

This form is prescribed by regulation 3(1)(a) of the Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007

WEST LOTHIAN LICENSING BOARD

APPLICATION FORM FOR REGISTRATION OF NON-COMMERCIAL SOCIETY

If you are completing this form by hand, please write legibly in block capitals using ink.

To:
**The Clerk to the Licensing Board
West Lothian Council**



SECTION A – Details of society applying for registration

1. Name of society

2. Address (including postcode) of office or head office of society

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.....

3. Telephone number of society

4. Please state the purpose(s) for which the society is established and conducted

.....

.....

.....

5. If the society is a registered charity, please give the society's unique charity registration number

6. Has the society held an operating licence under the Gambling Act 2005 in the period of five years ending with the date of this application? Yes No

7. If the answer to question 6 is 'Yes', has the operating licence been revoked in the period of five years ending with the date of this application? Yes No

8. If the answer to question 7 is 'Yes', please state the reasons for revocation and enclose a copy of the notice of revocation if one is available

9. Has the society applied for and been refused an operating licence in the period of five years ending with the date of this application? Yes No

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

10. Name

11. Date of Birth

12. Capacity

13. Address (including postcode)

14. Contact telephone number and email address

SECTION C – Contact details of correspondence associated with this application

15. Please tick one box as appropriate to indicate address for correspondence in relation to this application:

Address in section A

Address in section B

Address below

Address (including postcode)

Telephone Number

Email address (if the applicant is happy for correspondence in relation to this application to be sent via e-mail)

SECTION D – Declaration

16. Please complete the following declaration and checklist:

I [full name]

- a. Make this application on behalf of the society referred to in Section A and have authority to act on behalf of that society
- b. Enclose payment of the registration fee of £40 and a copy of the society's constitution.
- c. confirm that, to the best of my knowledge, the information contained in this application is true. I understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or relation to this application

Signature

Date

Capacity

Note to societies applying for registration:

The application will be refused if in the period of five years ending with the date of the application:

- (a) an operating licence held by the society has been revoked under section 119(1) of the Gambling Act 2005, or
- (b) an application for an operating licence has been refused.

The application may be refused if the local authority think that:

- (a) the society is not a non-commercial society
- (b) a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- (c) information provided in or with the application is false or misleading

Privacy Statement – Data Protection

All personal information that you supply will be used to process your application in accordance with data protection law and the Gambling Act 2005. In terms of the 2005 Act we may be required to share this information with the Gambling Commission, HMRC, Police Scotland and anyone who made a representation regarding your application.

We are required by law to protect the public funds we administer. Therefore in line with the National Fraud Initiative (NFI) we may also share your information with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

Some of the information provided by you on this form will be held on a register which is available for inspection by members of the public.

Further information about how we handle your personal information, including how long we retain the information, information about the NFI and how you can complain about our handling of your information, is available in our Privacy Notice which can be found on the Licensing Team's webpage <https://www.westlothian.gov.uk/licensing>. A copy of our Privacy Notice is available on request by contacting the Licensing Team, email: licensing@westlothian.gov.uk, telephone: 01506 281632

This application form must be submitted in person at West Lothian Connected (see guidance notes)

WEST LOTHIAN LICENSING BOARD

GAMBLING ACT 2005

SMALL SOCIETY LOTTERIES

GUIDANCE NOTES

Society lotteries are those promoted on behalf of a society which is established and conducted:

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

It is **not** permissible to establish a society whose sole purpose is to facilitate lotteries - it must have some other purpose.

The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with the Licensing Board for the area in which the principal premises of the society are situated.

The total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they will be classed as a large lottery operator, and must be licensed with the Gambling Commission.

Procedure for Lodging Applications

The application form, when completed, must be submitted in person with the appropriate documents in person by the applicant at West Lothian Connected, Arrochar House, Civic Square, Livingston with proof of ID and current home address.

Fees

- The fee to accompany an application for registration is £40.00.
- Each year, in order to maintain the registration, an Annual Fee of £20.00 will be payable.

Annual Fees must be paid during the period of two months ending on the anniversary of the registration.

Failure to pay this annual fee is likely to result in the Society's registration being cancelled meaning that any lottery activity will be illegal unless and until a new application under the Gambling Act 2005 has been granted.

Grounds for Refusal

The Board will consult the Gambling Commission as part of the application process and shall refuse an application for the following reasons:

- **an operating licence held by the applicant for registration has been revoked by the Gambling Commission; or**
- **an application for an operating licence made by the applicant for registration has been refused by the Gambling Commission, within the past 5 years.**

The Board may also refuse an application for registration for any of the following reasons:

- **the society in question cannot be deemed non-commercial.**
- **a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence listed in Schedule 7 to the Act.**
- **information provided in or with the application for registration is found to be false or misleading.**

The Board may only refuse an application for registration after the society has had the opportunity to make representations. These can be taken at a formal hearing or taken via correspondence. The Board will inform the

society of the reasons why it is minded to refuse registration and provide it with at least an outline of the evidence on which it has reached that preliminary conclusion – in order to enable it to make representations. Representations and objections that may result after such a decision will be handled in the same way that the authority would handle representations relating to other licensing activity.

Grounds for Revocation

The Board may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing or via correspondence. Again, in preparation for this, licensing authorities should inform the society of the reasons why it is minded to revoke the registration and provide them with the terms of the evidence on which it has reached that preliminary conclusion. Representations and objections that may result after such a decision will be handled in the same way that the authority would handle representations relating to other licensing activity.

