



**LICENSING TEAM, ENVIRONMENTAL HEALTH SERVICES**

PO Box 67, Ryedale House, Old Malton Road, Malton, YO17 7ZG

**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 (**see Fees Schedule**) for the application being made;

iii) A Plan of the premises (see 3. for details)

**Serve full application on:**

1. The Licensing Team,  
Environmental Health Services,  
PO Box 67,  
Ryedale House,  
Old Malton Road,  
Malton,  
North Yorkshire,  
YO17 7ZG  
Tel 01653 600666 Ext 250/253

**Serve Notice on:**

2. The Gambling Commission  
Victoria Square House,  
Victoria Square,  
Birmingham,  
B2 4BP  
  
Tel: 0121 230 6500  
Fax: 0121 233 1096  
E-mail: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)
3. H M Revenue & Customs  
National Registration Unit (Betting & Gaming)  
Portcullis House  
21 India Street  
Glasgow  
G2 4PZ  
Tel: 0141 555 3633  
E-mail : [nru.betting&gaming@hmrc.gsi.gov.uk](mailto:nru.betting&gaming@hmrc.gsi.gov.uk)
4. Police Licensing Officer,  
Malton Police Station,  
Old Malton Road,  
Malton,  
North Yorkshire,  
YO17 7YD  
  
Tel: 01723 509668
5. North Yorkshire Fire & Rescue Services,  
Station Manager,  
Malton Fire Station,  
Sheepfoot Hill,  
Malton,  
YO17 0EB

Tel: 01653 692626

6. Health & Safety Section,  
Environmental Health Department,  
Ryedale District Council,  
Ryedale House,  
Old Malton Road,  
Malton,  
North Yorkshire,  
YO17 7ZG

Tel: 01653 600666 Ext 300

7. Pollution Section,  
Environment Health Department,  
Ryedale District Council,  
Ryedale House,  
Old Malton Road,  
Malton,  
North Yorkshire,  
YO17 7ZG

Tel: 01653 600666 Ext 256

8. Development Control Manager,  
Ryedale District Council,  
Ryedale House,  
Old Malton Road,  
Malton ,  
North Yorkshire,  
YO17 7ZG

Tel: 01653 600666 Ext 381

9. Cynthia Wilson,  
North Yorkshire County Council,  
Room 122,  
County Hall,  
Racecourse Lane,  
Northallerton,  
DL7 8DD

Tel: 01609 780780

The form of Notice for the notification to the Responsible Authorities can be downloaded from the Ryedale District Council website at [www.ryedale.gov.uk](http://www.ryedale.gov.uk).

### **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 Ryedale District Council website at

### **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 (3)(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 situated

#### 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
- (b) 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 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 Ryedale District Council website at