at the provisional licence stage, or, in our opinion reflect a change in the operator's circumstances.

If we do not think that the premises were constructed or altered in accordance with the plans and information submitted with the application for the Provisional Statement, then the restrictions of the two paragraphs above are no longer applicable.

Notes of guidance for Premises Licences can be downloaded from the South Glos website.