Management and Operation of Lottery

NOTE:- The following arrangements will automatically apply to ALL Small Societies Lotteries from 1st September 2007 irrespective of whether the Small Society has yet formally applied for registration under the Gambling Act 2005.

The limits placed on small society lotteries are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society;
- no single prize may be worth more than £25,000;
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000; and
- every ticket in the lottery must cost the same and the ticket fee must be paid to the society (i.e. the society must take payment) before entry into the draw is allowed.

Tickets

Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). A purchaser of a small society lottery ticket must receive a document which identifies:

- the name of the promoting society;
- the price of the ticket (must be the same for all tickets); there is no maximum price;
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries, or (if there is one) the external lottery manager; and
- the date of the draw, or enables the date to be determined.

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

All small society lottery operators the Board registers must maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Board is permitted to inspect the records of the lottery for any purpose related to the lottery.

Lottery tickets may only be sold by persons over the age of 16 to persons over the age of 16. A person commits an offence if they invite or allow a child to enter a lottery other than certain classes of exempt lottery (ie: incidental non-commercial lotteries, private lotteries, work lotteries and residents' lotteries). Societies running lotteries must have written policies and procedures in place to help prevent and deal with cases of under-age play.

With regards to where small society lottery tickets may be sold, the Board applies the following criteria to all small society lotteries it registers:

- tickets should not be sold in a street, where street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls); and

- tickets may be sold from a kiosk, in a shop or door-to-door.

This approach is consistent with the operating licence condition imposed upon operators of large lotteries and local authority lotteries.

Prizes

Prizes awarded in small society lotteries can be either cash or non-monetary. The amount of money deducted from the proceeds of the lottery to cover prizes must not exceed the limits set out by the Act i.e. that combined with any expenses incurred with the running of the lottery, such as manager's fees, they must not comprise more than 80% of the total proceeds of the lottery. Donated prizes would not be counted as part of this 80% (as no money would be withdrawn from the proceeds to cover their purchase) but should still be declared on the return following the lottery draw. Small society lottery operators should check with local police if they wish to award items containing alcohol as prizes. This is in order to ensure that licensing law is not breached.

Returns

The following information must be sent by the registered society as returns to the Board **following each lottery held**. The return form is attached to the end of this application and guidance note. This information will allow the Board to assess, in particular, whether financial limits are being adhered to and to ensure that any money raised is being applied for the proper purpose:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover;
- the proceeds of the lottery;
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers;
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery;
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid; and
- the amount applied to the purpose for which the promoting society is conducted (this **must** be at least 20% of the proceeds).

These Returns must:

- be sent to the Board no later than three months after the date of the lottery draw, or in the case of instant lotteries (scratch cards) within three months of the last date on which tickets were on sale; and
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged eighteen or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and accompanied by a copy of their letter or letters of appointment.

The Board is required to retain returns for a minimum period of three years from the date of the lottery draw. They will be available for inspection by the general public for a minimum period of 18 months following the date of the lottery draw

Where societies run more than one small lottery in a calendar year, the Board will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket values.

The Commission must be notified by licensing authorities if returns reveal that society's lotteries have exceeded the values permissible for small society lotteries, and such notifications should be copied to the society in question. The Commission will contact the society to determine if they are going to apply for a lottery operator's licence, thereby enabling them to run large society lotteries lawfully, and will inform the licensing authority of the outcome of its exchanges with the society.

Contact Us:-

Phone: (01506) 281632

Email:licensingboard@westlothian.gov.uk

WEST LOTHIAN LICENSING BOARD

GAMBLING ACT 2005

SMALL SOCIETY LOTTERY RETURN

1.	Name of Society on behalf of which lottery is promoted	
2.	Address (including postcode) of office or head office of Society	
3.	Name, address and capacity of person applying on behalf of the society.	
4.	Dates on which tickets were available for sale or supply	
5.	Date of Draw	
6.	Value of Prizes (including any donated prizes and any rollover)	
7.	Total proceeds of lottery	
8.	Amount deducted in respect of prizes	
9.	Amount deducted in respect of costs	
10.	Provide details of the particular purpose or purposes to which the proceeds of the lottery were applied and the total amount applied for that purpose or each of those purposes.	
11.	Were any expenses of the lottery met otherwise than out of proceeds of the lottery?	Yes <input type="checkbox"/> No <input type="checkbox"/>
12.	If you have answered "Yes" above, please state the amount of the expenses, and the source of any sums used to meet them (names, addresses and telephone numbers should be provided)	

We, _____ being two members, of the society who are aged 18 years or over, and appointed in writing by the society or its governing body, in accordance with the letter(s) attached hereto*, certify that the foregoing is a correct return.

P.T.O.

Please send the return to the Depute Clerk to the Licensing Board, Civic Centre, Howden South Road, Livingston. EH54 6FF

The return must be submitted to the Depute Clerk no later than 3 months after the date of the lottery draw.

Any person who fails to send a return in accordance with the provisions of the Gambling Act 2005 Schedule 11 – Part 4 or who knowingly enters false information in the return or certifies the return knowing that it contains false information shall be guilty of an offence.

*Please provide a copy of your letter(s) of appointment.

Date:	
Signature of person applying on behalf of the society:	