



BEDFORD BOROUGH COUNCIL

GUIDANCE NOTES

SMALL LOTTERY REGISTRATIONS

The Gambling Act 2005 provides the statutory framework for Local Authority registration of small society lotteries (raffles etc). Large non-commercial society lotteries are administered by the Gambling Commission and not the Local Authority.

Definition of 'Society'

The registration will be for the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted. Small society lotteries are exempt from the full Operating Licence of the Gambling Act 2005. They must register with the Local Authority. The society must be a non-commercial organisation. Section 19 of the 2005 Act defines a society as non-commercial if it is –

- (a)** for charitable purposes (as defined by Section 2 of the Charities Act 2006);
- (b)** for the purpose of enabling participation in or of supporting sport, athletics or a cultural activity; or
- (c)** for any other non-commercial purpose other than that of private gain.
The society must have been established for one of the permitted purposes and the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries - it must have some other purpose.

In brief, the 2005 Act –

- a)** removes individual limits on the percentage of proceeds that may be applied to expenses or prizes although the maximum global amount that can be deducted for expenses and prizes remains at 80%, with a minimum of 20% going to the purposes of the society. It should be noted that any fees payable to an external Lottery Manager would be included within the maximum 80% deductions for expenses and prizes. External Lottery Managers will also need an Operating Licence from the Gambling Commission.
- (b)** allows rollovers of prize funds from one lottery to another promoted by the same society, provided the maximum single prize does not exceed £25,000 or 10% of the gross proceeds.
- (c)** permits the sale of tickets by an automated process.
- (d)** removes the £2 maximum limit on ticket prices.

Small Society Lottery Limits under the 2005 Act

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 society plans to exceed either of these values they can not be registered by the Local Authority and must be licensed by the Gambling Commission as a large lottery. Every ticket must cost the same and the society must take payment for the ticket fee before entry to the draw is allowed.

Lottery Administration and Returns

The small society lottery organisation must submit a return to the Licensing Authority after each draw. This must be done NO LATER than three months after the date of the lottery draw.

The return must be signed by two members of the society (who must be aged 18 or over) who are appointed in writing by the society for that purpose. The return can be submitted by post or via e-mail to licensing@bedford.gov.uk

The return must specify the following -

- (a) arrangements for the lottery (dates, prize, value, any rollover etc);
- (b) the total proceeds of the lottery and amounts deducted for expenses and prizes;
- (c) the amount applied to the purpose for which the society is conducted (not less than 20% of the proceeds); and
- (d) whether any expenses incurred were not paid for by deduction from the proceeds (and any amount of such expenses and sources from which they were paid).

Lottery Tickets

Tickets can be physical or virtual (for example an e-mail or text message).

All tickets must state –

- (a) the name of the promoting society;
- (b) the price of the ticket (which must be the same for all tickets);
- (c) the name and address of the promoter for the society (or the external Lottery Manager if there is one); and
- (d) the date of the draw, or information which enables the date to be determined.

The requirement to provide this information can be satisfied by enabling the participant to retain it electronically or print it.

Tickets can only be sold by persons over the age of 16.

Tickets can be more than £2 each (the previous limit under the 1976 Act). Every ticket must cost the same and the society must take payment for the ticket fee before entry to the draw is allowed.

Tickets should not be sold in a street, but may be sold from a kiosk, in a shop or door to door.

Prizes

Prizes can be either cash or non-monetary.

Prizes, combined with any expenses, must not exceed 80% of the total proceeds of the draw. Donated prizes would not be counted towards this 80% limit but should still be declared on the return following the draw.

In accordance with Section 175 of the Licensing Act 2003, minor raffles and tombolas involving prizes of alcohol are not licensable under the 2003 Act if certain conditions are fulfilled.

Fees Payable

The fee payable with an initial application for registration is £40.00

The annual fee payable for an ongoing registration is £20.00 this is payable within two months of the anniversary of the registration otherwise the registration will lapse. The first annual registration fee payment for existing registrations becomes due on 1st January each year.

Payment can be made in the following ways:

- By cash or cheque (made payable to Bedford Borough Council) at the Customer Engagement Centre, Horne Lane, Bedford. MK40 1SJ. Please allow 28 days for the cheque to clear.
- By debit or credit card – on-line at www.bedford.gov.uk or by telephone.

Data Protection Privacy Advice

Through the relevant application/notice forms, accompanying documentation and payment facilities associated with this licensing function the Council (the data controller) collects personal data. Personal data may also be collected in respect of further related requests for information from the applicant/person submitting the notice. This is necessary for the performance of legal obligations on it in respect of the relevant licensing function or otherwise necessary for the performance of a task carried out in the public interest or in the exercise of official authority. These also form the basis for the further processing of the personal data by the Council in connection with the application/notice, any determination of the same and any subsequent authorisation/appeal and issues that arise during the period of the authorisation/appeal. Beyond that, the Council will retain the records for 5 years and then destroy them securely. The Council will maintain and retain public registers and these are not destroyed. The Council may from time to time extract information itself from those public registers. The Council will share with and receive information from the following:

- Other Council Services (when appropriate)
- Gambling Commission

in respect of data subjects who are applicants/notice givers and those who hold authorisations. It holds the personal data in a way designed to secure it from unauthorised use, loss or destruction. These measures include recruitment and training of staff, procurement of services and physical/cyber security. The Council's privacy statement for this function is available at www.bedford.gov.uk or upon request from the Council using the address and telephone contact details elsewhere on this form. The Council will update its privacy statement from time to time and you are urged to read that statement. You have information rights that are explained at <https://tinyurl.com/y7uccndm>. You can exercise your information rights by contacting the Council's Data Protection Officer at dpo@bedford.gov.uk or writing to Information Governance, Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford MK42 9AP (Telephone (01234) 267422). If you believe that the Council has failed to comply with its data protection obligations you may contact the ICO at 0303 123 1113 or at www.ico.org.uk. Further contact details are available upon request. The full Privacy Statement for Charitable Collections and Societies Lotteries applications can be viewed here: www.bedford.gov.uk/gdprprivacy

Freedom of Information

Information held by the Council may need to be disclosed in response to a request for it within the terms of the Freedom of the Information Act 2005. This information excludes that which is in any other way already in the public domain.

We aim to process your application in 10 working days.