



Gambling Act 2005 Application for Registration of a Small Society – Guide for Applicants

These guidance notes relate to the registration of a small society. Please read these guidance notes and complete the application form accordingly. Remember to enclose the completed application form, and the fee and any other documentary evidence required with the application.

Please also read Camden's Gambling 'Statement of Principles' carefully as the document outlines the matters the licensing authority will apply when exercising its functions under the Gambling Act.

Please note that all applications must be given in writing. The Camden Licensing Authority agrees that applications under the Gambling Act 2005 may be given by electronic means¹, but where this is done the application, all supporting documents and the appropriate fee must also be sent forthwith in writing to the following address;

Camden Licensing Authority
Town Hall Extension
Argyle Street
London
WC1H 8EQ

The application shall not be treated as having been made until the Camden Licensing Authority receives the complete application, the prescribed fee or any other information required.

It is an offence, under section 342 of the Gambling Act 2005, to give false or misleading information without reasonable excuse, in connection with an application or other provision of the Act. The maximum fine on being convicted of such an offence is £5000 and/or imprisonment for a maximum of 51 weeks.

Furthermore the information submitted to the licensing authority in relation to the application will be entered in Camden's register, which may be viewed by the public, and will be supplied to the Gambling Commission and the Chief Officer of Police for the sole purpose of facilitating the exercise of the authority's functions under the Gambling Act 2005.

¹ Applications may be sent by facsimile transmission or electronic mail provided that the text of the application is accessible, legible, and capable of being read and reproduced in written form and used for subsequent reference by Camden. SI 2007/459, Reg 16(3)

PART A: DEFINITIONS AND RESTRICTIONS

1. Background

A non-commercial society that wishes to operate lotteries, in accordance with the Gambling Act 2005, is required to register with the Licensing Authority for the area in which their principal office is located.

Registrations run for an unlimited period, unless the registration is either cancelled by the Society or the Licensing Authority revokes it.

2. Definition of a Non-Commercial Society

In order for the exemption for the requirement of a premises licence to apply, the promoting society of a lottery must be a non-commercial society. A non-commercial society is one established and conducted for:

- charitable purposes;
- the purpose of enabling participating in, or supporting of, sport, athletics or cultural activity;
- any other non-commercial purpose, other than private gain.

3. Definition of a Small Lottery

A small lottery is one that is not large, in accordance with the Gambling Act 2005, therefore:

- the proceeds of a single lottery may not exceed £20,000;
- the total proceeds of lotteries held in a calendar year² may not exceed £250,000³;
- during the promotion of a lottery, the total proceeds for the calendar year may not exceed £250,000;
- it may not be promoted within the three calendar years after a large lottery⁴.

PART B: THE APPLICATION

4. How to make an application

An application must be made on the appropriate form, which can be obtained from the Council either in writing or from the Council website. The completed application form and the fee should be sent to the Licensing Authority at the following address:

Camden Licensing Authority
Town Hall Extension
Argyle Street
London
WC1H 8EQ

Alternatively you can go to the website www.camden.gov.uk/licensing to complete the application and pay the fee online.

5. How much does it cost?

An application to register must be accompanied by the fee of **£40**. An application will not be considered as valid or complete until such time as this fee has been paid.

² A calendar year is from 1st January until 31st December of the same year

³ Including all lotteries promoted wholly or partly during that calendar year

⁴ Any lottery that exceeds the restrictions set out above

6. The application form

When completing the application form, it is important that you take into account the following guidelines:

Section A – Details of society applying for registration

- In this section you must complete the details, Name, Address, Purpose, of the society applying to be registered.
- You must also state whether or not the society has previously held a premises licence under the Gambling Act 2005, at this stage in the life of the act the answer to this question is likely to be 'no', however, you must tick the appropriate box.
- Where a question does not relate to your application, please indicate this in the appropriate place on the form.

Section B – General information about person applying on behalf of society

- In this section information is required about the person who is applying for the registration on behalf of the society, including that persons role within the society, i.e. whether they are the society secretary or chair, etc.

Section C – Contact details for correspondence associated with this application

- In this section you are asked to specify you're preferred address for correspondence in relation to this application. All written communication in relation this particular application will then be sent to the specified address.

