

Report on	A Request regarding the Societies' Lotteries Renewal Fee
Date of Meeting	9 th November 2021
Reporting Officer	Fiona McClements

Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	X

1.0	Purpose of Report
1.1	For Members to consider a request regarding the fee required for continued registration for societies' lotteries.
2.0	Background
2.1	<p>All societies' lotteries within Northern Ireland are regulated under <i>the Betting, Gaming, Lotteries and Amusements (NI) Order 1985 (the Order)</i>, as amended. This complex legislation is currently under review by the Northern Ireland Executive. At present under 'the Order' all lotteries are unlawful unless they are:</p> <ul style="list-style-type: none"> (a) Small lotteries incidental to an exempt entertainment; (b) Private lotteries; (c) Societies' lotteries; or (d) Part of the National Lottery.
2.2	<p>A society's lottery is one in which tickets or chances may be sold to the general public. Article 2(2) of the Order defines society and society's lottery as follows:</p> <p><i>"Society" includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association;</i></p> <p><i>"Society's lottery" means a lottery promoted on behalf of a society established and conducted wholly or mainly for one or more of the following purposes:</i></p> <ul style="list-style-type: none"> (a) Charitable purposes; (b) Participation in, or support of, athletic sports or games or cultural activities; or (c) Other purposes which are not purposes of private gain or of any commercial undertaking.
2.3	Each branch or section of a society may be treated as a society in its own right so that each may register for the purpose of running its own lotteries.
2.4	The whole proceeds, i.e. the money raised from the sale of tickets or chances, of a society's lottery, after deduction of allowable expenses and prizes, must be applied to the purposes of the society.

<p>2.5</p> <p>2.6</p> <p>2.7</p> <p>2.8</p>	<p>A society's lottery must be promoted in Northern Ireland, the society must be registered with the district council in whose area its office or head office is situated and the lottery must be promoted in accordance with the lottery scheme approved by the society. Tickets or chances may be sold throughout Northern Ireland subject to certain restrictions (e.g. no ticket may be bought or sold by anyone under the age of 16 years).</p> <p>There are currently no restrictions on the number and frequency of lotteries which may be promoted by a society, however, the maximum price of a ticket or chance is £1.</p> <p>District Councils can refuse to register a society's lottery on the following grounds:</p> <ul style="list-style-type: none"> (a) If anyone connected with a lottery promoted or proposed to be promoted on behalf of the society has been convicted of an offence involving lotteries, fraud or dishonesty; or (b) The address of the office or head office of the society is the same as that of the office or head office of another registered society established for the same or a connected purpose; or (c) Any lottery promoted by or on behalf of the society within the last 5 years has not been properly conducted. <p>Although district councils in Northern Ireland are responsible for the registration of societies under 'the Order', the enforcement responsibility for any related offences are remains under the remit of the PSNI.</p>
<p>3.0</p>	<p>Main Report</p>
<p>3.1</p> <p>3.2</p>	<p>The Environmental Health's Licensing Team has received a request from an organisation who first registered their society with Mid Ulster District Council (MUDC) at the start of 2020, when a fee of £35 pounds was paid.</p> <p>In order to register with the district council, all societies must:</p> <ul style="list-style-type: none"> (a) Apply to the council for registration of their society, specifying the purpose for which it has been established and conducted (b) Complete the MUDC societies' lottery application form (c) Provide a copy of their lottery scheme showing how they propose to run its lotteries (d) Copy the application to the local police district commander (e) Pay the fee of £35 to register the society with the district council

3.3	In deciding whether or not to grant an application, the council takes any police representations into account. An application must be refused if the conditions in the definition of a society's lottery are not satisfied or if the lottery scheme does not conform to the law.
3.4	On 1 st January of each following year, a fee of £17.50 is payable to maintain the registration (i.e. a renewal fee).
3.5	It should be noted that as the aforementioned fee structure is set out within the betting, gaming and lotteries legislation the amount of fee levied is therefore statutory, not discretionary.
3.6	Unfortunately due to the Covid-19 pandemic and its effect on fundraising and events, the organisation in question has informed the department that they did not utilise their 2020 registration. Furthermore, due to the continuing impact the pandemic had in 2021, the organisation then decided not to maintain their registration, nor pay the £17.50 renewal fee due for 2021.
3.7	As recovery in many sectors moves forward, the organisation in question has made a request to renew their society's lottery registration for 2022. They now wish however to pay a fee of £17.50 (i.e. the renewal fee), rather than the £35 fee required to re-register, due to their failure to maintain their existing registration as required under the relevant legislation.
3.8	Although representation has been made to effectively waive the registration requirement for 2020 from one organisation, any decision to do so would also affect two other organisations on the Councils register.
3.9	It is recommended that Members agree to waive the renewal fee required to maintain societies lotteries registration for the year 2021 and permit those societies registered in 2020 to apply for the grant of their 2022 registration at a reduced fee of £17.50 (instead of £35).
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Should Members agree to levy £17.50 for the grant of societies' registration in respect of 2022 to those societies who failed to maintain their registration in 2021, then a £52.50 shortfall to council in fees is likely.
	Human: Not applicable
	Risk Management: Not applicable
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: Not applicable
	Rural Needs Implications: Not applicable

5.0	Recommendation(s)
5.1	It is recommended that Members agree to waive the renewal fee required to maintain societies lotteries registration for the year 2021 and permit those societies registered in 2020 to apply for the grant of their 2022 registration at a reduced fee of £17.50 (instead of £35).
6.0	Documents Attached & References
6.1	Appendix 1 – Application Form for The Registration / Renewal of a Society
6.2	Appendix 2 – Registration of a Lottery Scheme Form
6.3	Appendix 3 – Return by Promoter Form
6.4	Appendix 4 – Regulation of Societies
6.5	Appendix 5 – Rules for Society Lotteries
6.6	Appendix 6 – The Law on lotteries in Northern Ireland