

## Guidance Note Small Societies Lottery Registration (Schedule 11 Parts 4 & 5 Gambling Act 2005)

### Small Society Lotteries

The definition of a small society lottery breaks down into two distinct areas:

- **society status** – the society in question must be ‘non-commercial’ which means it must be established and conducted for at least one of the following purposes:
  - for charitable purposes (as defined by Section 2 of the Charities Act), or
  - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity, or
  - for any other non-commercial purpose other than that of private gain.
- **size of lottery** - 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 Commission instead.

### Application Forms & Documentation

The promoting society of a small lottery must, throughout the period during which the lottery is promoted, be registered with a local authority in whose area their principal office is located. All societies with principal offices in Sevenoaks District Council’s area wishing to register to promote small lotteries must submit the following to the Licensing Team, Sevenoaks District Council, Council Offices, PO Box 182, Argyle Road, Sevenoaks, Kent TN13 1GP

- Application Form (obtainable from the Licensing Team)
- Fee of £40.00 by way of cheque payable to Sevenoaks District Council

### **Grounds for Refusal**

- The Council 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  - **an operating licence held by the applicant for registration has been revoked by the Gambling Commission or an application for an operating licence made by the applicant for registration has been refused by the Gambling Commission,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 Council may also refuse an application for registration for any of the following reasons:
  - **the applicant in question 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 listed in Schedule 7 to the Gambling Act.**
  - **information provided in or with the application for registration is false or misleading.**

The Council may only refuse an application for registration after the society has been given the opportunity to make representations.

### **Grounds for Revocation**

The Council may revoke the registration of a society if it thinks that they would be obliged, or permitted 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.

#### **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**

## **Management and Operation of Lottery**

The limits placed on small society lotteries are as follows:

- at least 20% of the lottery proceeds must be applied to a purpose for which the society is conducted
- 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 each draw) in the lottery, or enables the date of the draw (or each draw) 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.
- The District Council requires that all small society lottery operators must maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Council 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, cause or permit a child

- to participate in a lottery other than certain classes of exempt lottery (i.e. 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 Council 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 conditions imposed by the Gambling Commission 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.

### **Returns**

The following information must be sent by the registered society as returns to the Council **following each lottery held**. This information will allow the Council 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 rollover;
- the amounts deducted by the promoters of the lottery in respect of other 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 a purpose for which the promoting society is conducted (this **must** be at least 20% of the proceeds).

These Returns must:

- be sent to the Council no later than three months after the date of the lottery draw (or the last 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 Council 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 District Council 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 the District Council if returns reveal that a society's lotteries have exceeded the values permissible for small society lotteries, and such notifications will 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 District Council of the outcome of its exchanges with the society.

## **Fees**

- The Application fee to accompany an application for registration is £40.00 payable by cheque made out to Sevenoaks District Council.
- Each year, in order to maintain the registration, an Annual Fee of £20.00 will be payable by cheque made out to Sevenoaks District Council.

**For those societies registered previously under the Lotteries and Amusements Act 1976 the first Annual Fee must be paid between 1st November 2007 and 31st December 2007. Subsequent Annual Fees must be paid between 1st November and 31st December in each calendar year.**

**For those societies not registered previously under the Lotteries and Amusements Act 1976 the Annual Fee must be paid during the period of two months ending on each anniversary of the registration**

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

**Reminders will not be sent out – it is the Society's responsibility to ensure the annual fee is paid on time.**