Section D – Declaration

- In this section you are required to indicate that the applicant has the authority to apply for the registration on behalf of the society, that the correct fee has been enclosed and that no false or misleading information has been given in the application form.
- **Please note that it is an offence, under section 342 of the Gambling Act 2005, to give false or misleading information without reasonable excuse, in connection with an application or other provision of the Act. The maximum fine on being convicted of such an offence is £5000 and/or imprisonment for a maximum of 51 weeks.**

7. Advertising requirements

There is no requirement to advertise this application.

8. Consultation Process

There is no requirement for the applicant to consult on this application, however the Licensing Authority will consult with the Chief Officer of Police to ensure that any person who will or may be connected with the promotion of the lottery has not been convicted of a relevant offence.

Where the application is granted the Licensing Authority will also inform the Gambling Commission of this approval.

9. Additional Information

So that the Licensing Authority can ensure that it takes into account all relevant information when determining an application to register, we request that you provide the following information alongside your application;

- a statement declaring that you have no relevant convictions that would prevent you from running a lottery;
- a declaration stating that you represent a bona fide non-commercial society; and
- a copy of the society's terms and conditions or constitution.

PART C – DETERMINATION

10. Refusal

The Licensing Authority must refuse the application if, in the previous five years to the application being made:

- an operating licence held by the applicant has been revoked; or
- an application for an operating licence made by the applicant has been refused.

11. The Licensing Authority may refuse the application if they think that:

- the applicant is not a non-commercial society;
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- information provided in or with the application for registration is false or misleading.

12. In all of the above cases the Licensing Authority will give the applicant the opportunity to make written representations prior to refusing an application.

13. Grant

Where none of the above situations arise the application shall be granted.

14. Intention to refuse

Where the Licensing Authority considers it necessary, in accordance with paragraph 10 above, to refuse an application for the registration of a small society lottery, it will notify you within 20 consecutive days of the application being made.

You will then be given a period of 7 consecutive days to make a written representation as to why the application should be granted. The Licensing Authority will consider this and their final decision will be sent to you, in writing, within 7 consecutive days.

PART D – REVOCATION

15. The Licensing Authority may revoke a registration at any time if they think that they would be obliged to refuse a new application made by the registered society, i.e. if any of the restrictions and limitations set out in paragraphs 1, 2, 9 and 10 were not being complied with.

PART E – RIGHT OF APPEAL

16. If the Licensing Authority refuses an application, or revokes a registration, the society has a right of appeal to the local magistrates' court. The appeal must

be made within 21 days of the society being notified of the refusal or revocation and must be made to:

Highbury Corner Magistrates' Court
51 Holloway Road
London
N7 8JA
Tel: 020 7506 3147

A fee will be payable to the court and the exact cost can be obtained by contacting the magistrates' court directly.

The magistrates' court may then choose to affirm the decision of the Licensing Authority, reverse the decision, or make any other order.

PART F – CONDITIONS RELATING TO SMALL SOCIETY LOTTERIES

17. Prizes

Prizes awarded in small society lotteries can be either cash or non-monetary. The value of the prizes must not exceed the limits set out in the Gambling Act, namely that, combined with any expenses incurred with the running of the lottery, they must not comprise more than 80% of the total proceeds of the lottery.

Donated prizes are not counted as part of the 80% but they should still be declared on the return form.

18. No single prize may be worth more than £25,000.

19. Rollovers between lotteries are only permitted where every lottery affected is compliant with the restrictions set out in paragraph 3 above by the same society, and the maximum single prize is £25,000.

20. At least 20% of the lottery proceeds must be applied to the purposes for which the society was set up.

21. Tickets

Lottery tickets can be issued as either physical or virtual (email or text message) tickets, but ALL tickets must state the following;

- the name of the promoting society
- the price of the ticket (this must be the same for all tickets)
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries, or the external lottery manager; and
- the date of the draw, or such information, which enables the date of the draw to be determined.

The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

22. The Licensing Authority requires all societies registered with it to retain written records of any unsold or returned tickets for a period of one year from the date of the lottery draw. The Licensing Authority may wish to inspect the records of the lottery for any purpose related to the lottery.

