

Betting (track – premises licence conditions

Mandatory conditions all premises (P8 s167 ss(1) – (3)

1. A summary of the terms and conditions of this premises licence must be displayed in a prominent place on the premises.
2. The layout of the premises must be maintained in accordance with the plan that forms part of this premises licence.
3. The premises shall not be used for:
 - a) the sale of tickets in a private lottery or customer lottery, or
 - b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited(note i).
 - c) National Lottery products may not be sold on the premises; and
4. There can be no direct access between one premises licensed under the Gambling Act 2005 and another licensed under the Gambling Act 2005 with the following exceptions:
 - a) between bingo premises and alcohol-licensed premises /clubs with a club gaming or club gaming machine permit/FECs and tracks;
 - b) between tracks and alcohol-licensed premises/clubs
 - c) between tracks and alcohol-licensed premises/clubs with a club gaming or club gaming machine permit/FECs and tracks.
 - d) between FECs and alcohol licensed premises/bingo halls/clubs/ with a club gaming or club gaming machine permit and tracks.

Are these conditions for all premises?

Mandatory conditions attaching to all track premises licences

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.

(note i) See the National Lottery Regulations 1994 (S.I. 1994/189) which prohibits the sale of National Lottery tickets in specified premises licensed for gambling activities.

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.

Mandatory conditions attaching to track premises licences in respect of premises that are horse-race courses

- 1- 1) This paragraph shall apply to converted track premises licences in respect of premises that are horse-race courses.
- 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.
- 3) Sub-paragraph (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.
- 4) Where such an application is granted, sub-paragraph (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.

- 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.
 - 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.
 - 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.
 - 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 (6) and (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.
 - 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) 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.

- 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.(a)
 - 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.

Mandatory conditions attaching to track premises licences in respect of premises that are dog racing tracks

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) This paragraph is without prejudice to section 180 (pool betting on dog races) of the 2005 Act.

^(a)S.I. 2006/3266.

3) or 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 attaching to all track premises licences

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.

Gambling Act 2005 conditions / requirements

Section 178 Door Supervision

1. Where a condition for door supervision is attached to a premises licence (whether by virtue of section 167, 168 or 169) subsection (3) shall apply in relation to the licence.
2. In subsection (1) “condition for door supervision” means a condition requiring that one or more persons be responsible for guarding the premises against unauthorised access or occupation, against outbreaks or disorder or against damage.
3. If the person carrying out the guarding mentioned in subsection (2) is required by the Private Security Industry Act 2001 (c. 12) to hold a licence under that Act authorising the guarding, the requirements under that Act shall be treated for the purpose of this Act as if it were a condition of the premises licence attached by virtue of this section.

Section 179 Pool betting on track

1. A betting premises licence in respect of a track may not authorise the acceptance of bets by way of pool betting except in a case to which subsection (2) applies.
2. This subsection applies to the acceptance of bets, by way of pool betting on horse-racing or dog-racing-
 - a) By the holder of the betting premises licence, or
 - b) In accordance with arrangements made by him.

Section 180 Pool betting on dog races

1. A betting premises licence in respect of premises other than a dog track shall by virtue of this section be subject to the condition that pool bets may not be accepted in reliance on the licence in respect of dog-racing other

than in accordance with arrangements made with the occupier of the dog track on which the racing takes place.

2. This section ceases to have effect at the end of 31st December 2012 (and the condition attached by subsection (1) to premises licences in force on that date shall lapse in respect of anything done after that date).

Section 182 Exclusion of Children from track areas

1. A premises licence in respect of a track shall by virtue of this section be subject to the condition that the licensee shall ensure that children and young persons are excluded from-
 - a) Any area where facilities for betting are provided, and
 - b) Any area where a gaming machine, other than a Category D machine, is situated.
2. But subsection (1)(a)-
 - a) Shall not apply to a dog track on the day on which dog-racing takes place, or is expected to take place, on the track, and
 - b) Shall not apply to a horse-race course on a day on which horse-racing takes place, or is expected to take place, on the course.

Section 183 Christmas Day

1. A premises licence shall, by virtue of this section, be subject to the condition that the premises shall not be used to provide facilities for gambling on Christmas Day.

Section 184 Annual Fee

1. The holder of a premises licence-
 - a) Shall pay a first annual fee to the licensing authority within such period after the issue of the licence as may be prescribed, and
 - b) Shall pay an annual fee to the licensing authority before each anniversary of the issue of the licence.

Section 185 Availability of licence

1. The holder of a premises licence shall-
 - a) Keep the licence on the premises, and
 - b) Arrange for the licence to be made available on request to:
 - i. a constable

- ii. an enforcement officer, or
- iii. an authorised local authority officer.

Section 186 Change of circumstance

1. If the holder of a premises licence ceases to reside or attend at the address specified in the licence under section 151(1)(b) he shall as soon as is reasonably practicable-
 - a) Notify the licensing authority, and
 - b) Inform the licensing authority of a home or business address at which he resides or attends.
2. The Secretary of State may make regulations requiring the holder of a premises licence-
 - (a) To notify the licensing authority of any change of circumstances of a prescribed kind in relation to him or to an authorised activity, and
 - (b) To give the licensing authority prescribed details of the change.