23. Every ticket in the lottery must cost the same and the society must take payment for the ticket before entry into the draw is permitted.
24. It is a legal requirement that tickets may only be sold by persons over the age of 16 to persons over the age of 16.
25. Tickets should not be sold in a street, this includes any bridge, road, lane, footway, subway, square, court or passage (including passages in enclosed premises, such as shopping centres). However, tickets may be sold from a kiosk, in a shop or door-to-door.
26. **Filing of records**
A promoting society of a small society lottery must send to the Licensing Authority where it is registered a statement of certain matters, which are outlined at **Appendix 1**. This statement must be sent to the Licensing Authority within 3 months of the lottery being drawn.
27. The statement must be signed by 2 members of the society who are appointed for that purpose, in writing, by the society or their governing body. A copy of this appointment must accompany the statement upon submission to the Licensing Authority.

PART F – ANNUAL FEE

28. A fee of £20 must be paid to the Licensing Authority annually within the 2 months leading up to the anniversary of the initial grant of the registration.
29. If the registered society fails to pay the correct annual fee within the specified time, the Licensing Authority has the power to cancel the society's registration.

PART H – CONTACT DETAILS

30. You can get in touch with us by writing to us at:

Licensing Team,
Consumer Protection Department,
London Borough of Camden,
Camden Town Hall Extension,
Argyle Street,
London,
WC1H 8EQ.

Emailing us at: licensing.safety@camden.gov.uk

Or calling us on tel: 020 7974 6767

London Borough of
Camden, Town Hall
Extension, Argyle Street,
London, WC1H 8EQ

Return relating to a Small Society Lottery
Gambling Act 2005 – Schedule 11, Part 4

The following information is required by Schedule 11, Part 4, Paragraph 39(2) of the Gambling Act 2005. This statement must be submitted **within the period of three months**, beginning on the day on which the draw (or last draw) in the lottery took place. It must be signed by two members of the Society appointed in writing for that purpose by the Society, or its governing body if applicable, **and** accompanied by a copy of that appointment. All signatories must be over the age of 18 years.

We, being duly appointed members of the Society in compliance with the requirements of Schedule 11, Part 4, Paragraph 39(4), hereby submit the following statutory return:

Name of Society:	
Licensing Authority issued Registration number of Society:	
Arrangements for the lottery, including: (a) Dates on which tickets were available for sale or supply; (b) Dates of any draw; (c) Arrangements for prizes, including any rollover; and (d) Details of any donated prizes:	 (a) (b) (c) (d)
Proceeds of the Lottery:	
Amounts deducted by the promoters of the lottery in respect of the provision of prizes (including the provision of any prizes in accordance with any rollover):	
Amounts deducted by the promoters of the lottery in respect of other costs incurred in organising the lottery:	

.../continued overleaf

<p>Any amount applied to a purpose for which the promoting Society is conducted:</p>	
<p>Whether any expenses in connection with the lottery were paid otherwise than by deduction from proceeds, and, if they were –</p> <p>(i) the amount of the expenses, and (ii) the sources from which they were paid</p>	
<p>Declaration and Signatures</p> <p>We the undersigned, being two members of the Society who are appointed in writing by the Society, or its governing body, submit this return to the Licensing Authority in accordance with the provisions of Schedule 11, Part 4, Paragraph 39 of the Gambling Act 2005.</p>	
<p>Signature 1 Signed:</p> <p><i>Print Name:</i></p> <p><i>Capacity:</i></p> <p><i>Dated:</i></p> <p>Signature 2 Signed:</p> <p><i>Print Name:</i></p> <p><i>Capacity:</i></p> <p><i>Dated:</i></p> <p>PLEASE NOTE THAT IT IS AN OFFENCE UNDER SECTION 342 OF THE GAMBLING ACT 2005, TO GIVE ANY FALSE OR MISLEADING INFORMATION WITHIN THIS RETURN.</p>	
<p>For Office Use Only:</p> <p>Return form checked by the following Officer and found to be satisfactory / unsatisfactory.</p> <p><i>Signed:</i></p> <p><i>Print Name:</i></p> <p><i>Capacity:</i></p> <p><i>Dated:</i></p>	